13. S. a.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of DECEMBER, 1785, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

MVSEVM
BRITANNICVM

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NUMBER I. PART I.

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[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

BEFORE the Right Honourable **THOMAS WRIGHT**, Lord Mayor of the City of London; the Honourable Edward Willes, Eſq; one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir Beaumont Hotham, Knt. one of the Barons of his Majeſty's Court of Exchequer; James Adair, Serjeant at Law, Recorder of the ſaid City; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

*London Jury.*
Samuel Smith
William Holme
Robert Walker
Samuel Roberts
John Payne
Richard Reilly
Joſeph Lambert
Owen Jones
Edward Rogers
Samuel Coombes
Thomas Walter
Daniel Laurence.

*Firſt Middleſex Jury.*
John Dorman
John Finney
* John Slunt
Thomas Finney
Humphry Sidenham
† James Dennivet
James Paul
Charles Wilbraham
Edward Cheſterton
Adrian Maſkins
John Walſh
Andrew Stirton

*Second Middleſex Jury.*
William Folkard
Wynn Ellis
William Oſtliff
John Irons
John Stedman
William Bond
Adam Maclane
William White
John Beſt
James Hillier
Thomas Knight
John Reynolds

* Allis Peter Pettit *ſerved part of the firſt day in the room of* John Slunt.
† John Taylor *ſerved part of the third day in the room of* James Dennivet.

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1 CHARLES SEYMOUR otherwiſe MOORE was indicted for feloniouſly ſtealing, on the 21ſt day of November laſt, two woollen cloth coats, value 3l. one ſattin waiſtcoat, value 10s. one ſilk and cotton waiſtcoat, value 10s. one woollen cloth waiſtcoat, value 5s. two pair of woollen cloth breeches, value 20s. one pair of ſhag breeches, value 10s. one pair of ſilk breeches, value 10s. ſix pair of ſilk ſtockings,

ings, value 20s. one pair of thread ſtockings, value 12d. ſix linen ſhirts, value 40s. three linen handkerchiefs, value 3s. one pair of leather boots, value 5s. one man's hat, value 8s. two leather pocket books, value 5s. the property of Edward Poore the younger, Eſquire, in his dwelling houſe.

*A ſecond count*, For feloniouſly ſtealing, in the dwelling houſe of the ſaid Edward Poore, the younger, Eſq; one promiſory note, called a Bank Poſt Bill for 48l. marked No. M. 7985, dated 18th of Auguſt, 1785, ſigned by John Greenway for the Governor and Co. of the Bank of England, by which at ſeven days ſight was promiſed to be paid that his ſolar Bill of Exchange to Edward Poore, Eſq; value received of Thomas Herne, indorſed by the ſaid Edward Poore the elder, the ſame being the property of the ſaid Edward Poore, the younger, and then due and unſatisfied to him the proprietor thereof, againſt the ſtatute.

### EDWARD POORE *ſworn*.

When I am in town, I live in chambers, there is but one ſtair-caſe to the chambers, and they do not communicate, there are two keys, a ſeparate key of each room, there are no duplicate keys of either room; the priſoner had been in my ſervice occaſionally for ſix weeks at Saliſbury, not in my houſe, but at London, I took him to ſleep in the chambers, he lived there a fortnight: on Monday the 21ſt of November, at ſix in the evening very nearly, I left my chambers, and left him in the chambers; I had at that time, put into my cupboard by the ſide of the chimney, in which I uſually kept valuables, two pocket books, one including the other, and the inner pocket book including a Bank poſt-bill, value forty-eight pounds, which will be produced and ſworn to, which I had received about a week before in a letter from my uncle in Wiltſhire, who was the indorſer; and there was another bank bill that is not in the indictment; I had taken out the pocket book that morning and examined the contents, I had not taken it from my perſon till I put it into the cloſet, I left the priſoner at ſix and told him I ſhould return about eleven; I did not return till ſome time towards twelve, upon my return, I found the door of my own chamber faſt, nor could I find the key; I found the door of the upper room faſt, the outer chamber door, and after ſome ſearch I found the key of that upper room (there was only one key to it, which was in the priſoner's cuſtody) and I found that key thrown into a window of the ſtaircaſe; I then proceeded into his room, and looked for his box where he kept his things.

Was his door alſo faſt till you found that key?—Yes, I found his box was removed, that gave me the firſt ſuſpicion of a robbery, I ſent the porter of the Inn to call up a ſmith to force open the door of my own apartment, that I might get in; he eaſily forced the outward door, it was only once locked, I then went into my room; I obſerved firſt that my cupboard door was forced, the lock was forced from the door ſo as to hold by only two of theſe ſcrews; it had not been unlocked, but was intirely forced out, and ſo opened; I diſcovered that my pocket-books had been taken away from the ſhelf upon which I had left them; I examined my drawers, of which the priſoner uſually kept the keys, and the drawers were opened, they were uſually locked, and the key in them, and a conſiderable quantity of clothes and linen were gone, and on a ſmall table near my fire-place, I found this iron chiſſel, and at the ſame time I found a hammer, which I believe belonged to my chambers; I found two or three papers of no conſequence, but I knew they had been left in my pocket-books that were in the cupboard; one was a card to ſee my Lord Bute's houſe, the other was a paper of no conſequence, which I knew, which appeared to have been ſeparated from the pocket-book, and it was in the outer pocket of the book; the next morning I made the earlieſt application to the public Office, and as I had a compleat deſcription of my bank poſt bill, I went to the bank, and ſtopped the payment; and I went with ſome officers on Thurſday the 24th, in ſearch of the priſoner to Bath, and at about eight in the morning at the three Tons at Bath, I found the priſoner with two men ſitting in a room there, he was dreſſed in my coat and waiſtcoat, one of the officers pulled off his neckcloth and ſhewed me which was mine, he had a ſhirt on which appeared to be mine, and Jealous found upon him a pocket-book which is not mine, but which did contain this pocket-book which is mine, and which I ſwear to, that did contain my notes; in my preſence alſo were taken from the priſoner twenty-one guineas, and two ſhillings and ſixpence, which were then acknowledged before the magiſtrate to be part of the caſh for the notes; the remainder of the property will be proved.

*Court*. I need hardly aſk you, Sir, knowing your profeſſional knowledge and caution, whether before he ſaid that, you ſaid anything to him?—I ſaid nothing to him, and I take it for granted the officers are too much uſed to propriety in buſineſs, to do anything of that kind.

### CHARLES JEALOUS *ſworn*.

I went with Mr. Poore to Bath, and at the three Tons I found this coat and waiſtcoat on him, and one handkerchief round his neck, and the other in his pocket; I then aſked him before Mr. Carpmeal, where the remainder part of the things were, and the young man told me he had ſent them to Staines, at the Red Lion, and we came up in the mail coach in order to call for them, and found moſt of the property at Staines; he told us, that a pair of boots of his maſter's and his own coat were at the Golden Croſs, Charing-Croſs, and in his own coat was found a key which I believe to be the key of the chamber door.

*Mr. Poore*. It is the key of my chamber door, this coat and waiſtcoat were on his perſon when he was taken, they are my property, this coat I ſwear to.

What do you take to be the value of the things you loſt?—I ſuppoſe ten pounds.

*Jealous*. Mr. Carpmeal ſearched him, and the money that was found upon him he acknowledged to be the produce of the note of forty-eight pounds.

### THOMAS CARPMEAL *ſworn*.

I found the money upon him, which he owned to be part of the forty-eight pounds that was ſtolen, the money was twenty-one guineas and a half, and two ſhillings and ſix-pence; he acknowledged that to be part of the forty-eight pounds note that he had changed of Mr. Poore's; he ſaid he took the note out of Mr. Poore's room.

Did he give any account of the remainder of the forty-eight pounds note?—He had bought a horſe at Bath, the night before we got there, which he had given twenty pounds or guineas for.

### ISAAC PADMAN *ſworn*.

On the 22d of November which was the Tueſday, Mr. Poore came to me, and acquainted me with this robbery, and likewiſe deſcribed the poſt-bill that was taken away, and deſired me to ſtop it, for it had not been accepted; on the Wedneſday about eleven, perhaps near twelve, I cannot preciſely ſay, it was brought for acceptance by Mr. Holt, and I cauſed it to be ſtopped, this is the identical bill.

(*Depoſed to.*)

*Read*. Signed *J. Greenway*.

*Court*. This bill varies extremely from the bill deſcribed in the indictment, it is ſigned J. Greenway.

*Mr. Chetham*. We lay it to be ſigned and ſubſcribed by John Greenway, not with the name of John Greenway.

### RICHARD WATKINS *ſworn*.

On the 14th of November, about nine or ten at night, the priſoner came to me to open the lock at Mr. Poore's, No. 23, in the New Inn; I went with him, and I could not open it, and he ſaid his maſter wanted the tea things out, and I bent ſome of the wards of the lock ſo that Mr. Poore's key would not open it, and in the morning he came to have ſomething to ſtraighten the wards of the lock, and he called me a puppy, and ſaid I had ſpoiled the lock; on Monday night the 21ſt of November, between nine and ten at night he came and aſked me for a chiſſel, I fetched him my maſter's chiſſel; I offered to go myſelf, he ſaid it was of no uſe, for I could not do it; I lent him this chiſſel, I am ſure it was this chiſſel, here is a piece broke off.

## PRISONER's DEFENCE.

My Lord, according to the laws preſcribed by my country, I have pleaded not guilty, to a crime of which I am certainly guilty; perhaps to the bench, and the ſurrounding audience, it might appear a ſubterfuge, was I to affirm, that at the commiſſion of the crime I was totally deprived of my reaſon; about ſix days before that, I did come to that boy deſiring him to open a lock, for I knew that there were valueables encloſed in a cloſet, which I opened afterwards; he could not open it then; afterwards Mr. Poore's key would not open it in the morning, he accordingly deſired me to go and have the miſtake rectified; I went, the boy came, or at leaſt the ſervant; they opened the lock, it was then in my power to take the things that were there, but returning reaſon told me it was wrong; on his going out he left the pocket-book, I ſaw him put it in; I cannot account for it, I was wholly deprived of reaſon, juſtice, and every thing; but after the commiſſion of it, when I reflected, I was then prompted to reſtore the book to its primitive ſtate; and I would then, if it had been in my power have reſtored the notes, but I found it was impoſſible; I knew the attempt would looſe my character, and I was then tempted to proceed as I did; I fled, I knew not where, I went in the very mouth of juſtice, I took no precautions that the moſt uneducated thief would have done, and the moment I was taken into cuſtody, remorſe of conſcience told me I ſhould immediately diſcloſe the whole, I did ſo, as far as was in my power. This morning I was ſurpriſed at my trial coming on, or I ſhould have deſired a gentleman to have attended to my character, which has to this moment been totally untainted, and has been always regarded, not only in a proper but an eſtimable light: at preſent I have nothing more to ſay.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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2. JOSEPH LEONARD and GEORGE WILSON otherwiſe JACKSON were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Dickins, about the hour of eight in the night, on the 2d day of December, and burglariouſly ſtealing therein, two cloth coats, value 20s. one pair of black ſilk breeches, value 7s. one black ſilk waiſtcoat, value 2s. three pair of nankeen breeches, value 20s. ſix linen ſhirts, value 20s. one waiſtcoat, value 12d. two linen waiſtcoats, value 3s. one pair of iron ſhoe buckles plated with ſilver, value 6d. one cotton gown, value 10s. one petticoat, value 2s. one white ſattin cloak, value 2s. one ditto, value 2s. his property; two cloth coats, value 5s. one great coat, value 2s. one ſhirt, value 3s. one handkerchief, value 1s. one pair of nankeen breeches, value 1s. two waiſtcoats, value 2s. the property of Joſeph Ball, in the ſame dwelling houſe.

*A ſecond Count*, For ſtealing the ſame goods, on the ſame day, in the dwelling houſe of the ſaid John Dickins.

*(The Caſe was opened by Mr. Silveſter.)*

## ANN MURPHY *ſworn.*

I am ſervant to Mr. Dickins the attorney, No. 8, Holborn-court, Grays-Inn, on the ground floor, between eight and nine I heard a double knock at the door, I went to the door, the priſoner Leonard aſked me if Mr. Dickins was at home, the other priſoner was behind him, he did not ſpeak to me; then Leonard aſked me if Mr. Dickins was at home, I ſaid, no, he immediately drew out a piſtol, and I ſaid, O Lord! and he ſaid huſh, immediately; then he laid hold of my arm, and told me to go in; I ſaid I would not, and he told me if I did not, I was a dead woman; from thence we came into the room, and the other priſoner followed him, and then the priſoner Leonard held his piſtol and ſtood over me in a corner of the room, and bid me ſtand ſtill; then Wilſon took a great coat that hung behind the door, from thence he went to the book-caſe, and took out two coats, one a green one, and the other a grey coat, and from thence he went to the deſk, and took a black cloak and a pair of ſtockings, and ran up immediately to me, and told me he would tie my arms behind me, and ſtop my mouth if I was not quiet, and I told him he ſhould not; and from thence he opened the bed chamber door, and went through the bed chamber door, and through the kitchen to the parlour door, then he took a pair of wet nankeen breeches off the line, and a ſtriped waiſtcoat, and a wet ſhirt that was not finiſhed, out of the pan; from thence he went into the bed-chamber, and opened three or four drawers, and out of one of them he took half a dozen ſhirts that were doubled up for ironing, he threw them down on the floor to make a bundle of them.

Did you ſee him do all this?——I heard him open the drawers, when I was in the next room; and he took a pair of black ſattin breeches, and a black ſattin waiſtcoat, and half a dozen neck handkerchiefs, and there was a new coat of my maſter's, and a black coat of my maſter's hanging up at the ſide of the bed-chamber, and a dark muſlin gown.

Look at the two young men at the bar?——I am ſure them are the two young men that entered into the door, I am very ſure, becauſe they bid me hide my face, and I told them I would not, and I looked in their faces all the time they were with me; the priſoner Leonard was brought back to me in ten minutes, I did not ſee Wilſon till the next morning, but I am ſure he is the ſame man.

Had you a light?——I had.

What became of the light while they were riffling the places?—There was another candle in the window, and he lighted it, and Wilſon was with me while the other was in the bed-chamber with the other candle; they had nothing over their faces, I looked in their faces all the while, and I am ſure of them; they might be in the chamber a quarter of an hour, but I am ſure they were the men.

Was the door open or ſhut when they forced you in, and went in with you?——Wilſon ſtaid behind and ſhut the door, while Leonard held the piſtol to me, that I ſhould not make any alarm.

JOHN DICKINS *ſworn*.

I live at No. 8, Holborn-court, Grays-Inn; on the 2d of this month, between eight and nine, I heard a double knock at the door, the girl came and aſked me, if I ſhould be at home to anybody, I told her not at that hour; ſhe then went to the door and opened it, it was locked withinſide, I then heard a man enquire if I was within, and in the ſpace of a ſecond or two, I heard the girl cry out, O Lord! I got from the chair where I was ſitting by the fire, the door was cloſe to me, and I ſaw the priſoner Leonard with a piſtol at the girl's head, and I ſaw another man with him, but I cannot ſay it was the priſoner Wilſon; for I did not obſerve him ſo much; the girl had a candle in her hand, I immediately thought of making my eſcape, there are two rooms, there was a bolt under the lock at each door, I bolted it, I then threw up the ſaſh of the window, and got out into the Duchy Court, where my chambers look into, my chambers are on the ground floor, I then went into the Duchy office, and made an alarm from one of their windows which looks into Coney-court, and we called, porter, porter, a long time before we made anybody hear, upon their coming to us, I told them there were thieves in my chambers, and begged of them to come; I then went back to the window, and ſaw the candle on the table, and the door ſhut; in about a quarter of a minute I thought I heard the girl cry out, I ſent ſomebody to put too my outward door on the outſide, which had a ſtaple and a haſp, and I underſtood afterwards, it was put too by a boy that was there, and I found the door made faſt afterwards; in a few minutes afterwards Mr. Jones, the porter, and a lamp-lighter, went into the chambers at the window, and I went to the window and ſaw the priſoner Leonard come along very deliberately, he was in a ſcarlet coat, and had a piſtol in one hand, he came up to the window, and ſaid now for it, and held the piſtol; he run into Gray's Inn-lane, in five minutes he was brought back again, Leonard got out and he run towards Grays Inn-lane, I ſaw the priſoner Leonard in my room, and I ſaw the property, it was my property part of it.

*Court.* The only view you had of the priſoner Leonard, was by looking through a key hole, and when you ſaw him in the window?——I have no doubt of his being the man I apprehended, theſe are my ſhirts but they have no marks, they have been in the poſſeſſion of the girl ever ſince, they were not carried out of my chambers, only taken out of one room into another; I value the two coats at twenty ſhillings, and my ſhirts, I value at three ſhillings a piece, here are almoſt a new pair of black ſattin breeches, I value them at ſeven ſhillings, I believe I put in the waiſtcoat at two ſhillings in the indictment; I ſuppoſe upon the moſt moderate calculation the things are worth five pounds.

## JOHN JONES *ſworn.*

I am one of the porters belonging to Gray's Inn; on the 2d of December, about twenty-five minutes after eight, I heard the cry of porter; and as there had been ſome little time before, a depredation in a gentleman's chambers, I went to the Duchy office, I went to the outward door of Mr. Dickins's chambers, by their deſire, and found the door ſecured; I then came round to the window with Mr. Stephen Hilton, and went through the two rooms, and opened two rooms, and opened a ſlide of the door, and immediately the priſoner Wilſon preſented a piſtol to me, and told me if I ſtirred hand or foot, I was a dead man, I am very clear it was the priſoner Wilſon, he had a candle in one hand, and a piſtol in the other, I ſaw the other priſoner to my right, Wilſon fronted me immediately, I could not defend myſelf, the men ruſhed by, and Leonard held a piſtol at another man's breaſt, and they ruſhed from us out of the room, they went out of the window.

*Court.* Are you poſitively ſure that theſe were the two men?——I am very clear to every thing that I have declared.

Did you obſerve the things that were in the room?——Yes, the room was ſtrewed with things and linen, there was a quantity that was cloſe to Wilſon.

Were they in the two rooms, or in the room where they were?——In the room where they were.

## STEPHEN HILTON *ſworn.*

I am the lamp-lighter, I went into Mr. Dickins's chambers, I went to the window, and I went to the fire place, and got hold of a poker; Jones unbolted the door, and the maid came out of the bed room, which was the firſt room we entered into; and in a room fronting it there was a light, we went abreaſt of one another as near as poſſible, and as ſoon as ever the whole body was in the room, the priſoner, Mr. Leonard, preſented a piſtol at my ſide; and the other was with Jones, and he came to me, and he thruſt me up againſt the wainſcot, and made his eſcape out of the window, and the other ran after him.

*Jury.* You think no other but what theſe are the two men?——Think no other! I am ſure of it, becauſe there is nothing in the world againſt it, but what they are the men.

But had you an opportunity of obſerving it, that they are the men?——Certainly I had.

Have you any doubt of it?——None at all.

all, one run into Gray's-Inn-lane, into a little court; he was taken firſt, that was Leonard.

### GEORGE MILES *ſworn.*

I keep a green-ſtall in Gray's-Inn-lane, No. 36, about half after eight, the 2d of this month, I heard the alarm of ſtop thief; I heard the thief was gone down Pinner's-court, which is about twenty yards from Gray's-Inn gate, I went down with a lanthorn, and I ſaw Leonard coming up, the court is no thoroughfare; Leonard ſaid to me that the man was gone over the wall; I held up the lanthorn, and ſaid I believe this is him; and preſently Captain Smith in the Inn, at whom he ſnapped a piſtol, ſaid he was the man; I ſaid there is a piſtol in his pocket; the gentleman took it out of his pocket, and ſnapped it, but it did not go off; this is the piſtol.

Was the piſtol loaded?——Yes, with ſlugs, two ſlugs, but no powder in it; there was nothing but the two ſlugs and ſome paper.

*Court to Murphy.* Are theſe the piſtols?——I cannot be ſure whether theſe are the piſtols, but I know they held piſtols to me.

### —— LLOYD *ſworn.*

I live in Fox-court, Gray's-Inn-lane, I took the priſoner Wilſon on December the 2d, between eight and nine, going from work, between Fulwood's-Rents and Gray's Inn gate; I heard the cry of ſtop thief about thirty or forty yards from this place, I ſaw the people run acroſs towards Middle-Row, and I immediately ran after them, and when I came to Staple's-Inn-buildings, they ſaid he was gone up there, I then proceeded up the buildings, and the priſoner was among the crowd; a young man ſaid that is the man, he has a piſtol in his hand, I did not then ſee the piſtol; I immediately ſeized hold of his left hand, and aſked him what he had in his hand; he ſaid nothing; I immediately took the piſtol out of his hand; the piſtol was loaded with ſlugs and powder, I did not ſee the priming, but a gentleman the corner of the court ſaid, I will draw out the priming in caſe they ſhould do one a miſchief.

### —— PARSONS *ſworn.*

I found theſe buckles and theſe ſtockings on the priſoner Wilſon, on the 2d of this month, in his right-hand pocket.

*(Depoſed to.)*

*Proſecutor.* I am poſitive to the buckles; I know them by one of the teeth of the chapes, I had a pair of ſuch buckles, they were in my ſhoes in my chamber; I had my boots on then.

*Murphy.* I am very ſure theſe are the buckles that I ſaw Wilſon take out of my maſter's ſhoes, I told him they were not ſilver, he had no occaſion to take them, and he took out another buckle, and I told him the ſame, and he dropped one of them, and put theſe buckles in his pocket, and theſe ſtockings; he came and told me he would tie me, and put his hand over my mouth; I told him I would not be tied by him, nor yet my breath ſhould not be ſtopped by him; I am ſure they are my maſter's ſtockings.

*Proſecutor.* I am ſure they are my ſtockings, I know them by the mending.

### PRISONER LEONARD's DEFENCE.

I have only to ſay, I know myſelf to be guilty of the fact; and as this is the firſt time I ever committed anything in my life, I hope your Lordſhip will grant me ſome mercy, and ſome little time to repent of my ſins.

*Mr. Juſtice Willes.* What way of life have you been in?——I have been a gentleman's ſervant.

### —— FAIRBANK *ſworn.*

The priſoner has lived with a friend of mine, Mr. Meggiſon, in Hatton-Garden, I think upwards of two years, he behaved then very honeſt; he has been at my houſe I ſuppoſe 150 times; I told Mr. Meggiſon to come here, but he declined it; I looked in juſt by chance, and hearing that declaration from the priſoner, it had an effect on me. I believe he has left Mr. Meggiſon about ſix or ſeven months.

**EDWARD SMITH, Eſq; *ſworn.***

He was in my ſervice ſeven months lately, he left it the 1ſt of November; I have intruſted him with valuables in bank notes and other matters, and money; I had not any doubt of his honeſty till this circumſtance; I ſhould have given him the character of a perfect honeſt man; there ſeemed an indolence about him, which I attributed to his ſuffering in America; he ſuffered in his health, and he could not ride well, theſe are the reaſons for which I parted with him; but I kept him in my ſervice nearly two months after I wiſhed to part with him, becauſe I conceived him a worthy man, and that he ſhould not be turned out of ſervice at a time when the town was empty; and when he left my ſervice, I gave him permiſſion to come and take his victuals at my houſe till he got into ſervice.

What part of the town do you live in?—Charlotte-ſtreet, Portland-place; I had an equal good character of him from Mr. Meggiſon; and he has only ſerved two ſince his return from America, or in the Weſt-Indies; and he was an officer's ſervant in America, and has been ſerving in the navy; I underſtand he was led away by an improper connection after he left me.

*Court to Priſoner Leonard.* Was you enliſted in America?——No, my Lord, I was an officer's ſervant.

*Court to Priſoner Wilſon.* Have you any thing to ſay?—My maſter is gone abroad about two months; there was a gentleman ſaid he would come, but I believe he is not come.

BOTH GUILTY, **Death.**

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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3. GEORGE DUNSTAN was indicted for feloniouſly breaking and entering the dwelling houſe of Elizabeth Bagſhaw, widow, ſhe being therein, about the hour of twelve at noon, on the 24th of November laſt, and feloniouſly ſtealing therein nine pair of ſilk ſtockings, value 54s. and ten pair of ribbed cotton ſtockings, value 30s. her property.

**ELIZABETH BAGSHAW *ſworn.***

I live in North Audley-ſtreet, Groſvenor-ſquare; I keep a hoſier's ſhop, I was at home the 24th of November laſt, I was in my parlour behind my ſhop, my ſhop door was faſtened, I was juſt got in from the ſhop into the parlour, to ſit down by the fire; this was about twelve at noon; the door was on the latch, it was not locked, it is a whole door, a folding door.

*Court.* The whole door was latched?—Yes; I heard mention of the door being open, I immediately roſe up and went into the ſhop, and I ſaw the priſoner with two of my bundles of ſtockings in his hand, juſt taken off the window; they contained what is mentioned in the indictment.

*Court.* What may be the value of the ſtockings?——Three pounds: I immediately ran to the door, and another man attempted to hinder me from coming out; I ſaid you raſcal, and ran out, and cried out ſtop thief; the boy was ſtopped with the ſtockings.

**JANE LOW *ſworn.***

I ſaw the priſoner come out of the ſhop with the two bundles in his hand; I was on the area ſteps, I was going down from the area ſteps, I ſwear to the boy, I ſaw him run away with the bundle.

*Priſoner.* I never was in the ſhop, a man gave them to me to carry.

**THOMAS RANNS *ſworn.***

I was coming along North Audley-ſtreet, and I heard this gentlewoman halloo out, ſtop thief! and I followed him, and I took him with the ſtockings.

*(The ſtockings produced and depoſed to.)*

**THOMAS WATERS *ſworn.***

I ſaw the boy when the ſtockings were

upon the ground: he was taken in the paſſage; that was the bundle; here are two bundles.

### —— BUTCHER *ſworn.*

I heard the proſecutrix had been robbed, I came out of my own ſhop, and went into her's, and the priſoner was taken to the watch-houſe, with the bundles; and from thence to the rotation-office; he was ſearched in the watch-houſe, theſe are the bundles; the bundles were opened at the watch-houſe, about twelve at noon.

*Court to Boy.* How old are you?—Almoſt fourteen; my father had ſent me out with ſome work to ſell, and as I was coming along home up this ſtreet, a young fellow was at the door, and he had on a ſtriped coat, and he called me on one ſide, and he aſked me to carry them to the public-houſe at the corner, and ſtop for him; I was going along, and I heard the cry of ſtop thief; I never was in the ſhop.

### THOMAS APLETREE *ſworn.*

I have known the priſoner upwards of three or four years.

What is his father?——A child's pump maker; I never knew any thing diſhoneſt of the boy in my life, I would truſt him with untold gold; I have truſted him at houſes where I have been at work; I take him to be fourteen or fifteen.

### HENRY STEEL *ſworn.*

I have known him about eight or nine years, I always took him to be as pretty a boy as ever went of an errand, he worked for me; his father is a ſhoe-maker.

### MARTIN JONES *ſworn.*

I have known him from a child, I never knew him guilty of a diſhoneſt thing in my life; he worked with his father.

What is his father's character?—A very honeſt man; he has lived in the place now thirty years.

### SARAH ROUND *ſworn.*

I know him to be a very honeſt lad, I have known him ſeven or eight years, I am a child's pump maker.

### MARY WILSON *ſworn.*

I have known him about five years, I never heard anything againſt him.

### ELIZABETH APLETREE *ſworn.*

I have known him ever ſince he has been in petticoats, I remember when he was chriſtened; I always knew him to be a very honeſt lad, and worked very hard, and his parents are honeſt too.

GUILTY, **Death.**

*He was humbly recommended to mercy by the Jury, and the Judge added on account of his age, and as it appeared that he acted at the inſtigation of another perſon.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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4. THOMAS SCRIVENER was indicted for feloniouſly ſtealing, on the 2d day of December laſt, one warrant for the payment of money, ſigned under the hand of Godſchall Johnſon, dated the 28th of November, 1785, value 10l. 3s. 1d. by which he did direct George Preſcott, Geo. William Preſcott, Andrew Grote, George Grote, William Culverden, and John Hollingſworth, by the name of Meſſrs. Preſcott and Co. to pay to Mrs. Martha Young or bearer 16l. 3s. 1d. the ſaid warrant being the property of the ſaid William, and the ſame ſum payable and ſecured by the ſaid warrant being then due and unſatiſfied.

*A ſecond Count*, For ſtealing the ſame thing, only calling it a bill for payment of money inſtead of a warrant.

### WILLIAM YOUNG *ſworn.*

I live in Holborn, I am a butcher, I loſt the draft mentioned in the indictment, I had it on the 2d of December, it was left on the compting-houſe table, I have ſeen the the bill ſince, Mr. Preſcott has it now.

### HENRY CLAYTON *ſworn.*

I live with Meſſrs. Preſcott and Co. I have a draft of Mr. Johnſon's, it was brought to me on Saturday the 3d of this month.

Did you take it in?—I paid it.

Who brought it?——A woman.

You do not know her I ſuppoſe?——I cannot ſwear to her.

*The bill read and examined with the indictment, ſigned Godſchall Johnſon, 28th November,* 1785:

"Meſſrs. Preſcotts, Grotes, Culverden,
"and Hollingſworth, pay Mrs. Martha
"Young or bearer, 16l. 3s. 1d.

*Court to Proſecutor.* Look at the draft, is that the draft you loſt?——Yes.

You have not received any money for it?—No.

### SARAH YOUNG *ſworn.*

*Court.* Look at that note?——I know this is the draft I received from Mr. Godſchall Johnſon's houſekeeper, on the 28th of laſt month, I put it into my pocket book, it remained there till the 2d of this month, and then I put it out of my pocket, to make a payment with other bills, as I keep a butchers ſhop, and I omitted putting it up again, I believe I laid it on the compting houſe table, it was between three and four, the compting-houſe is a little place out of the ſhop, I miſſed it on the Monday, I thought I had put it into my pocket book again, and looking for it to make a payment, I miſſed it on Monday the 5th, I ſent for a conſtable to take up all my ſervants, I ſuſpected the priſoner becauſe he came in to the day book, which was in the compting-houſe, ſome money was found upon him.

### EDWARD LUCAS *ſworn.*

On the 5th of this month, Mr. Young ſent for me, and ſaid he had been robbed. I went to apprehend the priſoner, and I took him going up to the gallery in Drury-lane, Play-houſe; I brought him back and told him that his maſter had charged me to take him into cuſtody, I took him up on the 5th of this month, about eight; I brought him back to Mr. Young's, and I went up ſtairs to look over his box, and in his box I found three pair of new ſhoes, two pair of new buckles and other things, and he told me if I would ſend up for his miſtreſs, he would tell her the whole buſineſs, Mrs. Young came up, I was preſent, and when ſhe came up he ſaid——

*Court.* Before you tell this did you adviſe him to ſend for his miſtreſs?—I told him, ſays I, young man, all the ſervants at preſent have their characters at ſtake, they will all be diſcharged, and it is a pity they ſhould if you have the draft, and it looks very ſuſpicious.

Was that all you ſaid?——It was, I called up his miſtreſs, that was Mrs. Young that is here, and he told her he hoped it would be a warning to her, for leaving her draughts and her money about, that he had taken the draught and got the caſh for it, that he had ſent one Mad Jack to receive the money, a coachman; I then went and took the man into cuſtody that went to receive the money, and a woman that went with him; here is a ſmall bit of paper, where is put down how he expended a great deal of the money that was after he was apprehended, and the remainder, he ſaid, he had loſt at gambling, I found 1l. 8s. 2d. upon him.

*Court to Mrs. Young.* When you was ſent for, what did you ſay to him to induce him to tell you the truth of the matter?—I did not aſk him any queſtions, I made him no promiſes, he owned he had taken the money, and ſaid he hoped it would be a warning to me.

*Priſoner to Lucas.* Did not you promiſe me that if I would confeſs having the draft I ſhould be forgiven and nothing ſaid againſt my character?

*Lucas.* No, my Lord, I do not recollect ever ſaying any thing of that ſort to him, I only told him that the reſt of the ſervants characters ſtood at ſtake, as nigh as I can recollect; I told him this, that it was a pity, if he had taken it, that the other people ſhould loſe their characters, that they would all be turned away; then ſaid call up my miſtreſs, call up my miſtreſs.

*Mr. Juſtice Willes.* You ſay that you do not recollect that you made him any promiſes, are you ſure?—Yes, I am ſore, any further than what I have told you.

### THOMAS TIBBS *ſworn.*

I ſaw Lucas take the priſoner, I came with him and the priſoner to Mrs. Young.

Did you hear what paſſed up in the garret?—Yes.

Tell us what it was.—We went up ſtairs, Mrs. Young deſired us to go up ſtairs to ſee if he had anything in his box, and Mr. Lucas told him, ſays he, young man, it is a ſad piece of work if you know anything of it, it is a ſad thing the other ſervants ſhould loſe their places; but as for making any promiſes, I heard none, he ſeemed a good deal confuſed, and ſaid, call my miſtreſs, and ſhe came up; and he ſaid, Mrs. Young, I beg you will take care of your caſh and drafts in future.

*Priſoner.* Was not you by when Mr. Lucas promiſed me that?—I did not hear it.

Did not you hear him ſay, if any body came after my character, my miſtreſs would take no notice?—No.

*Court to Proſecutor.* Is your ſhop a part of your houſe?—Yes.

### JOHN BUN *ſworn.*

The priſoner aſked me to go to the bankers for him, I went, and going along I met with that young woman, and I aſked her to go with me; ſhe was to have fifteen guineas and eight ſhillings and one penny, I did not know whoſe draft it was.

Whoſe houſe did you go to? —A banker's in Threadneedle-ſtreet, on the left hand.

### ELIZABETH THORP *ſworn.*

I am acquainted with John Bun, I knew him a very little while; on Saturday coming along I met him, he ſaid he was going to the bankers to change a note, he aſked me to read it; ſays he, I thought it had been a bit of paper, he told me what it was, I came and told the young man, he ſaid it is not much further, I went with him to the bankers in Threadneedle-ſtreet.

### PRISONER's DEFENCE.

I found the note on Saturday evening between three o'clock and five, on the ſhop board; my miſtreſs's name is Sarah Young; this note was made payable to Martha Young; I was not poſitive, therefore, that it was hers; they promiſed me if I would tell where it was, they would forgive me.

*Court to Mrs. Young.* How long has he lived with you?—About three or four months.

*Court to Lucas.* I put it again to you, the man's life is at ſtake, did any thing paſs between you that could induce him to make this diſcovery?—Nothing more than what I have already told you.

*Priſoner.* Mr. Tibbs was by and heard it ſaid.

*Tibbs.* I never heard any ſuch thing.

*Court to Mrs. Young.* Is William Young your huſband?—Yes, my ſecond huſband; I have lived in that houſe ſeventeen years.

*Court to Clayton.* Do you know Mr. Johnſon's hand-writing?—Yes.

Have you ſeen him write?—Yes.

*Mrs. Young.* I have taken many of his drafts, and ſtood by while he has wrote them; that is his hand-writing.

GUILTY, Death.

*He was humbly recommended to mercy by the Jury.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

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4. THOMAS HARRIS and THOMAS LAYTON were indicted for feloniouſly ſtealing, on the 13th day of November laſt, five ewe ſheep, value 50s. and one wether ſheep, value 10s. the property of William Ginger the elder.

*(The caſe opened by Mr. Garrow.)*

### WILLIAM GINGER, Jun. *ſworn.*

I live at Stanwell with my father, I counted the ſheep on the 6th of November, in the field, there were nine ſcore and four, I did not count them again till the 13th, then there were ten miſſing, ſeven ewes and three wether ſheep.

Have you ſeen any of theſe ſheep ſince they were miſſing?—Yes, I found them on Clapham Common, in the poſſeſſion of Mr. Lane, on the 7th of December.

How many did you ſee?—Seven, ſix ewes and one wether.

Were theſe ſheep that you ſaw on Clapham Common your father's ſheep?—They were, I knew them by their make and features.

Had they any ruddle mark?—Very little.

What country were they?—Some from Hounſlow, and two from the weſt country.

*Court.* Let us know a little how long you have been acquainted with the features of theſe ſheep, how long have you had them?—I bred them all but two, I bred five of them.

Do you keep your father's ſheep?—I follow them at all opportunities I have.

And out of nine ſcore and odd that you have, you can ſpeak with certainty to the features of particular ſheep that you have loſt?—Yes.

Are you ſure of that?—Yes.

Are there no marks to have known them by if you had not known their faces?—No.

### HENRY FLY GINGER *ſworn.*

You uſed to attend theſe ſheep of your father's?—Yes, there were nine ſcore and four; I did not count them till the 13th, I miſſed ten, there were ſix ewes, two wethers, and two lambs.

You miſſed theſe on the 13th?—Yes.

How ſoon after did you ſee any of theſe?—Not till the 7th or 8th of December, I think the 8th, I ſaw them near Clapham Common, in the poſſeſſion of George Lane.

Did you know theſe ſheep again?—Yes.

Were they your father's ſheep?—Yes.

How did you know them?—I knew them by their countenances, by following them and attending them ever ſince they were lambed.

You have a perfect acquaintance with their faces and make?—Yes.

Have you any doubt now of their being ſome of your father's?—I am poſitive that they are.

Could you have picked them out of a flock of ſtrangers?—I have been uſed to ſheep theſe twenty years.

The fact is, that you are ſo well acquainted with their faces that you can ſwear to them any where?——Yes.

*Court.* There is one thing that I have obſerved both you and the laſt witneſs have ſaid, that you did not miſs them till the 13th, till you counted your ſheep?—No.

Now, if you had ſo perfect an acquaintance with the faces of all the ſheep, I ſhould have thought you might have miſſed them without counting them; as if a number of men come to a place every day, you might miſs two or three without counting them?——We do not ſo ſtrictly look over them every day as that.

Now for inſtance, a captain of a company who ſees all his men every day and knows all their faces, will miſs four or five of his men without counting them?——I was not conſtantly with them every day.

Were you with them between the 6th and the 13th?——Yes I was, but it was towards the duſk of the evening, a lad that we have to aſſiſt was with them, a little lad, ſo that I did not ſee them much within that time.

Do you know either of the priſoners?—Yes.

Who was Layton, did he live in your neighbourhood?——No, about four or five miles off, he was a labouring man; Harris lived at Staines, that may be two miles or better, he was a ſhepherd, I believe they kept ſheep of their own.

### WILLIAM GINGER, Sen. *ſworn.*

I ſaw theſe ſheep that my ſons brought

from Lane, I knew them, we have had them ſo long and put them up, I am poſitive they were the ſame ſheep, ſome of them were four teeth and ſome ſix teeth, I knew them to be my own, I have no doubt but they were my own.

### GEORGE LANE *ſworn.*

Where did you get theſe ſheep that this good man found in your poſſeſſion?——I bought them at a public fair at Kingſton, on the 14th of November, of Layton, I turned them upon the common, I gave eight ſhillings and ſixpence apiece for them, I bought ſeven, and gave three pounds for the lot, which was ſix-pence over, he ſaid he brought them from Sunbury Common.

Did he tell you whoſe property they were?——No, I did not aſk him, I told him where I was going to bring them to; I have no other ſheep.

Did you ever keep any ſheep before?——I never kept but two before, and them I loſt; I am no great judge of ſheep, I dare ſay a great many people may know them, and many may not.

Was Iſaac Burbidge with you when you bought them?——Yes, I believe I was an hour a buying them, they ſtood ſo much on price, I paid the money to Layton.

### ISAAC BURBIDGE *ſworn.*

What are you?—I am a labouring man, I ſaw Lane at the fair, I ſaw him about them, he bought ſeven, ſix ewes and a wether.

Who did he buy them of?——Thomas Layton, I helped to drive them out of the fair, that was on the 14th of November.

How far is Kingſton from Stanwell?——About nine miles.

Did you ſee Harris there?——Yes.

What was he doing?——He was about the penns, I heard him ſay nothing.

Have you ſeen the ſheep ſince?——Yes, at Stretham Common, I believe they are the ſame that Mr. Lane bought at the fair.

Are you much uſed to ſheep?——Yes.

You are a ſhepherd?——Yes.

Can you ſwear to the faces of your flock that you have bred?——Yes.

Is there any difficulty in knowing them?——Yes.

You would know your own ſheep better than you would know my face to-morrow, would not you?——Yes.

*Court.* This was at a public fair?—Yes.

There were plenty of people about the penns as well as Harris?——Yes.

*Court to Lane.* What became of theſe ſheep you bought of Layton?—They are gone home to Mr. Ginger's, I gave the youngeſt ſon and Burbidge leave to take them home; they were the ſame.

### PRISONER LAYTON'S DEFENCE.

I had ſheep to fair, and this gentleman, the other priſoner, aſked me if I had any ſheep to fair; I told him I had ſome few of my own, and he ſaid he had a few, and he aſked me to ſell them for him, which I did, and gave him the money; I have evidence of it.

### SARAH BURBIDGE *ſworn.*

I was at the fair at the time they were ſold, and before they were ſold; when I went to the fair, my brother or Mr. Layton had juſt ſold our ſheep; and there came up a gentleman and aſked the price of theſe ſeven ſheep, and Layton told him nine ſhillings; and Thomas Harris ſtood oppoſite to him, and he beckoned to him, and aſked the price; and he aſked him what he muſt take for them, and Harris ſaid eight ſhillings; and if he could not get that, they muſt go home again.

Do you know where they brought the ſheep from?——No.

Did you ſee any ſheep of Layton's there before?—None but what was my brother's and huſband's, there were three, I fancy he ſold them for my brother, he has ſold my huſband's ſeveral times, he has ſold for Mr. Collins, and Mr. Ballinger, the two capital farmers.

*Mr. Garrow.* Iſaac is your brother-in-law?——Yes, the ſheep were in different pens hurdled off, I ſaw the ſheep at Juſtice

Taylor's, I do not know who took them, I cannot ſay whether they are the ſame I ſaw at the fair, my brother helped to drive them away, I thought I knew them again, I think they were the ſame by looking at them, as I have been about among them.

A man who had bred them and tended them would be more likely to know them again than you, would not he?—Very like, Harris aſked Layton what the gentleman bid, and he told him nothing, then Layton aſked Harris what was the price if he ſold them, and he ſaid if he could not get eight ſhillings apiece he was to go home again.

## PRISONER HARRIS's DEFENCE.

I bought them of a man, and this man took them to the fair for me, I had them of a young man in the neighbourhood this day five weeks, I know him, he brought them to me to have to the fair, but I was ſo lame I could not go with the ſheep, ſo I got Layton to ſell them for me.

Who was the man you took them for?——One Robert Merrick, he lives at Stanwell, I do not know where he is, I had nobody to go for him, Merrick was in cuſtody of the officer and got away.

Was he taken up on your information?——Yes.

*Proſecutor.* Harris ſaid he never ſent any to Layton to ſell, nor he knew nothing about them.

How came this other man to be taken up?——This other man went to Layton when he was in the Round-houſe, and ſaid to Layton, for God's ſake do not ſay where the ſheep are gone to, with that I ſuſpected him, and a warrant was ſent for to take him up, but they could not find him, he is got off, Harris ſaid he had not them of that man, he ſaid he knew nothing of the ſheep.

## HENRY HORNE *ſworn.*

I was preſent when Harris was examined, he ſaid he knew nothing of the job.

THOMAS HARRIS, GUILTY, **Death.**
THOMAS LAYTON, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

6. **THOMAS SHIPLEY** was indicted for feloniouſly ſtealing on the 27th day of November laſt, twelve pair ſilk ſtockings, value 7l. 4s. one tortoiſe-ſhell ſnuff box, mounted in gold, value 5l. one baſe metal ink caſe, mounted with gold, value 40s. and one reading glaſs, in a tortoiſe-ſhell caſe, value 20s. the property of Richard Warren, Doctor of Phyſic, in his dwelling houſe.

## Dr. RICHARD WARREN *ſworn.*

Thomas Shipley, the priſoner at the bar, was formerly a ſervant of mine, he ſerved me in the capacity of footman, and after living with me, two years and twenty days, was diſmiſſed in the month of May, 1784, a little more than a year and a half ago; he was diſmiſſed for a fault, he went out in the evening and ſtaid till two in the morning, got over the iron rails, went into the area and rapped at the window where two ſervants lay, and was let in, when I was informed of this in the morning, I inſtantly ordered him to be diſmiſſed, and I never ſaw him after till I ſaw him a priſoner in Bow-ſtreet; during about five months in the year my family is abſent from Sackville-ſtreet, at a houſe I have at Chelſea, from which I came to town every day; during this time the houſe is under the care of a man and maid ſervant, who lay in the houſe, the man and maid are Henry Bradford and Anne Stockdale; on the 28th of November, in the evening, Mr. Atkins, an attendant at Sir Sampſon Wright's office, called upon me, and informed me that I had been robbed; and produced at the ſame time certain things which upon looking at, I ſuppoſed were my property, he produced one pair of ſilk ſtockings, a gold ink caſe beaten to pieces, and ſeveral things which I ſuppoſed to be mine, which are in Court; and at the ſame time produced two keys which he informed me, he had been informed by the priſoner would open my bureau, I tried the keys, and found they opened the locks, I then ſearched, and found I had loſt ſeveral things; I loſt twelve pair of new ſilk ſtockings, at 12s. a pair, a tortoiſe-ſhell ſnuff box, mounted in gold, they were in different drawers, of the value of five pounds; a baſe metal ink caſe, mounted in gold, a large reading glaſs, tortoiſe-ſhell caſe; I went directly to Sir Sampſon Wright's and gave my evidence.

*Court.* Priſoner, would you aſk Dr. Warren any queſtions?——No, my Lord.

### JOHN ATKINS *ſworn.*

I am a keeper that attends Sir Sampſon Wright's, on Monday the 28th of November, Mr. Heather, a pawnbroker in Long-acre, ſent his ſervant down to the office in Bow-ſtreet for ſomebody to come up, for he had ſtopped a perſon, I went up to Mr. Heather's, and the priſoner was there in cuſtody of Mr. Heather and ſervants.

### JOHN HEATHER *ſworn.*

I am a pawnbroker in Long-acre.

Did you know the priſoner at the bar before he came to you this time?——No, my Lord, on the 28th of November, between five and ſix in the evening, he brought me four pair of ſilk ſtockings to pledge for two guineas, I aſked him whoſe property they were, he ſaid they were his own, I aſked him his name, he ſaid his name was Richard Woolley, the ſtockings were marked R. W. and No. 21, 22, 23, and 24.

Did he offer any thing elſe?——No, I aſked him how he came by them, he ſeemed very angry at my aſking the queſtion, and ſaid have you any ſuſpicion of me; I ſtopped him, and ſent down to Bow-ſtreet, I was very bad of the gout, and he knew I had ſent to Bow-ſtreet, and before the conſtable came he ran away, ſays he I cannot ſtay, I will go and fetch the owner of the ſtockings, a young lad an apprentice of mine, fifteen years of age, whoſe name is Thomas Lewis, ran after him and brought him back, and in about two or three minutes Atkins came back when the boy brought the priſoner back, I called another ſervant of mine into the ſhop, ſo that he could not get away, I never ſaw the priſoner before in my life to my knowledge; Atkins took the priſoner to Bow-ſtreet.

(*The ſtockings produced.*)

Did you receive the ſtockings from the priſoner, or was it one of your men?——When he firſt came into the ſhop I was in the parlour very bad with the gout, but I went into the ſhop and received the four pair from the priſoner, and this I am ſure is one of them, here are the other three pair, they have been in my houſe ever ſince, my ſervant produces them, he had them in his cuſtody.

*Doctor Warren.* I ordered two dozen, the firſt was marked 1, 2, 3, &c. the ſecond dozen was 13, 14, and ſo on; and not being wanted they were put into the drawer.

*Court to John Atkins.* After you had taken him with theſe ſtockings, at Mr. Heather's, you carried him to Bow-ſtreet, what happened then?—I ſearched him immediately, in Mr. Heather's ſhop, and in his pocket I found this letter, directed to Dr. Warren, that led me to ſuſpect he had robbed the Doctor; the other perſon that was with me took him down to the office, Mr. Heather deſired me to go to the Doctor's; on ſearching him I found this reading glaſs, this ink-ſtand, and two keys; the things were in different pockets.

*Doctor Warren.* Such a reading glaſs as this I certainly had, it had no particular mark upon it.

Do you think it to be your's?—I ſhould ſuppoſe it is.

Had you it frequently in uſe?——No, it lay in a drawer, it was bought a year or two ago for one of my ſons, for ſome optical experiments; this was an ink-caſe, made to hold two pens, and very curiouſly contrived to hold ink; here was a thing went with a hinge, and the bottom part is particularly made; inſtead of a cork for the ink; here is a piece of metal ſo contrived that you need not daub your fingers; theſe are ſuch particulars that I can ſwear it is mine; I can ſwear poſitively to this; this

I uſed

I

I uſed to carry about with me continually, but went out of town the Saturday preceding the detection of this robbery a conſiderable journey from town; and not wanting it I left it a home.

What is the value of that?—Ten ſhillings, he ſold the gold of it for half a guinea.

*Atkins.* Here are two keys.

*Doctor Warren.* Mr. Atkins informed me theſe keys would open my drawers; I thought they would, I applied them to the locks, and found they opened the drawers; one opened the bureau, and the other the library; the ſtockings were in the bureau.

Where was this ink-caſe?—I left it laying upon the table.

You had not miſſed this till Mr. Atkins told you?——I had not been come home from this journey above ten minutes.

*Atkins.* I found three duplicates upon him, which led me to three pawnbrokers, where I found the ſilk ſtockings; I firſt went to Mr. Prieſtman, in Princes-ſtreet; I found two more pawned at Mr. Brown's, all white ſilk, but numbered differently; I retured to Bow-ſtreet, and when I came back to Bow-ſtreet the priſoner was crying, I told him the Doctor had miſſed a gold box, he told me he ſold it at a refiner's, in Long-acre, but he did not rightly know the place.

Did you make him any promiſes?——Nothing at all, he told me voluntarily; I found out where it was ſold, at Mr. Plank's, refiner, in Long-acre.

*Priſoner.* I am guilty of what is laid to my charge, I was very much diſtreſſed at the time, and only beg for mercy, I had been out of place a long time.

ISAAC COVERFLOW *ſworn.*

I am ſervant to Mr. Plank, a gold-refiner, I know the priſoner, the firſt time I ever ſaw him was the 28th of November, about four in the afternoon, he came into our ſhop, and aſked me if I bought gold, I told him yes, he then pulled out ſome gold in a paper out of his pocket, which is a thin ſtuff; I looked at it, I took a piece out of the paper, and rubbed it on the touchſtone, to try whether it was gold, as it was rather a foggy afternoon, the priſoner replied to me as I was rubbing it on the touchſtone, I am ſure it is gold, for I have tried it in aquafortis.

I ſhould have thought this would have made you ſuſpect him?—I thought he was in the buſineſs; after which he ſays to me as I was trying the other, ſays he, I ſhould be glad if you will try this bit alſo, it looks like gold, I have had it ſome time by me; I tried that, and I told him that was gold; then I replied to him is this your own property, and did you come honeſtly by it? he ſaid it was his own property, and he came honeſtly by it; before I weighed it, I ſaid you are ſure you come honeſtly by it; I was very ſuſpicious from the circumſtances of theſe pieces; I aſked him, more than that, what it came from, and he told me it came from an old ivory ſnuff-box, after which he ſaid to me, pray what may be the value of that which came off the bottom of the ink-ſtand, I put it into the ſcale, and told him about five ſhillings or five and ſix-pence, it altogether weighed about nineteen pennyweights and eighteen grains, the value of all together was two pound fifteen; after which I told him what it came to, he told me is not it worth any more, I ſaid if you think you can make any more of it try it ſomewhere elſe, after which he ſaid, Sir, I ſuppoſe you will give me as much as it is worth, and you may have it, and I paid him two pound fifteen for it.

*Dr. Warren.* This bottom of the inkſtand fits exactly, theſe other pieces are part of the ornaments.

*Court.* I believe I need not trouble you priſoner, to aſk you whether you would aſk any queſtions of this man?——No, my Lord.

——— PRIESTMAN *ſworn.*

I am a pawnbroker in Princes-ſtreet, Soho, I remember the priſoner coming with ſome ſtockings to pawn, the 28th of October, he left two pair, and the 28th of November four pair, they were marked R. W. and ſome numbers, I am ſure it was the priſoner.

What may be the value of theſe ſtockings?—About nine ſhillings a pair, I remember now, he offered to me to ſell them at nine ſhillings a pair.

### CHRISTOPHER GATELY *ſworn.*

I am foreman and journeyman to Bicknell and Co. the Doctor bought ſtockings of us, he had two dozen delivered at different times, the four laſt pair were delivered June the 4th; from May the 5th, to June the 2d, fourteen pair; they were marked with our ſhop mark *(looks at the pair marked by Heather)* this is our ſhop mark, theſe are all our ſhop marks, this is R. W. on the welt, and the figure of the No. under it, they were marked by my wife, I know they were marked before they were delivered.

What do you charge Dr. Warren for theſe?——Fifteen ſhillings a pair, there is never a hoſier in London, that can charge a reaſonabler profit for leſs.

### ROBERT PAYNE *ſworn.*

I am ſervant to Mr. Brown in the Strand, I never ſaw the priſoner before he pledged theſe ſtockings which was the 28th of November, at the duſk of the evening, he pawned two pair, I am ſure it was the priſoner, it was between four and five in the evening.

*Gately.* Thoſe are ours.

### ANN STOCKDALE *ſworn.*

The priſoner is an acquaintance of mine, I lived fellow ſervant with him for two years with Dr. Warren, me and another ſervant named Henry Bradford, were left in care of the the Doctor's houſe, during the time we were in the houſe; the priſoner frequently called, I ſaw him on the 27th of November.

*Court.* Had he admiſſion into your maſter's rooms?—I always thought him ſtrictly honeſt, he laid a good deal out of place and I had compaſſion upon him, and gave him a bit of any thing I had, when I was upon board wages.

Had he acceſs to any room in the houſe?—Not that I know of, I knew nothing of any of the things being loſt.

Did this young man ever lay at the houſe?—Yes, he did.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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7. BENJAMIN ROGERS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of James Hazledine, about the hour of ſix in the night, on the third day of December, and burglariouſly ſtealing therein twelve linen bed gowns, value 20s. his property.

### JAMES HAZLEDINE *ſworn.*

I live oppoſite St. Clement's church, I keep a child-bed warehouſe, I keep a houſe there, and did ſo on the third of December laſt; about half paſt five, on Saturday the 3d of this month, the candles were lighted, and as we were drinking tea, I thought I heard the ſhop door open, I deſired my ſiſter-in-law, Hannah Davis, to ſee if the ſhop door was not opened, ſhe went three or four paces into the ſhop, and then I heard her cry ſtop thief, I went into the ſhop, and out into the ſtreet and over to the church-yard, there I ſaw the priſoner running, nobody was running but him, he was running directly oppoſite our door.

*Court.* Were the lamps lighted?—Yes, I called ſtop thief, and he cried ſtop thief! I took him oppoſite to St. Clement's Coffeehouſe, he run round the church, I was quick after him, I never loſt ſight of him, I brought him back, and aſked my ſiſter if the priſoner was the perſon that took the things, ſhe ſaid, he was; the neighbours gathered about me, and they knew him, I ſound nothing upon him.

Was your door ſhut ?——It was, I had been in the ſhop juſt before that to ſnuff the candles.

Did you go to your door at that time ?—I did, to ſee if it was ſafe.

What induced you to do that ?—— We generally make a point of doing that when we are at meals.

How long was this after ?——I ſuppoſe, about ten minutes.

Can you ſay with certainty that from the time you ſnuffed the candles, and ſaw the door to the time your ſiſter went into the ſhop, no perſon had been out of that door ?——Yes, I can.

Are you ſhure that no perſon had been into the ſhop ?——I am ſure of it.

How did you examine the door at this time ?——By ſeeing that the latch was ſafe, and the door was faſt.

Did you put your hand on the latch ?—Yes, I ſpeak upon certain recollection.

There was no faſtening but the latch ?—No; I took out my watch while I had the priſoner in the ſhop, and it was thirty five minutes paſt five; then he had been in the houſe about five minutes.

When you were out in the ſtreet, could you diſtinguiſh people at all, except by the light of the lamps ?——No, day-light was too far paſt.

You have no doubt about the boy's perſon ?——No, the priſoner is the perſon I brought back.

## HANNAH DAVIS *ſworn.*

I am ſiſter-in-law to Mr. Hazledine, about half paſt five in the evening, it was thereabouts, I cannot ſay to five minutes, we were at tea in the back parlour, the candles were lighted, my brother ſaid he heard the door open, and deſired me to look into the ſhop, the door was open, and I ſaw the priſoner come into the ſhop, put his hand in the window, and take out two bundles of bedgowns.

Did he come completely into the ſhop ?——Yes, the bedgowns lay in the corner of the window, I ſaw them there half an hour before.

What may be the value of them ?——Twenty ſhillings.

Had they any mark upon them ?——Yes.

What mark ? —— They were marked with the ſhop mark.

Are you ſure you ſaw him take them ?—Yes, I was rather in the ſhop.

Did you ſay anything to him ?——No, nothing at all.

Were there any candles in the ſhop ?——Yes, there were ten candles in all, I ſaw his face, as ſoon as he was gone out of the ſhop, I called out ſtop thief.

Did you purſue him ?—No.

Did you ever find your property again ? A woman in the alms-houſes picked them up as they lay in the ſtreet, ſhe is not here, I ſaw him take them up from the window, he put his hands acroſs a wire into the window, and took them up, he was brought back in about five or ten minutes after.

When he was brought back to the ſhop, did you ſee him ?—Yes.

Are you ſure that the boy that was brought back to the ſhop, was the boy you ſaw in the ſhop ?—Yes.

Have you no doubt ?——Not the leaſt doubt, becauſe I ſaw his face, my brother ran after him immediately, I ſaw the property about ten minutes after; the woman that brought in the property did not ſee him drop them, and ſhe is a very elderly woman; I examined the property that was brought in, they are my brother's with the ſhop mark.

*Priſoner.* Did you ſee me open the door ?——No, I did not, he was juſt coming into the ſhop, he was partly in the ſhop with the door open.

*Court.* Do you know who went laſt out of the ſhop, before your brother went out ?—I do not.

Do you recollect your brother going to ſnuff the candles ?—Yes.

Had any body been in the ſhop after he ſnuffed the candles ?—I do not know.

**MATTHEW SWIFT** *ſworn.*

I am the conſtable that took him to the Juſtice's, the priſoner kicked and beat and fought and knocked one man down, and tried to knock me down, but I was too heavy for him.

**PRISONER's DEFENCE.**

I had been at Charing Croſs, with my father, he is a coachman, we had been with a fare into Fleet-ſtreet; I went back to him with his coach, he ſaid, you may go home, I was coming along the Strand by this gentleman's ſhop, when the woman was out at the door, and I ſaw two people run in the church yard; I run after them and cried ſtop thief! they turned the corner rather before I ſaw them, and the proſecutor came up and caught hold of me, and ſaid, as there is nobody elſe a running, you muſt certainly be the perſon; I have no witneſſes, my father has been here every day, and he did not expect I ſhould be tried to day, and he went away.

GUILTY, **Death.**

*Proſecutor.* I wiſh to recommend the priſoner to mercy.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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*Mr.* HODGSON

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THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of DECEMBER, 1785, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR of SHORT-HAND,

And Publiſhed by Authority.

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## NUMBER I. PART II.

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MDCCLXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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8. CHARLES KING and THOMAS THOMPSON were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Packer, about the hour of three in the night on the 3d of December, and burglariouſly ſtealing therein two live fowls, value 4s. one gridiron, value 9d. five clouts, value 5d. one diſh-clout, value 1d. and one iron glue-pot, value 6d. the property of William Smith.

REBECCA SMITH *ſworn.*

I keep a little houſe of Mr. William Packer's, I went to bed about ten, I faſtened up the out-houſe between four and five, it is a waſh-houſe adjoining the back part of the dwelling-houſe.

Is there any door from the dwelling-houſe into it?—No, it opens into the yard.

How does the door faſten?—With a lock, I locked it on the outſide, and the windows were faſt, the next morning I got up about ſeven, and found the waſh-houſe door broke open, and the two fowls gone.

Did you go out that night after you faſtened the out-houſe?—Yes, I went out into the yard between ſeven and eight, and every thing was ſafe then, and the door ſhut, I got up next morning about ſeven, it was daylight then, I miſſed the two fowls, they had been there the night before; in the courſe of the day I miſſed the other things mentioned in the indictment.

WILLIAM SMITH *ſworn.*

About four o'clock on Sunday morning, the 4th inſtant, I heard one of the fowls make a noiſe, I got out of bed and went to the ſtair-caſe window, but I ſaw nobody. On Monday night I heard the men were taken on the morning before, and I went to St. Giles's watch-houſe on the Tueſday morning, and there I found the bag and the things mentioned in the indictment.

Were the two priſoners there?—No. *(The glue-pot produced, and depoſed to.)* I have had this nine or ten years, I had deſired my wife to put ſome water in it to clean it, and when I ſaw it at the watch-houſe, ſome of the water was in it, and the glue was turned into ſize, I know the pot, it is rather melted at the bottom.

Can you undertake poſitively to ſwear to it?——I can.

Should you have known it anywhere?——I ſhould; the other things I will not ſwear to.

**THOMAS YOUNG** *ſworn.*

I am a ſhoe-maker, between ſix and ſeven on the 4th of December, on Sunday morning, I was going through Bedford-ſquare with two watchmen, Philip Welch and John Bell, and we met the two priſoners with two bundles in Bedford ſquare, with grates, pokers, ſhovels, tongs, and other things, cups, ſaucers, and plates, and diſhes, I aſked them where they were going, it was hardly daylight, it was between ſix and ſeven.

Was it or was it not daylight?—Daylight was coming on very faſt.

Was it dawn of day?—Yes, they were before us, and we run after them, they did not run away from us, we aſked them what they had got, they appeared rather ſtruck, Thompſon, in about a minute, ſaid he came from Hampſtead, I aſked him where he got theſe things, and he ſaid his brother gave him them who lived at Hampſtead, I told him he muſt go to the round-houſe, I took him there as it was after watch hours, I ſearched them and took the bags, in Thompſon's bag I found the glue-pot, the gridiron, the five linen clouts, a diſh-clout, and the dead fowl, in the other bag I found the grate and the other things that are not ſworn to, and in King's apron I found the live fowl that is now produced here, and the window curtain, with other things.

What did they ſay for themſelves afterwards?—They ſaid they found the things.

**PHILIP WELCH** *ſworn.*

I was with the laſt witneſs, and what he has ſaid is true.

**JOHN BELL** *ſworn.*

I ſaw theſe things found on the priſoners about half an hour after ſix, it was not daylight.

**PRISONER THOMPSON'S DEFENCE.**

On Sunday morning between five and ſix we were going up to Highgate to call for a friend there, and between this and Mother Redcap's, in the fields, we ſaw this bag laying, we opened the bag and ſaw what was in it, and we ſtaid a bit by it, and nobody claimed it, and we returned home with the things, and were ſtopped.

*Mrs. Smith.* I can ſwear to the clouts, I made them myſelf out of ſome old ſhirts, and the gridiron I know; I know the fowl becauſe the left wing was cut, and it had a cropper crown.

**PRISONER's KING's DEFENCE.**

We found the things in a ditch.

*The priſoner King called one witneſs to his character.*

BOTH GUILTY, Death.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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9. JOHN BATEMAN and ABRAHAM BOYCE were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Richard Babington, on the 12th day of December, about the hour of ſix at night, and burglariouſly ſtealing therein, one linen ſhirt, value 2s. and one handkerchief, value 2d. his property.

**RICHARD BABINGTON** *ſworn.*

I live in Ratcliff-row, on Monday night laſt I went out about five, I locked the door and took the key in my pocket, I was drinking a pint of beer about twelve minutes after ſix, and ſome neighbours informed me that the houſe was broke open, the neighbours accordingly went and found people in the houſe, when I got to my houſe I found the door open, and the back door open, and ſome of the neighbours in the yard, and a ſhirt and handkerchief were ſcattered about the floor in the middle of the room, the ſhirt was removed out of a box that ſtood at my bed's feet, below ſtairs; mine is an alms-houſe, the priſoners were both taken, I ſaw the priſoner Bateman behind the door in the houſe, Boyce was gone down the yard, I did not ſee him till he was brought back, I locked my door and the key was in my pocket, nobody lives in my houſe but myſelf.

*Mr. Garrow, Counſel for Priſoner Bateman.* How long have you had this houſe?—Seven years, the bolt of the lock was bent quite double, it was faſt when I went out.

Did you ſearch this poor boy?—No, but nothing was found upon him.

### ISAAC SAMMES *ſworn.*

I was at this public houſe, and heard the proſecutor's houſe was broke open, I immediately with ſome others went over, there were three before me, I believe, and the old gentleman, I juſt ſet my foot on the ſtep, I looked before me, the back door was open, and I went to go backwards to ſee for them, ſuppoſing they were there, and I went to put the door to; and when I went backwards, there ſtood that young man, there was nothing found upon the priſoner Bateman.

### WILLIAM PEACH *ſworn.*

I believe I was the firſt man that got there, the door was rather ſhut, and I puſhed it open, I ſaw the priſoner Boyce in the houſe, there was a little light of the fire, he was rather undetermined which way to go, he went to the back door, and I followed him into a little garden, that belongs to the proſecutor's apartment, and there he ſtood, and there I ſtood, and I ſaid to Thompſon, here is one, he made no reply he rather ſidled to the wall, he was going to get over the wall, I knew he could not get out there, he got over the wall, and I got over after him, then Thompſon followed me, and I run up to him, and he ſtood ſtill, and we took him in the peſt-ground, then we brought him back, ſays Thompſon, will you take hold of him, and I will ſee if there is another; I took hold of him, and ſaid, how could you be ſo cruel to break open that poor man's houſe? and he ſaid he did not, and I ſaid yes, upon my oath you did, for I ſaw you.

### JOSEPH THOMPSON *ſworn.*

I went over this wall into the burial ground, and there I ſaw one of the priſoners, Boyce, I did not ſee him, till I got over the wall.

### PRISONER BOYCE's DEFENCE.

I was going up to Iſlington, as I was coming by, theſe men were coming from the public houſe, and they ſaid, we will have the raſcals, we will have them; and I run along with them, and I ſaw a man go into the garden, I jumped over the wall after him, then they came and took me and brought me out of the ground, and they took and ſearched me, and found nothing.

*Thompſon.* I was the firſt in the houſe.

### PRISONER BATEMAN's DEFENCE.

I went in there, a man ſaid he would give me ſome halfpence to carry a bundle, I went in and he ſhut the door.

Who called you in?——A tall man, he ran backwards.

*The priſoner Bateman called three witneſſes who gave him a very good character.*

*The priſoner Boyce called three witneſſes who gave him a good character.*

JOHN BATEMAN, GUILTY Death.

*He was humbly recommended to mercy by the Jury and Proſecutor.*

ABRAHAM BOYCE, GUILTY Death.

*Tried by the ſecond Middleſex Jury, before Mr. Baron* HOTHAM.

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10. **WILLIAM SIMON BOWYER** was indicted for feloniouſly ſtealing, on the 4th day of November laſt, one linen table-cloth, value 8s. one linen napkin, value 2s. the property of Naſh Maſon, Eſq; and two pair of ſilk ſtockings, value 20s. and three linen handkerchiefs, value 6s. the property of Thomas Sotherly, Eſq.

### MARY VAUX *ſworn.*

I live at Mr. Maſon's, three pair of ſtockings were taken away, between the 19th of

October and the 2d of November, they were taken from a drawer out of a room belonging to Mr. [illegible] house, in Queen's square; I have seen the stockings since they were stolen, they were Captain Sotherly's stockings; I have seen one pair after they were stolen at the pawnbroker's, and the other pair in possession of the constable.

—Do you know any thing of the prisoner? [illegible] the husband of a cook that lived in the family.

—Had he access to the house; have you seen him about the house?——I have.

Had you seen him about that time?——No.

Was you in town or out of town?—In town; I have one pair of stockings here; I do not know that the prisoner of my own knowledge took the stockings. (*Looks at them.*) I believe them to be Captain Sotherly's, to the best of my knowledge; the table cloth was my master's, here is the mark upon it, there are half a dozen of the same, I have it in my possession now, it was left in the housekeeper's room, which is my room; I do not recollect the day upon which it was left, I found this table cloth at the pawnbroker's.

ANN HOLMES *ſworn*.

Theſe ſtockings are Captain Sotherly's, I marked them myſelf for the Captain, and put them in a drawer in the houſekeeper's room in the evening; and the next morning miſſed them, on Wedneſday morning, the 2d of November; his name is Captain Thomas Sotherly, Eſq;

——— BARCLAY *ſworn*.

I am a pawnbroker, ſervant to Mr. Dobey, in Holborn; this table-cloth was pledged for five ſhillings, about the 4th of November, by the priſoner, I am certain it was the priſoner, I did not know him before, I never ſaw him but that time.

How long was he in your ſhop?——He was there at two different times.

Was he dreſſed as he is now?—I think he was in the ſame clothes.

And you mean to ſpeak poſitively to him?——Yes, that is the man, he ſaid they were his own property, and he told me he lived in No. [illegible], in [illegible] ſtreet, he gave the the name of William Bowyer; about a week after he brought these ſtockings, and pawned them [illegible] things.

WILLIAM BLACKETTER *ſworn*.

I took up the priſoner on the [illegible] of November, in Southampton-court, at a public house, I ſearched him and found the duplicates of the table cloths and ſtockings, and I found a pair of ſtockings and three handkerchiefs inſide his breeches pocket [illegible].

(*Theſe ſtockings and handkerchiefs produced and depoſed to by Mrs. Holmes as the property of Captain Sotherly.*)

*Mrs. Holmes.* One of the handkerchiefs has the Captain's name, Sotherly, at full length upon it, but I did not mark that.

PRISONER's DEFENCE.

I have nothing to ſay.

GUILTY.

*Transported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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11. RICHARD COLE *otherwiſe* ALLEN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Todd, about the hour of ſeven in the night, on the 17th day of November laſt, and burglariouſly ſtealing therein, two ſilver tea-ſpoons, value 5s. three table cloths, value 20s. one diaper ditto, value 6s. one damaſk napkin, value 3s. three damaſk napkins, value 9s. one white Marſeilles petticoat flounced with muſlin, value 20s. two pair of white ſilk ſtockings, value 20s. one ſilk handkerchief, value 1s. and one linen cloth bag, value 6d. his property.

### JOHN TODD *ſworn.*

On the 13th of November, on a Sunday, about two o'clock, I left the houſe, and double locked the door, I did not return till ten in the evening; I looked the door laſt, and I found a neighbour of mine at the door when I returned; I went in, and miſſed the things mentioned in the indictment, there were many table cloths of other people's property, which were put into that houſe under my care; I am a ſmith, and my wife keeps a mangle.

### ELIZABETH TODD *ſworn.*

I live at No. 38, Bell-yard, Temple-bar, I keep a mangle, I came home about ten with my huſband, and was informed the door was found open.

Was any part of the houſe broke open? ——No, the lock was picked, and when I entered into the place, I miſſed the things in the indictment, and many more, they are produced by Edward Lucas.

### EDWARD LUCAS *ſworn.*

I ſtopped the priſoner on Sunday night, the 13th of November, at the end of St. John's-ſtreet, near Smithfield with this bag and things, I ſuſpected another man that was with him; and he ran away, he had ſomething under his coat, the next was very nigh to him, I caught one, that was this priſoner; he had a large bundle under his arm, wrapped up in a ſilk handkerchief; I aſked him what he had, he ſaid, wearing apparel, clothes for himſelf, and he was going to carry them home to his lodging; I felt them, and I thought they felt heavy, I ſaid, I ſhall be glad to look at them, and aſked him who he was, and where he came from; he ſaid his name was Allen, and he lived in King's-ſtreet, Bloomſbury; and he was Allen's ſon the Bricklayer, who lived in that ſtreet, I ſaid, I know Mr. Allen very well; I took him to the Roſe-Inn, Smithfield, there I opened the handkerchief, and found it to contain theſe things. (*Produced, and depoſed to.*) I aſked him how he came to tell me they were clothes; then he ſaid he had been to fetch them from the mangler's, I aſked him if he had anything elſe in his pocket, he ſaid no, I ſearched him, and found two ſilver tea ſpoons in his pocket.

(*The ſpoons depoſed to.*)

*Mr. Garrow, Priſoner's Counſel.* Theſe tea ſpoons and the handkerchief are your property?—Yes.

Whoſe property are the other things?—Peoples that are here preſent, none are mine but the handkerchief and the tea ſpoons.

They were entirely under your care?—Entirely.

—Which of you went out laſt on the evening of this robbery?——I went out laſt, pretty near two o'clock in the afternoon, and was not at home till pretty near ten.

—And was not your wife?—No.

Was the houſe left entirely?—It was left entirely, only ſome lodgers up ſtairs.

*Court.* What may be the value of theſe things, what would you give for all theſe things?—About five pounds, as they are now.

### JOHN ARNOLD *ſworn.*

About ſeven in this evening, I found the door of Mr. Todd's houſe open, and knowing them to be out, and my back window looking into their yard, I called aſſiſtance; a lodger came down, we went in and ſearched the houſe, we found nobody there, the lock was not damaged, and we ſhut the door on the ſpring, and left it.

*Mr. Garrow.* The lock was not broke?—Yes.

Whether it was picked or opened with a key that belonged to it, you cannot tell?—Yes, I ſaw it about ſeven.

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### GEORGE MECHAM *ſworn.*

I was with Lucas, and took the priſoner, I know no more than he did.

### SARAH HEARTY *ſworn.*

My huſband's name is Benjamin, I know the priſoner, he has lodged in my houſe nine months, he is a plaiſterer, he is a very ſober honeſt young man, always kept very good hours, except the Sunday night he was taken, he never was out all day that

Sunday, till paſt eight at night, on the day he was taken, in November, I was at home the whole day, I am ſure he was not out, it had juſt ſtruck eight when he came down ſtairs, I heard St. Bride's clock ſtrike, I did not hear he was taken till paſt ten that night; when I heard he was taken up, I ſat myſelf to recollect what time he went out, and at ſeven I went to put my children to bed, and I ſaw him in his room; my huſband is ill, and incapable of coming.

*Court.* What day of the month was this?—I cannot really ſay, I did not take notice about that.

Where was he that morning?——He was up ſtairs, he was at home and at dinner, and he was at home all the afternoon; I ſaw him at ſix at night, and a little after eight.

Was he in bed?——No.

Who was with him?——There was his wife, and a woman that he has to attend his wife, that was Mary Conolly.

### MARY CONOLLY *ſworn.*

I was a nurſe to this young man's wife, I remember the night he was taken up for theſe things, it was four weeks laſt Sunday night, I cannot ſay particularly to the time that he went out, but St. Bride's and St. Paul's had ſtruck eight; we heard of his being taken up about ten; I immediately recollected that he had not been gone out till paſt eight; Mr. Hearty is an ailing man, and very ſhort breathed; he has the gout, and has not been able to ſtir out this three weeks.

### MICHAEL ALLEN *ſworn.*

I am a bricklayer and plaiſterer, the priſoner has worked for me till he was taken up, pretty nigh three months, on the Saturday night I gave him a guinea for his wages.

*Court.* What ſort of character does he bear?—A very good one, he is a very hard working young man, nor never was he known to go drink; as ſober, honeſt a young fellow, as ever was living on this earth.

*Court to Lucas.* Did he tell you he was Mr. Allen's ſon?—Yes.

*Allen.* I live in King's-ſtreet, Bloomſbury, when a man comes to work with us, we give him a nick name, and we called him Allen, by that I apprehend he preſumed to take my name, he is a very conſtant good workman.

### Mrs. HUTCHINS *ſworn.*

I have known him about a year and a half, he was very good while he was with me, he lodged with me, and was an honeſt ſober man, and kept regular hours.

### ——— WELCH *ſworn.*

I work with Mr. Allen.

What is the name of the young man at the bar?—His name is Dick.

What is his nick name?——Allen; I cannot ſay how long he worked with my maſter, he is a ſober, honeſt, induſtrious young fellow.

### JOHN PENDERGRAST *ſworn.*

I have known him about ſix weeks before he was taken, I knew nothing but what was good; I worked with him at Mr. Allen's, the men called him Allen ſometimes.

*Court.* Two of the witneſſes have ſworn to his not going out, till St. Bride's clock had ſtruck eight, and I am informed by an Alderman that ſits here, that St. Bride's has no clock.

### PRISONER's DEFENCE.

On Sunday night, I went out of my houſe a little after eight, and as ſoon as I came into St. John's-ſtreet, theſe two men were in purſuit of a man, and when they took hold of me, they aſked me what I had in the bundle, and I told them I did not know.

GUILTY

*Of ſtealing to the value of* 39s. *but not of the burglary.*

*Fined* 1s. *and impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.]

12. WILLIAM WILLIAMS was indicted for feloniouſly ſtealing on the 20th of November laſt, ſix plate coach glaſſes, value [illegible] the property of Daniel [illegible].

**GEORGE PICKERING** *ſworn.*

I am a groom, I look after the proſecutor's cattle, I receive money and pay bills for him; theſe ſix glaſſes were taken, four out of one chariot and two out of another chariot, which is Doctor Anderſon's, the proſecutor pays for them, the frames were left behind, I found them two days after at the conſtable's of the night, in Queen-ſtreet, I tried them with the frames and they fitted very well.

**JEREMIAH BRAY** *ſworn.*

I am a harneſs maker, I went with the proſecutor and tried the glaſſes, and they fitted; theſe glaſſes were in the chariots on Saturday, I ſaw every carriage in the range of coach-houſes, the glaſſes to the front were up, and I ſaw nothing project out.

**PHILIP WELCH** *ſworn.*

I ſtopped the priſoner, with ſix glaſſes, the 26th of laſt month, before twelve at night, in Holborn, they were not in frames, they were under his arm without the frames, he paſſed by me, and I looked at him and called him, he made me no anſwer, ſo I followed him and aſked him what he had, he ſaid glaſſes, he brought them from the grinders in Newtoner's-lane, he ſaid he was going to his maſter's, I aſked who was his maſter, and he refuſed to tell me, I aſked him his own name, and he refuſed to tell me; ſomebody paſſed by and looked at the glaſſes and ſaid they were old, and the priſoner ſaid what has that gentleman to do with it, nothing ſays I; and he aſked me if I would have a glaſs of gin, I ſaw no watchman, and I thought he would break them, ſo I ſaid I do not care if I do, ſo I took him into Feather's-court, and there was a watchman, and when he ſaw the lanthorn he would go no further, he offered me ſix-pence, and bid me ſpend it as I choſe, I called the watchman to my aſſiſtance, and I took care of the glaſſes.

**SAMUEL SMITH** *ſworn.*

I am watchman in Featherſtone buildings, the laſt witneſs and the priſoner came together, the witneſs called out Smith, and I took the priſoner into cuſtody with the glaſſes. The priſoner gave the glaſſes very quietly, and I took care of the glaſſes; he fell down and I fell down, he got up and ran down Featherſtone-buildings, I ran after him and he was taken, the priſoner ſaid the thief was gone down Feather's-court; the priſoner is the ſame man I had firſt in cuſtody with the glaſſes.

**THOMAS WELCH** *ſworn.*

I am the other watchman, I took him.

**WILLIAM LOWE** *ſworn.*

I am conſtable of the night, I know nothing more, I have had the glaſſes ever ſince.

*(The glaſſes produced and depoſed to by Mr. Pickering.)*

*Mr. Bray.* You may look about ten pounds worth before you find ſix fit as theſe do.

**PRISONER's DEFENCE.**

I kicked againſt the glaſſes and broke off one of the corners, and was taken with them, I told the watchman that I found them in Newtoner's-lane; they threw me down and beat me very much becauſe I ran away to ſave the blows.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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13. JOHN alias JAMES MURRAY was indicted for that he, well knowing that one William Lindſay deceaſed, had ſerved our Lord the King, as a ſeaman on board his majeſty's ſhip the Burford, and that certain wages and pay were due to him at the time of his death for ſuch ſervice done by him on board the ſaid ſhip, did appear before Doc-

tor Ducarel, then ſurrogate of the worſhipful Peter Calvert, L. L. D. with a paper partly printed and partly written, with the mark of the ſaid William thereunto ſubſcribed, purporting to be his laſt will and teſtament, dated the 20th of March, 1784, and there unlawfully, willingly, knowingly, and feloniouſly did take a falſe oath that that paper writing contained the laſt will and teſtament of the ſaid William Lindſay, and that he was the executor of the ſaid William, the ſaid Doctor Ducarel having ſufficient power and lawful and competent authority to adminiſter ſuch oath in that behalf; whereas in truth and in fact the ſaid paper writing, partly printed and partly written, did not contain the laſt will and teſtament of the ſaid William Lindſay, which he well knew, and whereas he was not executor to the ſaid William, with intent to receive the wages and pay due from our Lord the King to the ſaid William Lindſay for ſuch ſervice.

*A ſecond count*, for that he, ſuppoſing William Lindſay deceaſed, had ſerved, &c.

**HENRY HUNTER WILLIAMS** *ſworn.*

*(Produced the ſhip's books of the Burford.)*

There appears to be wages due from January, 1779, to the 10th of February, 1784, at which time he died.

**THOMAS FLETCHER** *ſworn.*

This is the will of William Lindſay, I brought it from the Prerogative-Office.

**JOSEPH SPECK** *ſworn.*

At the tranſaction of this buſineſs, I was clerk to Meſſrs. Marſh and Abbot, Doctors Commons, they are proctors, I perfectly remember the priſoner coming into the office, in Auguſt, 1784, to prove this will, *(looks at it)* it is the very ſame, this is my hand-writing, I went with him before Dr. Ducarel, he was one of the ſurrogates belonging to the Prerogative-Court of Canterbury, the oath was adminiſtered to him, the nature of it is, he ſwears, that that paper contains the laſt will and teſtament of William Lindſay, and that he is the ſole executor therein named, I ſaw Dr. Ducarel ſign it.

*(The will read.)*

*Court.* Are you clear as to the terms of the oath?——I believe I am.

Repeat them again.——He ſwore that that paper contains the laſt will and teſtament of William Lindſay deceaſed, and that he is the ſole executor therein named, and that he will faithfully perform the truſt therein repoſed in him.

Does it ſay any thing of the value of the property?—No, it does not.

Did you aſk him any queſtions?——I do not recollect that I did, he only produced the will and I wrote the jurata upon it, I do not recollect that any queſtions paſſed either on one ſide or the other.

*Priſoner.* This gentleman took me up this time twelve-month for another falſe affair.

*Court to Speck.* How long was he with you?——About half an hour, I am very poſitive of it, there are a great many people come to me. He mentioned a circumſtance which I ſhould not have mentioned; I was under the diſagreeable neceſſity of appearing where I now am, and he ſtood where he now ſtands; I ſhould not have mentioned it otherwiſe, I do not wiſh to injure the priſoner; owing to the name being ſpelt wrong he got off.

*Williams.* I have examined the Burford's books from 1776 to the 19th of July, 1784, and find no other perſon but this man, William Lindſay, on board, and he died the 10th of February.

Look for the name of William Marſhall.—He does not appear to have been on board the ſhip at that time, for he was diſcharged the 5th of Auguſt, 1783, at which time he was invalided and did not return again; William Stock was diſcharged from the Monarque the 18th of March, 1783, and died in the Monarque.

Where was the Burford the 20th of March, 1784?——She appears to be in Table Bay.

*Court.* What means is there taken to

aſcertain the accuracy of the dates of the ſhip's books at the time of the death of the parties?

*Williams.* This is the book from which the money is paid, and we look upon it a ſufficient authority for us to pay upon.

### JAMES FINLEY *ſworn.*

I was ſurgeon on board the Burford, I knew Lindſay, I was on board when he died, I think he died before we arrived at Table Bay, I will not be poſitive, the ſhip arrived there about the middle of February, 1784.

Have you a diſtinct recollection of the time of his death?——I have not.

Then you cannot ſpeak with abſolute certainty whether it was before or after?—I cannot.

Are you ſure he died on board the ſhip?——I am ſure, becauſe I attended him in his laſt moments.

### JAMES LOCKWOOD *ſworn.*

I was a ſeaman on board the Burford, I knew Lindſay, and I knew the priſoner James Murray; Lindſay and the priſoner did not meſs together as I knew of, Lindſay meſſed along with me, the priſoner did not meſs with me.

When did Lindſay die?——I cannot recollect, I think it was in the month of February.

Was it before or after you got to Table Bay?——I think it was before.

Was Murray on board the ſhip then?—Yes.

Did he know the time he died?——I cannot poſitively ſay.

Could Lindſay write?——No, he could not.

Did you know Marſhall when he was on board?——Yes.

When did he leave the ſhip?——I cannot poſitively ſay.

Was he on board when you left the Cape?——I believe he was, I cannot ſay.

Do you know Stock?——Yes.

Was he on board?—I cannot ſay.

Were they on board when Lindſay died?—I cannot ſay with certainty.

What ſize ſhip was ſhe?—A ſeventy gun.

*Court to Finley.* Were Marſhall and Stock on board?——One of them was invalided, Commodore King's ſquadron was there, Stock was on board the Monmouth, and he might by poſſibility have come on board our ſhip, the men in the ſquadron had liberty of viſiting different ſhips.

*Lockwood.* William Lindſay wanted to make a will and power to me.

*Court to Speck.* Look at that upper indorſement on the will, is that your handwriting?——Yes, it is.

Where did you take that information from?——From the priſoner.

How do you know that?——Becauſe theſe queſtions are always aſked, and theſe queſtions I did aſk him, this was taken from him.

### PRISONER's DEFENCE.

I know nothing at all of the will, I never produced it in my life, I deny that I am the perſon that produced the will.

*Court to Williams.* Has there ever been any other claimant?——It does not appear, the wages are ſtill unpaid.

*Fletcher.* The probate was revoked the 10th day of this month, and adminiſtration granted to the brother.

*The priſoner called two witneſſes to his character, and Mr. Finley, the ſurgeon.*

Guilty, Death.

*Tried by the London Jury before Mr.* Recorder.

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14. MICHAEL DRUITT was indicted for falſely and feloniouſly making, forging, and counterfeiting, and cauſing and procuring to be falſely and feloniouſly made, forged and counterfeited, and willingly acting and aſſiſting in the falſe making, forging, and counterfeiting, on the 16th day of April laſt, a certain order for the payment of money, with the name William Parſons thereunto ſubſcribed, dated the 16th day of April, 1785; directed to Meſſrs. Pybus,

Dorſet, Cockhill, Pybus and Hale, for the payment of 15l. which ſaid falſe, forged, and counterfeited order for payment of money, was in the words and figures following, that is to ſay: No. 148, Bond-ſtreet, No. 17, London, April 16th, 1785. Meſſrs. Pybus and Co. pay Mr. Richards or bearer, 15l. William Parſons." With intention to defraud Mathew Stenſon.

*A ſecond Count.* For uttering the ſame with the like intention.

*A third Count.* For forging a like order for payment of money, with intention to defraud the ſaid Meſſrs. Pybus and Co.

*A fourth Count.* For uttering and publiſhing as true, a like order with the ſame intention.

(*The Caſe was opened by Mr. Fielding.*)

*The witneſſes examined apart by the deſire of Mr. Garrow, Priſoners Counſel.*

**MATHEW STENSON** *ſworn.*

Do you know the priſoner?——I do.

Tell my Lord and theſe gentlemen, when it was he came to your houſe at Kenſington, and what was the purpoſe of his coming there?——On Saturday the 16th day of April laſt, the priſoner came to my houſe between the hours of one and three, I cannot be certain as to the time; I keep a ſhop at Kenſington, he came with a pretext of taking a houſe of me which I had to let, for an old lady an acquaintance of his at Fulham; after a variety of converſation about this houſe, I told him I did not chuſe to come to a concluſion till I ſaw the lady, he told me in anſwer to that, that he would bring the lady over on Monday to ſee the houſe.

Had you curioſity at that time to aſk him his name?——Not immediately I did not, he then aſked me if I had Iriſh cloth, he ſaid, Sir, I ſhould be very glad to have a piece of Iriſh cloth of you, you can ſerve me as well any man in London; I ſaid, I ſhould be ſorry I could not, he then wanted ſome lawn for trimmings, I made him an account for five pounds, one or two ſhillings, he then preſented a draft for fifteen pounds, of Meſſrs. Pybus's, I looked very earneſtly at it, it was in the parlour, he followed me into the ſhop, and ſaid, Sir, you are very right to be careful, there are a great many bad drafts about and ſwindlers, I aſked who Mr. Richards was, he ſaid, that is myſelf; I live at Fulham, and Mr. Parſons the drawer lives at Fulham alſo, upon this I took the draft, and gave him the balance in caſh, the amount of it was fifteen pounds; it has been in my poſſeſſion ever ſince, excepting a few days, I am very clar it is the ſame, I entered it in my bill book, and took particular notice of the number.

Did you mark that identical paper?——I did not.

Who did you part with it to?——To one Mr. Tate.

Do you think, Sir, you are able to ſay that is the ſame note?—I am poſitive ſure.

Are you ſure of that?——I am clear.

How much money did you give him in change?——Between nine and ten pounds.

What converſation continued between you?——He followed me from the parlour to the ſhop, and I examined the note very minutely, I had many cheeques from Mr. Pybus's houſe, he ſaid, I did very right to examine very minutely, that there were a great many bad notes about, but this was a very good one; I obſerved to him that I was ſorry he would not give me leave to ſend his goods home, I offered to ſend them home two or three different times, he only ſaid he was going to Fulham, and ſhould return on Monday with the lady to ſhew her the houſe.

Did he ſay where he was going before he went to Fulham?——No, he ſaid no more than that, but I rather concluded, he was going to the tavern.

*Mr. Garrow.* Do not tell us what you concluded; did he ſay he was going to the tavern?——No, I ſent this draft for payment, and it was not paid, I have no doubt but this is the very identical draft that was produced for payment.

You know it by compariſon with your book I ſuppoſe?—I took the particulars down.

Your book is not here?——No.

Looking at that without comparing it, what is there upon it that enables you to ſwear it is the ſame draft that was tendered by the priſoner?——No. 17.

Did you bear that in your memory, or did you take it from your book?——I bore it in my memory, it is written.

Any other paper that had ſeventeen wrote in it might impoſe itſelf upon you; if I was to make an accurate copy of that note how would you know one from the other?——Not only the number but the capital letter R ſtruck me.

What is there peculiar in the capital letter R by which you now recollect it?——Why there is no particular ſupport at the bottom to the return.

I will thank you for a ſight of it?——The laſt part of the letter.

This has as much the appearance of a P as an R?

*Court.* It is not a common R certainly.

*Mr. Garrow.* Now I take it you are not quite ſure it is an R?—It ſtrikes me as an R.

Now will you venture to ſwear the name on that draft is not Prichard?——There are not letters enough.

I ſay that which you call a capital R, is a capital P?——I cannot venture to ſwear that it is.

When did you for the firſt time, make that obſervation on the ſuppoſed R?——I entered it down as an R in the copy.

When for the firſt time did you take any particular notice, or make any particular obſervation on that letter?——In the courſe of about five days.

Then before you had made that obſervation, it had paſſed out of your hands?—No, Sir.

Yes, you had ſent it out for payment, you did not carry it yourſelf?——No.

Then you ſee I was right?——It was in the hands of my nephew and ſervant David Stenſon.

He brought it back again?——He did, then I entered it.

Your book is not here?——No, then I put it in my pocket-book, and then I received this letter.

Put that letter into your pocket-book again, did you communicate your obſervations on the letter R to any body?——I did not.

Then it reſted for ſome months I think, 'till Mr. Tate came to you?—Yes, it was.

When did you again ſee the priſoner at the bar?——Not before the 23d of November, Mr. Tate had been with me prior to that, and told me that my name was put into the body of a draft to Meſſrs. Hankey's houſe, the man was at liberty when he came to aſk me if I knew any thing of that draft.

When you firſt ſaw the priſoner you knew he was then in cuſtody upon a charge of forgery?——Yes, I underſtood ſo.

You was called upon to identify the priſoner's perſon?——Yes.

Other people could not identifie him?——I do not know.

The priſoner ſtood there as a party accuſed, as a priſoner?——Undoubtedly.

Probably with irons on?——Not that I know of.

That was the firſt time you ſaw him after he came to your houſe at Kenſington?——Yes.

At the diſtance of ſix months?—Yes.

How long might the perſon that bought the lawn and the Iriſh ſtay with you?——I ſuppoſe about twenty minutes or half an hour.

You have told us the whole converſation that paſſed between you?—Yes.

There was nothing elſe that paſſed between you?—Nothing.

You are ſure of that?—Yes.

*Mr. Fielding.* Have you any doubt in the world of that being the man that came to your ſhop?—Not the leaſt doubt in the world.

Have you any doubt in your mind that that is the note?——Not any, I aſked him if his name was Richards, and he ſaid it was.

*Court.* When did you part with this note out of your hands to Tate?—It was about ſix weeks ago, he had it about a fortnight or three weeks; he came down to me, to aſk me if my name was Stenſon, about a draught on Hankey's houſe, I then compared it, and found it was the ſame hand writing.

For what purpoſe did you give it to Mr. Tate?——For the purpoſe of comparing hands.

Did it never occur to you, that it would be a better method to put ſome mark of your own hand writing upon it, than to enter it upon your book?—It being a bankers draught I did not.

Suppoſe, now, any perſon had been at the pains after you had parted with this note to take another checque of Pybus and Co. and upon that to make an exact copy and imitation of the note; I do not mean a common copy, but a copy profeſſing to imitate the hand-writing, ſhould you know the one from the other?——Some people are very ingenious in copying to be ſure, but Mr. Tate put his mark upon it.

*Court.* Then let him be called, although the belief of this witneſs would be evidence certainly to be left to the Jury.

## ——— TATE *ſworn.*

I am clerk to Meſſrs. Hankey's houſe, I received a note from Mr. Stenſon, that was the ſame that I returned.

*Stenſon.* This is the ſame note that I received from Mr. Tate.

*Mr. Garrow to Tate.* Did you keep it in your own cuſtody, or was it left in the ſhop?——In my own cuſtody always.

*(The note read and compared with the Indictment.)*

“ No. 148, Bond-ſtreet, No. 17, London,
“ April 16th, 1785: Meſſrs. Pybus, Dor-
“ ſet, Cockell, Pybus and Hale, pay Mr.
“ Richards or bearer fifteen pounds.”
£15. “ William Parſons.”

## DAVID STENSON *ſworn.*

I am nephew to Mr. Stenſon, I know the priſoner, I was in the ſhop when he came into it, he enquired to know whether the houſe was to let, I am very poſitive he is the man, my uncle gave me a note to carry to Mr. Pybus, which I did, this is the note, I carried it to Mr. Pybus's, and there it was refuſed payment; I carried it back to my uncle's, and never parted with it, till I delivered it at Mr. Pybus's, then I gave it back to my uncle.

*Mr. Garrow.* When you carried it, you had no ſuſpicion of its being a forgery?——No, therefore I tendered it for payment, I delivered it to one of the clerks, he did not carry it out of my ſight at all.

## THOMAS DENNISON *ſworn.*

I am clerk to Meſſrs. Pybus and Co.

Mention the gentlemen's names that were partners in April, 1785?——John Pybus, John Hale, John Pybus, Jun. and Paggen Haley.

Look at that man, the priſoner, do you know him?——I know him by the name of Thomas Price.

What do you know of him by that name?

*Mr. Garrow.* I object to that, unleſs it is connected with this charge.

*Mr. Silveſter.* Did he tell you his name was Price?——He received in that name and gave his direction, No. 2, Greſſe-ſtreet, Rathbone-place.

Did he open an account at your houſe?——He opened an account the 5th of October, 1784, under the name of Thomas Price.

Did he ſay that was his name, or did he come in the name of that perſon to open an account?——I underſtood him that he ſaid his name was Thomas Price.

Look at the note?—This is a draught of one of the checques of the old houſe, Pybus, Dorſet, and Co.

*Mr. Garrow.* Do you know of your own knowledge, except by the books of Mr. Pybus's, that they had no account with Mr. Parſons?——Yes, I know it by my own knowledge, without the books, on the 16th of April, 1785, there was no perſon of the name of William Parſons, had any caſh at our houſe; the firm of Dorſet, Pybus, and Co. expired the 31ſt of December, 1784; then the next day commenced the firm of Pybus, Hale, and Co.

Then in April, 1785, he was not a partner?——He was, but Dorſet and Cockell were not.

*Court.* Should you have paid upon the checque of the old firm, if it had been from a cuſtomer?——Yes, I ſhould, we ſhould have taken a pen and made it right.

I ſuppoſe all the out ſtanding draughts of the old partnerſhip Pybus, Hale and Co. would have been paid?——Yes, unleſs one of thoſe transferred to Sir Herbert Mackworth and Co.

Was it after that partnerſhip was formed, ever known by the deſcription of Pybus, Call, Dorſet, Pybus, and Hayley?—No, Sir.

In 1784, the partners were Pybus, Dorſet, Cockell, Pybus the younger, and Haley; in January, 1785, Dorſet and Cockell went out, and Call and Grant came in.

Was the partnerſhip of Pybus, Call, Pybus, Grant and Haley, that partnerſhip firm in 1785, was it ever known by the old firm of Pybus, Dorſet, Cockell, Pybus and Haley?—I do not know that it was.

Do you know one way or the other, anſwer the plain queſtion without endeavouring to find out the conſequences of it, whether the new partnerſhip was ever know by the old firm?——No, I do not believe it was.

*Mr. Silveſter.* If any perſon was poſſeſſed of any of your old checques, and kept caſh there, though it was directed to Meſſrs. Pybus, Dorſet, Cockell, Pybus and Haley, yet the new partnerſhip will pay it?——They would.

*Mr. Garrow.* Was not the reaſon of that draught being ſo anſwered, that it was properly addreſſed to the old firm, being one of the draughts of the old firm, of a remaining balance of Pybus, Dorſet, and Co?——It was.

Have you had one ſingle inſtance of this, that a cuſtomer of the new firm, not a cuſtomer of the old houſe, has drawn a draught upon the old checque, and that it has been paid?——We have not.

*Court.* Then you mean the draught of a cuſtomer who had come from the old firm?

*Mr. Garrow.* If by any miſtake a new cuſtomer had written on a checque in the old firm and drawn?—We have had an inſtance of that kind: Mr. Cuthbert arrived from the Eaſt Indies ſince January, and drew a draft, on the new houſe, upon an old checque, and it was honoured; he had no account at all with the old houſe.

Does Mr. William Parſons keep any account with Mr. Dorſett's new houſe?—I do not know.

Will you ſwear that this houſe was not intended for the houſe of Mackworth, Dorſet, and Co. by the deſcription of Pybus and Co.—I cannot ſay to be ſure.

*Court.* In fact Dorſett is a partner with Sir Herbert Mackworth and others; if any cuſtomer of yours at the new houſe, keeping an account and drawing upon the houſe, had, by accident, indorſed the name of Mackworth upon one of his checques, would you have paid it?—Certainly not.

Suppoſe a cuſtomer of yours had, by accident, added to your firm the name of Johnſon, would you have refuſed his draft on that account?——We have not an inſtance of it.

*Mr. Garrow.* What do you think?—Aye, that's my opinion.

You told us juſt now that Mr. Parſons has no account at the houſe of Meſſrs. Pybus and Co.—No, he has not, I know it of my own knowledge, I am the third clerk in the houſe.

An in-door clerk?——No, I go a little out.

In what way is it that you know who keeps accounts there except from the books?—Becauſe I write the caſh book.

Is it impoſſible that this thing might happen, that on Saturday an account was entered at Mr. Pybus's which has not yet come to your knowledge?—Without examining the books I know there is no ſuch name.

Could you recite all the cuſtomers of the houſe from your memory?—No.

May there not be in theſe books an agent of the name of William Parſons, and you not know it?——There is no ſuch cuſtomer.

*Mr. Silveſter.* Is my friend Mr. Garrow a cuſtomer of yours?——No, Sir, I have ſeen his brother's name paſs there, but not his.

*Court.* It is very poſſible a man may be able to ſay upon memory that a man is not a cuſtomer, though he cannot tell all that are.

Where doth Sir Herbert Mackworth live?—In Bond-ſtreet, No. 168.

JOHN PARSONS *ſworn.*

I live in Fulham, I have lived there eighteen years, I know nobody of the name of William Parſons there, nor have I within that eighteen years.

Do you know moſt of the people that live there?—I cannot ſay I do.

*Mr. Silveſter.* We have done.

*Mr. Garrow.* My Lord, I ſubmit, there is no evidence that this inſtrument is a forgery, and that it is not a good inſtrument of Mr. William Parſons, whoſe name it bears, I am ſure your Lordſhip attended to Mr. Silveſter's opening, he ſaid he would call a Mr. John Parſons, to whom he ſuppoſed a repreſentation of the priſoner to allude, there is no evidence that the priſoner made any ſuch repreſentation to Mr. Stenſon, I aſked him over and over again, and though the opening was made in his hearing, he does not know of any; therefore, their calling this Mr. John Parſons is not only idle but abſurd, for it is not pretended that this is the draft of Mr. John Parſons of Fulham, but I was provided for that caſe if proved; for I take it to be perfectly clear, that if the priſoner had repreſented this to be the draft of a Mr. Parſons at Fulham, unleſs they had clearly ſhewn that no other perſon reſided there, it could not be let in to aid them in the preſent proſecution; I ſtate that, as the determination of the Cour of King's Bench, on a caſe that is in Douglaſs's Reports, argued by Mr. Fielding, "The King againſt Jones otherwiſe Perrott," he offered him in payment a note reſembling in ſize, and every other reſpect, a bank of England note, but inſtead of ſaying for the Governor and Company of the Bank of England, the printed note ſaid for my Governor and Company of my Bank in England; it was in evidence the perſon offering it ſaid, this was a good note, and I remember Mr. Fielding ſaid that might be let in after the word purporting, aſſiſted by the collateral repreſentation to be a Bank of England note: the caſe firſt came in the ſhape of an indictment of a fraud before Mr. Juſtice Blackſtone, he was of opinion, if it was any thing, it muſt be a forgery; it was afterwards tried before Lord Mansfield, who reſerved the caſe, it was afterwards argued; the Court ſaid the purporting muſt be on the face of the inſtrument itſelf, that every man that looks at it may be able to ſay, this purports to be ſuch a draft; here, therefore, they muſt ſhew it is not the draft of Mr. Parſons; now how have they attempted to ſhew that? why by calling Mr. John Parſons to tell your Lordſhip no other fact but that he lives at Fulham; they have given no evidence that this is not the draft of Mr. William Parſons, living at York; my Lord, I beg leave to ſay there is no repreſentation againſt the priſoner at all, but if there was, that caſe of the King and Jones is in point, for the jury muſt look on the draft itſelf; now evidence is not affected to be given to them, that it is not the note of Mr. William Parſons of Fulham, and therefore it is impoſſible that they can find the priſoner guilty.

*Court to Proſecutor's Councel.* You ſhould have uſed all due diligence to have ſhewn that there was no ſuch perſon of that name at Fulham, or if there was, it was not his hand-writing: you might have conſulted the pariſh books, you might have conſulted the pariſh rates, you might have ſhewn no ſuch perſon was there; the priſoner is not anſwerable for that repreſentation which is upon the face of the draft, and he might have taken this either of a perſon of the name of William Parſons, or of a ſtranger.

*Mr. Silveſter.* My Lord, you ſee this man ſays my name is Richards, and the note is made payable to him, it is within his knowledge who repreſents it, the note is not taken on the credit of the priſoner, it is taken on the credit of Parſons having caſh at Pybus's houſe: I have known a great many convictions, I have known men ſuffer upon no other evidence before the Court than merely this, there was evidence at the banker's that no ſuch perſon exiſted that kept caſh at that banker's: it is a fact within the priſoner's power to become acquainted with.

*Court.* The law is not to accommodate itſelf to particular caſes, or to the particular conduct of perſons; where you charge a forgery, it is incumbent upon you to give ſome evidence that it is a forged inſtrument, be the inſtrument what it may; if a perſon takes the draft or note of a ſtranger, it is not very uſual to take it upon a man's ſaying it is Mr. Such-a-one's, who lives in London or any where elſe, but people enquire a little more particularly; the party uttering the note is bound down by the deſcription that he gives, and the law will not permit him afterwards to ſay that there is another man of this name who really wrote the note of another deſcription; but where a man takes a note without any deſcription, or with very little deſcription, he takes it at his riſk: In the preſent caſe, you are not to convict a man becauſe he cannot prove his innocence, but you muſt firſt give reaſonable evidence of his guilt; the matter in doubt at preſent is this, this draft is the draft of a William Parſons, whom the priſoner repreſents as living at Fulham, it is taken with the deſcription of locality, and you ſhould have uſed all due diligence to have ſhewn there was no ſuch perſon living there.

*Mr. Fielding.* My Lord, although it is not a very pleaſant employ to exert one's-ſelf in aid of a proſecution, where the event of it, if it obtains, will be certain death, yet I muſt ſay a word: my learned friend has ſtated a caſe out of Douglaſs, that does not ſeem to me to apply: if I charge that an inſtrument purports what it does not, that charge falls to the ground: purport will equally apply to repreſentation, viva voce, that repreſents matter of evidence from the mouth of a witneſs, the evidence muſt altogether ariſe from the inſtrument itſelf, here it does not ſeem to me that my learned friend took any objection to the inſtrument, but to the evidence: the purporting is here delivered to the Court, upon which there can be no miſtake: the man tells him, that this is a draught drawn by a Mr. Parſons of Fulham, upon Pybus and Co. and that he is Mr. Richards, the very man in whoſe favour the draught is drawn; now ſuppoſe in this caſe, the evidence had ſtopped ſhort, and he had not aſſumed the name of Richards, the evidence would be compleat as to this forgery; but when you have it in evidence, that a man aſſumes that his name is Richards, which is a manifeſt falſehood, that would form a ſubject for a ſerious deliberation, there would be ſufficient to leave it to the Jury, but I do conceive there is ſomething in this, that he being the perſon in whoſe favour the draught is made, it is incumbent upon him to know ſomething of the firm of the houſe, before he receives the draught on the drawer; he therefore takes upon himſelf to receive the draught, and profeſſes that this man keeps caſh at Pybus's, and when the fact comes out that there is no ſuch perſon as this William Parſons, it is another circumſtance of preſumption, that the whole is a fabrication from beginning to end: as to the putting it to us to ſearch through Fulham, this ſeems to be putting upon us the proof of the negative: I agree with your Lordſhip, that the juſtice and the humanity of the law of this country is, that no man ſhould be called to defend himſelf, till ſome guilt is proved, but there are degrees of proof, it hardly ever in forgery amounts

to

to demonſtration; therefore, as in this caſe, it depends upon the degrees of probability.

*Court.* I ſhall leave the evidence to the Jury.

*Mr. Garrow.* My Lord, I was told from the Bench a day or two ago, which I own was news to me, that I was entitled to a reply.

*Court.* In ſtating your objection, you are entitled to a reply, I think ſo, clearly in all caſes.

*Mr. Gurrow.* It has not been uſually, I believe, the way with us here.

*Court.* It is a conſtant practice in all interlocutory matters.

*Mr. Garrow.* I have very often fallen into the error of ſuppoſing I had no right to reply, becauſe the objections I have had the honour of ſtating, have generally been ſo ſtrong, that they have not ſtood in need of a reply: the gentlemen on the part of the proſecution have obſerved pretty ſtrongly, and pretty much at large upon the facts of the caſe: that certainly is not the province of the Counſel; but that is all that Mr. Fielding has done, and Mr. Silveſter ſuppoſes that there was ſomething more in this repreſentation, than he is warranted by the evidence to ſuppoſe; becauſe as it ſtands at preſent, it is a naked repreſentation of this fact, that he was the Mr. Richards to whom it was payable, and that William Parſons lived at Fulham; but ſays Mr. Silveſter, there is this further repreſentation, that William Parſons kept caſh at Pybus's, and if we negative that fact, we have done enough for the preſent proſecution; but God forbid that a falſehood ſhould convict a man of the offence of forgery. Now with reſpect to this Mr. Parſons that they have called, is he the only man of the name of Parſons, or is he the man who beſt knows? I am entitled to aſſume that it is in the knowledge of the perſon that inſtructs my learned friends that there is a William Parſons, the true drawer of this draught, and that he lives at Fulham; I know it would be a perfectly good defence if I could produce a bricklayers labourer of the name living there; they ought to produce the pariſh officers, they ought to produce the rate books, and the fact on which they rely, being that this is not the hand writing of William Parſons, it would be a great deal too much for the Jury to truſt their conſciences with ſaying, and it would be too much for your Lordſhip to ſay, there is no William Parſons living at Fulham, when perhaps to-morrow the very man that drew the bill may ſtand up.

*Court.* I think this caſe by far the ſhorteſt in point of evidence, that I ever remember to have heard of, or to have read of; there are two ſorts of forgeries; one is the forgery of known and defined perſon, in that caſe it is neceſſary to prove that the party did define that perſon, if he is not ſufficiently defined on the face of the inſtrument, which, in the caſe of an acceptor he may not be; but in the caſe of a drawer he rarely can: it will be neceſſary to prove, that the party having the draft, did, by his deſcription, limit it to be the inſtrument of that perſon whoſe it is charged to be; and then you are bound to prove by the beſt evidence the negative, that is not the hand writing of that perſon. There is another kind of forgery more difficult of proof; where a draft is drawn in the name of a man who did not exiſt, or rather in the name of a man not known, for perhaps there cannot be contrived a draft in the name of any perſon who did not exiſt; (for draw a draft in any name, there are perosns of the ſame name;) but who do not exiſt for the purpoſes of that draft, that caſe is moſt difficult of proof; but it does not follow becauſe a caſe is difficult of proof, that the law does not call for it to be proved; the parties muſt always uſe due caution, and due diligence: here is the deſignation of a place which ſeemed to be capable of being aſcertained with due diligence, now Fulham is not a place of that extent, but it might have been aſcertained; if therefore, this caſe ſtood merely ſo, I ſhould not be inclined to leave the evidence to the Jury, but ſhould give them my opinion, that there was not evidence of this being a forged draft, which is a neceſſary queſtion before they can enquire whether the priſoner forged it; but there is one circumſtance that inclines me to leave this evidence to the *Jury*, which is, that the priſoner profeſſed to be *the payee* of the draft; now I do not agree with the learned gentleman, that his ſaying his name was Richards, when it was not, is a circumſtance of the guilt imputed to him by the indictment; for tho' that argues a conſciouſneſs of guilt of ſome kind or other, yet it may equally refer to twenty other kinds of guilt, and I think it would have the ſame effect, as to this queſtion, if his name really had been Richards, and if that part of his repreſentation had been true; it is not therefore becauſe he gave a falſe repreſentation, that I think that helps the evidence for the proſecution, but becauſe by ſtating himſelf to be the payee of the note whether true or not, he takes upon himſelf the knowledge of who is the drawer; that circumſtance weighs on my mind, to leave the evidence to the Jury, and tho' a party ſhould not be called on to prove his innocence till his guilt is eſtabliſhed, yet a perſon who takes upon himſelf the knowledge of the drawer ſhould be called upon to ſhew who is that perſon: at the ſame time, the proſecutor has not uſed due diligence to lay the beſt evidence before the Court; they might have called the pariſh officers and have proved that they knew the pariſh, and had gone round to collect the rates, and that they knew of no perſon whatever of the name of William Parſons; I ſhall therefore leave the evidence to the Jury.

*Priſoner.* I wiſh to ſay nothing but what the learned gentleman has ſaid.

*Court to Jury.* Gentlemen, it is neceſſary it ſhould be proved in this caſe, that this is a forged order, not of the hand writing of William Parſons, and that the priſoner forged it, or uttered it knowing it to be forged; if this was the draft of any William Parſons living at Fulham, it would be no forgery, becauſe the priſoner added no other deſcription of him, but his living at Fulham; on this the evidence for the proſecution is very ſhort, they might have produced better evidence, yet they manifeſtly thought ſome evidence was neceſſary, by that ſhadow of evidence they did produce.

*Jury.* We think it neceſſary that the priſoner ſhould ſay who this William Parſons is?

*Court.* You are to judge that, he is ſilent on the ſubject; but the firſt queſtion is, whether you have evidence enough on the part of the proſecution that the fact is ſo, receiving no anſwer from the priſoner.

*The Jury retired for ſome time, and returned with a Verdict*

Not Guilty.

*Tried by the firſt Middleſex Jury before Mr.* Recorder.

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15. The ſaid MICHAEL DRUITT was again indicted for falſely and feloniouſly making, forging, and counterfeiting, on the 1ſt day of November laſt, a certain order for the payment of money, with the name G. Holmes thereunto ſubſcribed, dated 29th of October, 1785, addreſſed to Thomas Hankey, Joſeph Chaplin Hankey, Stephen Hall, Robert Hankey, and Richard Hankey of London, Bankers and partners; by the name and deſcription of Meſſrs. Hankey and Co. for the payment of 10l. 12s. to Mr. Stenſon or bearer, the tenor of which note is as follows: "October 29th, "1785. Meſſrs. Hankey and Co. pay "Mr. Stenſon or bearer, ten pounds "twelve ſhillings, G. Holmes." With intention to defraud Iſaac Brown.

*A ſecond Count,* For uttering the ſame knowing it to be forged, with the like intention.

*A third Count,* For forging a like order for payment of 10l. 12s. with intention to defraud Thomas Hankey, Joſeph Chaplin

Hankey, Stephen Hall, Robert Hankey, and Richard Hankey.

*A fourth Count*, For uttering the ſame knowing it to be forged, with the like intention.

*The witneſſes for the Proſecution examined apart.*

*(The Caſe was opened by Mr. Silveſter.)*

ISAAC BROWN *ſworn.*

I live in the Strand, I keep a haberdaſhers ſhop, and have done for nineteen years; I remember a man coming to me on the 1ſt of November, about four o'clock in the afternoon; I am very preciſe in reſpect to time, my men were at dinner, I was ſitting in the parlour by the ſhop, a man opened the door, I aſked him what he wanted, he ſaid, ſome mode; I aſked how wide, which is a very common queſtion, he ſaid, without giving me any direct anſwer, I believe I have a minute of it, he took out his pocket-book, and read, or pretended to read, four yards three quarters mode, at four ſhillings and ſixpence, a ſquare of yard-wide ditto, no price particular; ſays he, it is for an old lady, who deſired me to buy it; I ſuppoſe you ſerve me as well as other people; upon which I went round to the other ſide of the ſhop, and the yard-wide mode preſenting itſelf firſt to my view, I took hold of it, it was about ſix ſhillings, I ſaid, I ſhould think that would do very well; yes, ſays the man, I ſhould think it would, I opened it, and ſhewed it him; ſays he, I am no judge myſelf, ſo I took my ſciſſars out of my pocket, and was juſt in the act of making an inciſion, and he ſtopped me ſhort, before you cut it I ſhould like to know what they come to; he read four yards of black ribbon, at ten pence, and twelve yards of nett lace, at about fourteen pence per yard; and I ſhould be glad to know what they come to, before you cut them off; I ſaid, I am pretty accurate in calculation, and if you will repeat the articles I will tell you without pen and ink, he did ſo, and I reckoned them up to two pound three; he put his hand in his pocket and pulled out ſome money, I think there was half-a-guinea and ſome ſilver, as far as mymemory ſerves, ſays he, I cannot pay for them unleſs I can get change for a note, he did not ſay, unleſs you can change me a note, ſays I what note is it? ſays he, here it is, and he took it out of his pocket, I took the note and ſeeing G. Holmes at the bottom, I ſaid who is G. Holmes, ſays he, he is a private gentleman that lives at Kenſington, and I aſked him whereabouts at Kenſington, he ſaid, at Stones-end, going to Hammerſmith; and he ſaid, yes, ſays I, then who is Mr. Stenſon, ſays he, that is the perſon who the things are for; now from that moment his having firſt told me it was an old lady, and I ſeeing the name created ſuſpicion, for Mr. Stenſon could not be an old lady at any rate, I caught at the expreſſion directly, ſays I, you told me juſt now, it was an old lady that wanted theſe things, O ſays he, I ſuppoſe in the hurry of drawing the draught, they omitted the S; I never aſked the old lady's name, nor aſked the man his name, I went and called my man from dinner and beckoned him to go into the parlour, and told him there was a perſon in the ſhop who I did not know, and he came in ſuch a ſort of queſtionable ſhape, I did not know what to make of it, and I ſent him to Meſſrs. Hankey's; that was the only proof to aſcertain whether it was ſound or unſound. After my man was gone I went into the ſhop, and entered into converſation with the perſon, and he ſaid he had ſome little buſineſs at Mr. Conſtable's, and I ſaid the man will not be long; ſo we were talking about the new tea-warehouſe, and who were the proprietors and ſuch like: whether the priſoner's ſituation grew uneaſy or not I cannot ſay; but, ſays he, as your man is not returned I think I will go to Mr. Conſtable's, and I will be back in about ten minutes, very well, Sir, ſays I, if he brings the money I will ſend him to you; the priſoner never returned, and in about a quarter of an hour or twenty minutes my man and Meſſrs. Hankey's clerk both returned, the moment I ſaw a new face I was convinced that my ſuſpicions were well founded, and that I was right: I ſaid to my young man, you know where Mr. Conſtable lives, go and ſee whether he is there or no, ſo I believe they did, they did not come into the ſhop, they returned and ſaid the priſoner had not been there.

Have you the note?—No, Mr. Tate has it, and Mr. Tate then ſaid he ſuſpected it was Druitt.

Do you know the man?—Yes, I am ſure it is the ſame man.

It was not candle-light?—No, Sir, it was not.

Are you quite ſure as to the day?—Yes, I think I am quite ſure.

*Mr. Garrow.* When a man ſays I think, I apprehend it imports a doubt.—It may, Sir; I am quite ſure.

When did you ſee the priſoner after?—I never ſaw him till he was taken, which I believe was three weeks or a month, but I received a letter from Mr. Tate, informing me that Druitt was in cuſtody, at the Rotation-Office, at Hick's-Hall, I found him in cuſtody, charged with the offence.

Do you recollect whether you mentioned the day at the Rotation-Office?—Yes, I did, I am perfectly ſure.

He inſtructs me that he preſſed you to fix the time, that he might ſhew where he was at that time.—I ſaid it was Tueſday the 1ſt of November, ſays Mr. Webſter it is not material about the day, ſays this unfortunate young man, I wiſh the gentleman would be preciſe as to the day; before that I had conſulted my wife and the man altogether.

You did ſtate it was uncertain, to which Mr. Webſter ſaid it was not material, was it ſo ſtated in the preſence of the priſoner?—Yes, it was.

I obſerve in the whole account you gave to my friend, you very conſtantly and very properly ſaid, the man, you did not name the priſoner; are you able to ſay now, with certainty, whether he is the man?—I do think he is the man.

Is it a matter about which concurring circumſtances, and the opinion of other men have induced you to believe that he is the man?—I am not governed by other men at all.

I am afraid the beſt men are governed by other men.—If I could have any doubt of it, I ſhould be happy to catch your idea.

Abſtracted from every thing you have heard from others, from all you have ſeen, from all compariſons of hand-writings, are you able, at the diſtance of a month, to ſay that is the man; if you have a particle of a doubt, I am ſure you will ſay ſo?—I really do think he is the man, but I am not infallible, he very much reſembles the man, but never having ſeen him before, and it was four o'clock in the month of November, and it was rather dark.

You ſpeak very much to your honour; then you ſay that you cannot ſpeak to him poſitively, from the circumſtances of never having ſeen him before, ſeeing him in the month of November, and ſeeing him rather in the dark, do not you think you may fairly ſuſpect your own recollection?—Sir, in general I do not.

Have you any doubt about him, go up to him?—I think it is the ſame man.

Have you any doubt, Sir?—When I ſay I think he is the ſame man, that does not imply much doubt, but to ſay with certainty that he is the ſame man, I cannot.

In ſhort, you do not ſwear with the ſame poſitiveneſs that I do that this is Mr. Silveſter, I ſwear this is Mr. Silveſter.

The remainder of this Trial in the next Part, which will be publiſhed in a few days

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of DECEMBER, 1785, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of Michael Dewitt.*

*Court.* Abſtracted from the poſſibility of being miſtaken, which there certainly is to you in common with all mankind, have you at this time any doubt in your own mind that this is the man?——Certainly not, I certainly think he is the ſame man.

*Court.* I will put it to you in a different way, I am ſure you will not go any further than the truth; ſuppoſing you had never heard any thing about this man from the time he left your ſhop, and that you had met him a month after in the ſtreet, ſhould you have known him to be the ſame man that offered you the note?——I do not ſay that I ſhould, I did not take a great deal of notice of the man, I think he is the ſame man, but to ſwear poſitively that he is the ſame man, I cannot; if I had met the man at a diſtance of time, I ſhould not have ſaid to a friend, that is the man that offered me the forged draft.

But now from all the circumſtances you ſtrongly believe him to be the ſame man?——I thought when I ſaw him at Hicks's-Hall he reſembled the man very much, he ſeemed to me much the ſame ſort of man.

*Mr. Garrow.* Do you recollect a Mr. Ripley of Wapping attending the examination?——Yes, ſo I found.

The draft you gave to Mr. Tate was the ſame draft you received from the priſoner?——I do not recollect whether I ſaw it at that time.

Did you mark it?——No, there was no mark upon it, I ſent it by my man.

### THOMAS HILL *ſworn.*

I am a ſervant to Mr. Brown, I received the draft from Mr. Brown, and carried it to Meſſrs. Hankey's houſe, I carried it there, and gave it to Mr. Tate, the ſame draft I received from my maſter; I juſt ſaw the man in the ſhop as I came along, but I cannot ſay.

*Mr. Garrow.* Do you know what day that was?——I am ſure it was on Tueſday, I believe it was the 3d.

Had you been to Hankey's on other occaſions for your maſter?—Never.

### TATE *ſworn.*

I am clerk to Meſſrs. Hankey and Co. the names of the preſent firm are Thomas Hankey, Joſeph Chaplin Hankey, Stephen Hall, Robert Hankey, and Richard Hankey.

Was that the firm in October laſt?——Yes.

Do you know of any draught brought to your houſe in November laſt?—I believe it was on Tueſday the 1ſt of November this draught came to our houſe for payment.

Who brought it?——A young man who ſaid he was clerk or ſhopman to Mr. Brown in the Strand, he preſented it to a fellow teller of mine, who aſked me whoſe writing it was.

Have you any cuſtomers of that name?——Not of G. Holmes, I ſaid it was not any of our cuſtomers, and I took it and looked at it, and ſaid I believe it is Mr. Druitt's writing.

*Mr. Garrow.* Did you ever ſee him write?——Yes, I believe this to be the priſoner's writing, I ſpoke to Mr. Hankey and Mr. Hall, and went to Mr. Brown's, but before we could arrive, the gentleman who brought this draught was gone, this is the draught I had from Mr. Brown's clerk, I have had it in my poſſeſſion ever ſince, I gave it to Mr. Brown to preſent it to our Solicitor.

*Mr. Brown.* I have had it to ſhew to Mr. Chetham.

*Court.* Let the draught be read.

*Tate.* We have three cuſtomers of the name of Holmes; Owen Holmes, Edward Holmes, and Sarah Holmes.

Are you acquainted with the hand-writing of Sarah?——Perfectly, Sir, ſhe always writes her name full Sarah.

*Mr. Garrow.* That looks as much like an S. as a G.

*(The draught read and examined by the indictment by Mr. Garrow.)*

### MATTHEW STENSON *ſworn.*

I live at Kenſington, and have done ſo twenty years, I know moſt of the inhabitants there, yet I know none of the name of Stenſon, but my wife, and ſhe is not an old woman; I know one Jeffery Holmes, at Kenſington.

Is there any perſon of the name of George or Gerrard, or anything of that, that you know of?——Not one that I know of.

If there was any one of that name, ſhould you have known it?——If they were entered as pariſhoners I ſhould.

*Court.* Do you know the Stones-end?——I know a private gentleman of fortune of the name of J. Holmes, about the center of the Town, but at the Stones-end, going out to Hammerſmith, there is none of the name of Holmes.

*Mr. Garrow.* Kenſington, if I do not miſtake, is a place that changes its inhabitants pretty much?——Frequently in regard to lodgers, not with reſpect to pariſhoners.

It is, we all know, a faſhionable village, and the boarders and lodgers change their abode frequently; you do not mean to ſwear that there is no perſon of the name of Stenſon but your wife?——As an old lady I will.

Will you ſwear there is no old lady of that name, lodged in Church-row?——Yes, I am very ſure I ſhould have been acquainted with it if there had.

Now I give you a ſmall ſpot, Church-court, will you venture to ſwear there was not an old lady who lodged there in November laſt, of the name of Stenſon?——Yes, I can.

Why can you venture to do that?——I never knew one of my own name except one, I do not know any perſon of the name except my wife.

*Mr. Silveſter to Mr. Tate.* You know Mr. J. Holmes?——Yes.

Does he ſign his name with a G?——No, with a J. that is not at all like his hand writing; I have ſeen him write fifteen years ago, and down to four years, ſince which time he became a private gentleman.

### THOMAS COLCROFT *ſworn.*

I live at the Gravel-pits, at Kenſington, I know the Stones-end.

Do you know ſuch a man as G. Holmes living at the Stones-end?—No ſuch man.

If there had ſhould you have known him?——Undoubtedly; Mr. Jeffery Holmes, I know extremely well, I have ſeen him ſign his name J. not G.

## PRISONER's DEFENCE.

My Lord, I have nothing to ſay, only with reſpect to Mr. Ripley, that was called up at the examination before the Juſtice when this man was called upon, he ſaid, there was a draught for ten pounds, he believed about the time the 1ſt of November, and this draught was on the ſame banker; the Magiſtrate aſked him, if he ſaw the perſon, he was aſked if I was the perſon, he ſaid, I was not; Mr. Ripley was not brought up, there is a gentleman in Court, that can prove what he ſaid.

*Court.* Why did not you, Mr. Druitt, ſubpœna Mr. Ripley?——I thought my trial would be put off till tomorrow.

Have you any witneſſes?——No, my Lord.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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16. **THOMAS BALLARD** was indicted for feloniouſly ſtealing, on the 14th of November, ſix pair of ſilk ſtockings, value 3l. a pair of ſilk ſhoes, value 5s. a pair of ſattin ſhoes, value 5s. a ſilk ſkirt, value 10s. three pair of leather gloves, value 3s. the property of Hannah Capadoce, ſpinſter, in the dwelling-houſe of William Nelſon.

(*The caſe opened by Mr. Garrow.*)

### THOMAS DUNN *ſworn.*

I am one of the patrol, I was preſent at the fire at Mr. Nelſon's, I ſaw the priſoner ſtand at the door at Mr. Nelſon's, with three others, the adjoining houſe was then on fire, they went up ſtairs and I followed them to the fore room up two pair of ſtairs, I am ſure the priſoner was one, it was between ten and eleven at night.

Was there a candle?—There was a light from the flames, and I plainly perceived the priſoner, and I ſaw a ſailor, that was in company with the priſoner take a poker, and attempt to break open a lock, but they did not, the priſoner reached the poker to the ſailor, the priſoner then went into the adjoining room, where there was a bed, and there ſtood a cheſt upon cheſt of drawers, and I ſaw them both, the priſoner and the ſailor, break open the drawers, and I ſaw the priſoner take ſeveral things out, and put ſeveral things in his pocket.

Where were the family at this time?—That I do not know.

Did you ſee any part of the family in that apartment?—I did not, I ſaw the priſoner put ſome of the things into his pocket, I could not ſee what ſort of things they were, he took them out of the drawers, ſoon after I came down there was a great ſuffocation in the room, I told my partner, and ſoon after I ſaw the priſoner hanging out of the two pair of ſtairs window by his left hand, they are both front rooms, I ſuppoſe he might hang five minutes, and waving his right hand as if in diſtreſs, which excited the compaſſion of every one thereabouts, they ſuppoſed him to be one of the family.

How did he come down?—He fell from there on the leads of the one pair of ſtairs over the private door of the houſe, and was aſſiſted down from thoſe leads which broke his fall, many people offered to aſſiſt him as one of the family, then he went in again at the ſame door that he firſt went in at, that was the private door, I did not hear him ſay any thing, he went up again to the ſame chamber, me and my partner followed him very cloſe, he then came down ſtairs directly, we came after him cloſe to his heels, we followed him, he went through the crowd into Surry-ſtreet, I followed him there and ſtopped him, I aſked him where he was going to, he ſaid he lived at Charing-croſs, I ſaid that was quite the contrary way, he was going from Charing-croſs; I aſked him what he had upon him, having ſeen him take the things before, His pockets were pretty well loaded, he ſaid what he had was his own property, I told him I doubted that, he ſaid he was poſitive it was, I told him he ſhould come down with me if he pleaſed, and I would take him to the officer of the night, he came very quietly, I delivered him to my partner and the conſtable of the night.

Have you any ſort of doubt that this is the man that you ſaw go into the apartment?—I have no doubt of it, becauſe he was in my ſight, I loſt ſight of him about five minutes.

*Mr. Silveſter, Priſoner's Councel.* When this man came down you was not near him I believe?—Yes, I was at the door when the priſoner was taken off the leads.

What was ſaid at that time?—Nothing that I heard, there were a great many people about.

Were there not a great many people aſſiſting, and others telling them where to carry the things?——I did not hear any.

Where did the people belonging to the goods carry them?—I do not know.

Was not this man following ſomebody with goods?—There was not a creature going before him with goods.

Why did not you take him into cuſtody up ſtairs?—Becauſe I thought it was better to take him as private as poſſible.

How many people were at the door at that time?——I did not number them.

Were not there a great many?—Yes, there were beyond a doubt, I never ſaw the priſoner with my eyes before, he went with me immediately, I heard nobody enquire where the goods were carried to; I did not hear whether he was hurt by his fall, ſome people compaſſionated him, as he appeared much hurt.

*Mr. Garrow.* Did he pretend at all that he was carrying any thing away for the benefit of the ſufferers?——He did ſay ſo at the watch-houſe, but in the ſtreet he ſaid it was his own property, at the watch-houſe he could not tell the name of any one perſon in the houſe.

### RICHARD WOOLLET *ſworn.*

This account is true, I did not ſee the priſoner at the drawers, but I am ſure he is the man that went up ſtairs, and that me and my partner followed, I ſaw him afterwards hanging out of the window; my partner ſaid we will let him go out of the mob, and then we will follow him, we let him go into Surry-ſtreet, my partner aſked him where he was going, I was cloſe by him, he ſaid he was going home, he ſaid he lived at Charing-croſs, and my partner told him that was not the way to Charing-croſs, and he ſaid what have you about you, he ſaid he had nothing but what was his own property, we took him to the officer of the night, I ſaw him ſearched at the watch-houſe, here are ſeveral pair of ſilk ſtockings and the things in the indictment; they were all found in his pockets, and many of them were found in the inſide of his breeches, and then he ſaid he was carrying them away for the benefit of the ſufferers, the officer of the night aſked him who the family conſiſted of, and he could not mention any one perſon that lived in the houſe.

*Mr. Silveſter.* Did you hear any converſation in the ſtreet?—No.

### ———— LEARY *ſworn.*

I am the conſtable of the night, the priſoner was ſearched and theſe things were found upon him, they have been in my poſſeſſion ever ſince, I took a ſilk ſkirt out of his breeches, there were ſeveral pair of ſilk ſtockings taken out of his breeches; I aſked him who lived in the houſe, he could not tell their names; he ſaid he was a ſpectacle-maker, and lived in Johnſton's-court, Charing-croſs.

### SARAH HOLMES *ſworn.*

I am ſervant to Miſs Hannah Capadoce, ſhe had an apartment at Mr. William Nelſon's, No. 170, in the Strand; this ſkirt appears to me to be the ſkirt I made for Miſs Capadoce.

Do you know where that was on the evening of the fire in the Strand?—It was next to the drawer where theſe things were taken out, in the bed room, in the cheſt upon cheſt, I have not ſeen it very lately; theſe ſhoes appear to be the property of my miſtreſs, her name is in the black ſhoes, I have no doubt of their being her property.

Where were they kept on the night of the fire?—In the top drawer in the ſame cheſt, I do not know the ſtockings, they are not marked, ſhe had ſome of that ſort and ſome gloves of that ſort, her name is not in the gloves, the ſilk ſkirt has my own mark on it.

*Court to Holmes.* What do you take the value of that ſkirt to be?——Four ſhillings.

## PRISONER's DEFENCE.

I had no intention to take theſe things, I went up ſtairs into the two pair of ſtairs room certainly, I was coming home with my wife from over the water from my ſiſter's to Charing-croſs, and I called at a public-houſe in Devereux-court, which Mr. Davis, a neighbour, kept, that kept a public-houſe in St. Martin's-lane, juſt by where I live, I ſent my wife home, and told her I would call in to ſee this Mr. Davis, I went and ſpoke to him, I had a pint of beer, he told me to go up ſtairs, and ſaid there was a ſociety above ſtairs, and if you go up ſtairs you may ſit more comfortably, I went up ſtairs and had one pint of beer, and all of a ſudden he came running into the room and ſaid, there is a great fire juſt by, accordingly every body almoſt ran out of the room, and I unfortunately went among the reſt.

*Court.* How far is Davis's from the fire?——Davis's houſe is almoſt by St. Clement's church, accordingly I went to the fire, I had drank a little more than uſual, I ſaw ſeveral people go into this houſe, and I went into the two pair of ſtairs, when I came in I ſaw that gentleman there, and ſeveral more people were in this bed room, the drawers were all laying about the floor, and them things, they went out, and there was a large round hat box laying on the ground, I took hold of it and I filled it full of things, when I had ſo done I went to lift it on my head, ſo then theſe things dropped, and one of my pockets was full of lemons, accordingly I ſtooped and picked them up, what they were I did not know till I ſaw them in the watch-houſe, I had rather a looſe waiſtcoat on, and I put ſomethings into my waiſtcoat boſom, and they dropped out again, and unfortunately I put them into my breeches, I came to the room door with the hat box on my head, I could ſee nobody and I called out are you all gone, nobody anſwered, I went to the room door and the door was ſhut, I pulled it open, as ſoon as I did ſo the ſmoke at that door daſhed into my face, and I thought the whole place was in flames, I directly threw the hat-box off my head and ran to the window, and in my fright I did not take the things from about me, I hung with my hand by the window, at laſt I dropped on the leads, and from there into the ſtreet where the people caught hold of me, they aſked me if I was hurt, I told them I thanked God, I did not feel myſelf much hurt, but I had ſome property about me, which had broke my fall, meaning the things in my breeches, I aſked them where the goods were carried, that belonged to the houſe, and they ſaid they did not know; I went into the houſe again, as far as the firſt pair of ſtairs, I never went up three ſtairs, there were a parcel of men ſtanding there, I aſked them where the goods were carried belonging to the houſe, ſome of them ſaid into the next ſtreet; then I came out again, and the people gathered round me again, I told them I had ſome property about me, they told me the goods were gone into the next ſtreet; I went directly to the next ſtreet, and there were three girls ſtanding at one door, whether the firſt ſecond or third, I cannot ſay; and I went up to them, and ſaid, does the goods come here, my girls, and one of them ſaid no, no, they fell a laughing, and ſaid lower down; then I came from that door, and there was a man to the beſt of my knowledge had ſomething on his head; I was following him, and the patrol caught me, and aſked me where I was going, ſays I, I am going to where the goods is carried, then he ſaid I ſhould go with him, for I had ſome property about me; I ſaid, I have ſome property upon me, let me go and deliver that firſt; and he ſaid, what property you took you ſhall deliver to me, I ſaid, I would; I went along with him directly to the watch-houſe, I ſhewed him where the watch-houſe was, and when we got there, I told them I had ſome property about me, I went to give them the things and they took them away from me, then they ſearched me, the gentleman aſked me my name, I told him and where I lived; if he had let me gone to the bottom of the ſtreet, he would have been convinced where I was going.

*Mr. Sheriff Watſon.* I attended the fire, and the goods in general were carried into Surry-ſtreet; I put a party of the guards there, and after clearing away, I deſired an officer to ſend a party more to keep thoſe goods from being plundered.

*(The priſoner called five witneſſes who gave him a very good character.)*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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17. JAMES OAKES was indicted for feloniouſly ſtealing, on the 22d day of October laſt, one linen handkerchief, value 10d. the property of Charles Wilkins.

CHARLES WILKINS *ſworn.*

On Saturday the 22d of October laſt, going to my bankers, in Fenchurch-ſtreet, I felt the priſoner at my pocket, and I caught my handkerchief in his hand, he threw it down, and with difficulty I got it from under his feet, which was done by tearing a hole in it.

*(The handkerchief produced and depoſed to.)*

GUILTY.

*Whipped.*

*Tried by the London Jury before Mr.* RECORDER.

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18. JOSEPH HORTON was indicted for feloniouſly ſtealing, on the 9th day of November laſt, one ſilk handkerchief, value 2s. the property of a perſon or perſons unknown.

THOMAS FENNER *ſworn.*

On the 9th of November laſt, I was in Cheapſide, at one o'clock; I ſaw the priſoner take a handkerchief out of a gentleman's pocket near the corner of Queen-ſtreet, I immediately took the priſoner with the handkerchief in his pocket; being Lord Mayor's day, and the mob being ſo great, I could not get up to the gentleman.

*Court.* What are you?—I am warder of Cheap ward.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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19. DANIEL M'WAY was indicted for feloniouſly ſtealing, on the 31ſt day of October laſt, one piece of ſerge, value 36s. the property of Thomas Burtenwood, and John Yeatherd.

*Samuel Lewis, John Yeatherd, John Brown and John Clements called upon their recognizance, and not appearing, the priſoner was*

ACQUITTED.

*Tried by the London Jury before Mr.* RECORDER.

20. **JOHN GREW** was indicted for feloniouſly ſtealing, on the 5th day of December, two linen ſhirts, value 10s. 6d. two linen ſhifts, value 6s. four handkerchiefs, value 5s. four cambrick neck handkerchiefs, value 10s. a night cap, value 6d. a pair of ſilk ſtockings, value 10s. 6d. a pair of woman's leather ſhoes, value 2s. a gown, value 20s. a gold enamelled watch caſe, value 12l. 12s. a white waiſtcoat, value 2s. 6d. a white bed-gown, value 2s. 6d. a gauze cap, value 1s. a wooden box, value 1s. an iron key, value 1d. the property of Richard Brook Pouſſett.

*Simon Shepherd*, the Greenwich coachman ſaw the priſoner jumping off the wheel of the coach, with the box in his hand; he was taken directly with the property upon him.

*Priſoner.* A man dropped it, and I picked it up.

*The priſoner called three witneſſes to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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21. **ELIZABETH ALDRIDGE** (wife of Harry Aldridge) was indicted for feloniouſly ſtealing, on the 21ſt of November laſt, a pint pewter pot, value 10d. the property of Henry Aſſcroft.

HENRY ASSCROFT *ſworn.*

I keep the Crown, in Red-croſs-ſtreet, on Monday night the 21ſt of November, I loſt a pint pot, and I went to the apartment of the priſoner, between nine and ten in the evening, ſhe had been a cuſtomer, I rapped at her door, and told her I wanted to ſpeak to her, I inſiſted ſhe had taken a pint pot from the tap room, ſhe denied it, the woman was at that time in the room, I told her if ſhe did not give me the pint pot, I would get a warrant, and ſearch the room, upon which I ſent for a conſtable, there was another woman there, and I heard ſomething fall into a pail, and afterwards I ſaw ſome metal in a pail of water, I did not ſee who did it, nor what it was till the conſtable came.

Did you ſee what it was they poured into the pail?—I did not, I could not, the priſoner had the frying-pan in her hand, the conſtable took the metal out of the pail, and has had it ever ſince; I am ſure it was not the priſoner that put it in the pail, the priſoner opened the door to me, I had no ſuſpicion of her.

You did not know there was any pot miſſing?—Not till I was told.

Was ſhe at your houſe that day?——Frequently.

Had ſhe a pot at home that day?——I cannot ſay, ſhe might.

*Mr. Garrow, Priſoner's Counſel.* My Lord, it was only two drunken women taking a little gin out of the pot.

*Court.* The Jury muſt be ſatisfied whether it was taken in a felonious way, or only taken with ſome liquor.

*Mr. Garrow.* Do not you think this pot was melted by warming a drop of comfort?——It is poſſible, we have frequently been ſerved ſo.

*Court.* Have you ever ſeen a pot at your own houſe melted?—I have.

*Jury.* I have ſeen them run by heat down the middle, but never ſaw one melted in this way.

THOMAS EDWARDS *ſworn.*

I am a brewer's ſervant, I ſaw the priſoner take the pot out of the tap-room, on Monday the 21ſt of November.

What was it?—A pewter pint pot from off one of the tables, there was nobody in the room, but me, the priſoner, and the proſecutor's daughter, who was going to ſerve her with ſome liquor.

Did ſhe ſee you?—She did.

What did you think ſhe was going to do with the pot?—She put it under her apron and had ſome liquor and went away.

*Mr. Garrow.* What liquor had ſhe?—I do not know.

Did ſhe drink it, or was it put in a bottle?——I ſaw it put in a bottle, and ſhe took it home.

Did the young woman give her leave to take the pot home?——Not in my hearing.

### JOHN EDWARDS *ſworn.*

I am conſtable, the proſecutor came to my houſe, I went with him to the priſoner's door, and knocked at the door, ſhe would not open the door, I forced open the door, the proſecutor charged the priſoner with ſtealing the pots, and I found the metal very hot, in a pail of water juſt by the fire.

What did you ſee?——I ſaw the metal that is now here, except what ſtuck to the frying pan, ſome is on it now. *(The metal produced as picked out of the pail, being part of two pint pots.)* The two women interceded for mercy.

*The priſoner called eight witneſſes who had known her ſeveral years, all of whom gave her a very good character, and ſaid ſhe was not a woman likely to ſteal pots to melt, but that ſhe was given to drinking.*

*Court to Edwards.* Did the priſoner appear to be in liquor when ſhe came into the houſe?——I did not take notice, ſhe might or might not.

*Proſecutor.* She was generally intoxicated, I wiſh lenity to be ſhewn her, they begged mercy from me when the conſtable came to the door.

GUILTY.

*Impriſoned one month in Newgate.*

*Tried by the London Jury before* Mr. ROSE.

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22. JUDITH PHILIPS was indicted for feloniouſly ſtealing on the 15th of November laſt, four guineas, value 4l. 4s. one half guinea, value 10s. 6d. one Spaniſh dollar, value 4s. two gold rings, value 10s. two ounces of ſtone brimſtone, value 1d. two ſmall linen bags, value a halfpenny, and one pocket-book, value 6d. the property of Thomas Woolſey.

(DAVID LEVY *ſworn an Interpreter.*)

### THOMAS WOOLSLEY *ſworn.*

I was going to the King's-Arms, Leadenhall-ſtreet, about eight or half after eight in the evening, on the 15th of November; I ſtopped to hear ſome people quarrelling, the priſoner laid hold of me and joſtled me againſt the wall, the corner of a paſſage; I had a ſtick in my hand, I was almoſt incapable of taking care of myſelf, ſhe fumbled about me, and uſed me roughly; I miſſed my purſe.

Was it by your conſent ſhe fumbled you about?——No, I ſhoved her away from me.

Where was your purſe?——In my right-hand breeches pocket; as ſoon as ſhe left me I put my hand to my pocket, and miſſed my purſe; ſhe went from me about five yards, and I called out ſhe had robbed me; I laid hold of her arm, and took her to the public-houſe; I ſaid I was robbed, and ſent for a conſtable; who took her to the watch-houſe and ſtripped her naked, and ſearched her, and found the two bags of brimſtone under her arm.

Was any thing elſe found?——No.

Was you in the croud?——I was not.

### WILLIAM COOK *ſworn.*

I am conſtable, I was ſent for to ſearch the woman, Mr. Perrot ſaid, let me ſearch her; ſhe ſtripped, and I found the two bags of brimſtone under her arm.

### ———— PERROT *ſworn.*

Under her arm I found the two bags of brimſtone, I then ſent for a woman to ſearch her further, the proſecutor was in liquor.

### PRISONER'S DEFENCE.

I was going of an errand, and a little girl dropped the two bags, and I picked them up and put them under my arm.

*Court to Woolſey.* Did you loſe a pocket-book?——I did out of my coat pocket.

GUILTY.

*Sentence reſpited till next Seſſions.*

*Tried by the London Jury before* Mr. RECORDER.

23. **RICHARD COX** was indicted for feloniouſly ſtealing, on the 12th of December, one hundred and fifty pound weight of lead, value 20s. the property of Daniel Leiceſter.

JOHN PRATER *ſworn.*

I only know the lead to belong to the proſecutor, that was taken off the ciſtern.

JOHN KERNES *ſworn.*

I was walking round the buildings belonging to Mr. Leiceſter, in Bridge-ſtreet, Black-friars; I heard ſomething fall very heavy, it was about ſeven o'clock in the evening, I ſaw the priſoner folding up the lead, I aſked him what he was going to do with it, he ſaid he would be glad I would help him to put it ſomewhere, where it would be ſafe, I ſaid I would take care of him, and he ſhould be ſafe; I went to fetch ſomebody from the public-houſe to [illegible] one of the [illegible] the watchmen to the [illegible] the patrol came to my aſſiſtance and took him.

—— CLEMENTS *ſworn.*

I am one of the patrol, we were ſix of us together, facing the New-buildings, oppoſite [illegible], and John Kernes ſaid he wanted a conſtable, and I took the man.

NOT GUILTY.

*Tried by the London Jury before Mr. RECORDER.*

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24. **JOHN WILLIAMS** was indicted for ſtealing, on the 9th day of November laſt, ſome linen ſheets, value 20s. two linen pillow caſes, value 5s. and one check apron, value 1s. the property of William Aſhton.

ELEANOR ASHTON *ſworn.*

I am wife to William Aſhton, I live in Princes-ſtreet, Weſtminſter; on the 9th of laſt month, about half paſt three in the afternoon, I went acroſs the way, and returned home immediately, and found the priſoner in a little room adjoining my ſhop in a great paſſion, he ſaid he wanted change for ſixpence; I miſſed the ſheets from a large table, where they lay when I went out, and [illegible] ſide of him on a little round table, I found a bundle wrapped up in a coloured apron, which he had taken off a chair; I rather undid the bundle, and ſaw my ſheets; I laid hold of the priſoner, and called for aſſiſtance; he ſaid he had taken nothing.

THOMAS WHITE *ſworn.*

I was called by the laſt witneſs, and found the priſoner in the room.

Mrs. ASHTON *ſworn.*

Theſe are the things that were delivered to me, I gave them to my huſband.

*(William Aſhton produced the things, which were depoſed to.)*

PRISONER's DEFENCE.

I went to Weſtminſter on Lord Mayor's day with another young man, and we went to a public-houſe to have ſomething to drink, and he ſaid, let us have ſomething to eat; I went acroſs the way to this gentlewoman's ſhop, there was nobody there, I went into the parlour and knocked with my foot, and called out; at laſt I turned myſelf round, ſhe came acroſs the way, and aſked me what I wanted; I ſaid an halfpenny worth of onions, ſhe looked round, and ſaid you are a thief, what have you got in your pockets; I never touched the things.

—— JONES *ſworn.*

When I was taking him before *the face of Juſtice*, he turned round to another man, and ſaid, you get off, for when you ſee me bound, it is time for you to get away.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. RECORDER.*

25. THOMAS

26. **THOMAS WILKIE** was indicted for feloniouſly ſtealing, on the 16th day of October laſt, one leather pocket-book, value 3s. 6d. four other leather pocket-books, value 3s. one New Teſtament, value 1s. 6d. one Spelling Dictionary, value 2s. one Compleat Letter-writer, value 1s. 6d. one Hervey's Meditations, value 2s. one Tragedy of Zara, value 1s. 6d. the property of Henry Fourdrinier, William Bloxham, and Joſeph Walker.

**HENRY FOURDRINIER**, Sen. *ſworn*.

I am a ſtationer in Lombard-ſtreet.

Who are your partners?——William Bloxham, and Joſeph Walker; and were ſo on the 16th of October laſt.

Did your porter Wilkie live with you at that time?——Yes.

Did he abſcond?——He did on the 17th about eleven o'clock, and he returned no more; I firſt of all went to a public-houſe and ſaw him, I think in company with one How; I ſaid to him, you are in company with that gentleman; he ſaid no; then I went to his houſe in May's-pond, in the Borough; Robert Marſh, my foreman knew his houſe.

*Mr. Garrow, Priſoner's Counſel.* How long has the priſoner lived with you?——Many years.

You ſuppoſed him to be an honeſt man?——I did.

**JAMES IVES** *ſworn*.

You went to ſearch this man's lodgings with Ward?——Yes.

What did you find there?——Theſe pocket-books.

Where did you find them?——In the bed-room, theſe three pocket-books were found tied up in his wife's ſtays, ſome in a coat pocket, and ſome in a cupboard.

**ROBERT MARSH** *ſworn*.

I am ſervant to Bloxham and Co. I know the priſoner, he lived at No. 7, I believe in May's-pond, Southwark; I had been at his houſe that day that he abſconded, the 17th day of October.

*Mr. Garrow.* Was you ever in company with the priſoner?—Yes, Sir, I have many a time, and I have been there when he was ill, I always underſtood him to be a married man; I have ſeen the perſon that paſſed for his wife.

*Mr. Garrow to Henry Fourdrinier.* You have paid ſomebody ſome money, by whoſe direction was it?——The priſoner directed me to pay it for him, for rent.

*To Mr. Fourdrinier, Jun.* Do you know of your own knowledge what houſe thoſe people ſearched?——I had been there ſeveral times, I was there with Ives.

Then was the houſe that you was at with Fourdrinier the Elder, the houſe that you ſearched?——Yes, (*The books depoſed to.*) When he was before the Magiſtrate, I took this book.

*Mr. Garrow.* Was his examination taken down?——I believe it was, I am not poſitive.

*Marſh.* I took this book in my hand, and ſaid, Wilkie, you cannot deny that you took this book from our houſe, meaning the houſe of Fourdrinier and Co. he replied, that he could not; I was preſent when he was apprehended, they denied his being there, and he was found in the cock-loft; he afterwards told me, that hearing my voice, he got up into a cock-loft; I ſwear to this book by a private mark, and I have no doubt of the other.

*Ives.* I took the priſoner at Buckingham-gate, in a cock-loft.

PRISONER's DEFENCE.

In 1770 I took a houſe in Tooley-ſtreet, and made it into a ſhop, to ſell butter, cheeſe, and bacon; then I went into another way, and ſold paper, pens, and ink, and other things; I have people here in Court to teſtify the ſame; having no family I went to live with Mr. Fourdrinier, I kept the ſhop a year.

*Mr. Silveſter to Proſecutor.* Have you ſince that time altered your ſhop mark?——Yes.

Is that the altered mark?——Yes, when we part with ſervants who know our marks, I think it very right to alter them.

*Priſoner.* Some of theſe things are what remained of that ſtock, but ſeparate books, one or two I may have bought ſince elſewhere.

*Court to Priſoner.* Can you give any explanation of what you ſaid to young Mr. Fourdrinier, that you could not deny but you took the book from their houſe?——I do not recollect it.

*The priſoner called nine witneſſes who gave him an exceeding good character.*

GUILTY.

*He was recommended to mercy by the Jury.*

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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26. ANN HOW, wife to Joſeph How, was indicted for felonioufly ſtealing, on the 15th day of October laſt, twenty-two packs of playing cards, value 7l. the property of Henry Fourdrinier and Co.

*There being no evidence againſt the priſoner, ſhe was*

ACQUITTED.

*Tried by the London Jury before* *Mr. Juſtice* WILLES.

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27. SAMUEL SANDYS and MICHAEL BRADBURY were indicted for felonioufly ſtealing on the 21ſt day of November laſt, one linen handkerchief, value 1s. the property of Richard Cole.

*Gabriel Johnſon* ſaw one of the priſoners pick the proſecutor's pocket, and give the handkerchief to the other.

(*The handkerchief depoſed to.*)

*Priſoners.* We have nothing to ſay.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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28. JOHN RICE was indicted for felonioufly ſtealing on the 28th day of November laſt, one linen handkerchief, value 2s. the property of Louis Jacques, privily from his perſon.

LOUIS JACQUES *ſworn.*

The 28th of November, I was ſtanding in the Court of King's Bench, I was inſide the Court, it was very crouded and full, I came out again; a gentleman came out, who was clerk to another attorney, he ſaid he had loſt his handkerchief, I felt in my pocket, and I ſaid I had loſt my handkerchief. About five minutes after the priſoner was brought out of the Court by the proſecutor on the next indictment, I put my hand in his pocket, and pulled out ſeveral handkerchiefs, and among the reſt, my own handkerchief.

Have you ſeen him ſince you was in Court?——I ſaw him cloſe to me in Court, but I did not take the leaſt notice of him; he was brought into Court, and I was bound over to proſecute him, the handkerchief I have here is my handkerchief, I bought it at a ſale, it is marked with an E.

What is the value of that handkerchief?—They have laid the value at 2s. but I do not think it worth ſo much.

How much value do you put upon it?—I do not think it worth above 8d. or 9d. the priſoner's wife called at my houſe with two children, and told me her huſband had a good character, I took the trouble, and went to enquire at different places in the neighbourhood, and he had a very good character.

JOHN ARMSTRONG *ſworn.*

I ſaw the priſoner in Weſtminſter Hall, and in a minute my handkerchief was picked out of my pocket, I came out of Court, went in again, and I ſaw him picking another gentleman's pocket; ſeeing him do that, I took him by the collar, and hauled him out from under the green curtains; and I ſaid, if you picked that gentleman's pocket, you picked mine;

I wanted to go away and get my handkerchief, which was in his pocket, with three or four more, and I was hauled into Court to proſecute this man.

PRISONER's DEFENCE.

My Lord, I had been at work all day, and carried home a pair of ſhoes, and I went into the Hall, and there was a croud, and I went to ſee what was the matter, and the handkerchiefs were all ſtrewed about the Hall, and I picked up ſome.

GUILTY, 10d.

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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29. The ſaid JOHN RICE was again indicted for feloniouſly ſtealing on the 28th day of November laſt, one linen handkerchief, value 14d. the property of John Armſtrong, privily from his perſon.

JOHN ARMSTRONG *ſworn.*

I ſaw him pick another perſon's pocket, and I ſeized him, ſays I, you thief, give me my handkerchief, you have picked my pocket; I put my hand into his pocket and found my own handkerchief and three or four more; I know my handkerchief by a hole in the corner, it is the value of 14d. or more.

GUILTY, 10d.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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30. JOHN CROPPER and JOHN BARFORD were indicted for feloniouſly ſtealing on the 1ſt day of November laſt, one hair trunk, value 12d. four ſilk gowns, value 40s. one ſilk apron, value 2s. ſix linen ruffled ſhirts, value 30s. one plain linen ditto, value 3s. ſix frocks, value 6s. a ſilk cloak trimmed with fur, value 5s. two linen gowns, value 20s. one petticoat, value 4s. ſix children's nightgowns, value 5s. a yard of printed cotton, value [illegible] two linen table-cloths, value 10s. one child's linen clout, value 12d. one ſilk petticoat, value 5s. a counterpane, value 10s. ſix pillow-caſes, value 12d. a pair of ſtays, value 4s. one box iron, value 12d. a pair of ſteel ſnuffers, value 12d. a ſnuffer-ſtand, value 6d. a blanket, value 6d. ſix yards of ſilk ribbon, value 12d. one gauze cap, value 1d. the property of William Spencer.

WILLIAM SPENCER *ſworn.*

I am one of the proprietors of the Goſport waggon; I know nothing of the matter.

GEORGE HOLDAWAY *ſworn.*

I was driving the Goſport waggon to London, Mr. Spencer is one of the proprietors; I ſtopped to put down four pockets of hops at Brentford, and a man overtook me, and fell into diſcourſe with me, what countryman I was, and I told him; the man was on foot, he ſaid it was very bad wet weather, and at Turnham Green he would treat me with two pints of beer, and we came to Hammerſmith, and between Hammerſmith and London the waggon was robbed; I do not know how I was robbed, I miſſed two large boxes and a hat box, and more articles, I cannot tell what the reſt was; the man that joined me came about a mile and half, he left me on this ſide of Turnham Green, I could not tell the direction of the boxes; I put up at the New Inn in the Old Bailey; there were two boxes and a hat box, I ſaw the boxes the next day, I did not ſee them put in the waggon, I ſaw them in the waggon, but I miſſed two of them; the two boxes I miſſed were put in the fore part of the waggon; I ſaw them there, and the hat box in the fore part of the waggon.

Did the man that joined company with you go into the waggon at all?—Not that I ſaw, I ſaw the boxes the next day at Bow-ſtreet.

Do you know the man that joined company with you?——No, I do not.

### JOHN WHITE *ſworn.*

I live at the Coach and Horſes this ſide Turnham-Green, Cropper was the man that treated the waggoner at my maſter's houſe, I am ſure he was the man, I took notice of him, they ſtaid about a quarter of an hour, they went off together, nobody elſe was with them.

### JOHN GARFIELD *ſworn.*

I live at the coach and horſes, I am hoſtler, the priſoner Cropper came over and called for a pint of hot, and the waggoner brought it acroſs the road, I ſaid waggoner where is your hay, he ſaid in the waggon, I ſaid I do not chuſe to get into any body's waggon, they walked together about one hundred yards, then I ſaw the priſoner Cropper leave the waggoner and leap into the fore part of the waggon.

Could not the waggoner ſee him?——I do not know that.

How far was you off?——About one hundred yards.

The waggoner and he were together?——Yes.

What became of the waggoner?——As ſoon as ever he got into the waggon, the waggoner croſſed the tail of the waggon and went on the right ſide of the horſes.

Was it poſſible that the waggoner could not ſee that?——I ſhould think he muſt have ſeen it.

Was the waggoner drunk or ſober?——As he was a little elevated in liquor, I bid him take care of himſelf and the waggon.

*Priſoner Cropper.* At Bow-ſtreet this man ſaid upon his oath, he could not ſwear whether I was the man or not, and the Juſtice ſaid if he did not ſwear to me he would commit him too, and he ſaid then that is the man to the beſt of my knowledge.

*Court to Garfield.* Are you ſure now he is the man?——Yes, I am clear he is the man.

### PETER THOMAS *ſworn.*

I am one of Sir Sampſon's patrol, near Kenſington turnpike, I have theſe things which I produce; on Tueſday the 1ſt of November, between ſix and ſeven, we met three men about five or ſix lamp poſts on this ſide of Kenſington turnpike, the two firſt men paſſed us, I wiſhed them a good night, and I paſſed Cropper, who had this box on his head, I turned round and caught him by the collar and ſaid what have you there, he ſaid a box, I ſaid, where did you bring it from? he ſaid, from the other end of Hammerſmith, and ſaid the two men that were before him had hired him to carry it, the other two men ran off as faſt as poſſible; I detained Cropper, I kept him ſome time, I ſearched him and found theſe two child's clouts in his coat pocket, one in each pocket, this cap and blanket were in his breeches, and a woman's cap and ſome pieces of ribbon, ſome in his breeches and ſome in his pocket, and a knife; in the courſe of this time one of my brother patrol's brought the other priſoner Barford, I aſked Cropper if he knew him, he ſaid he never ſaw him before, I ſaid, did not you tell me the two men that were before you hired you to carry it? then he ſaid it was the other man with the cockade in his hat that hired him to carry it, which man is not apprehended; I took him to the three tons at Kenſington, and put him into a back room, and while I was in the room the priſoner Barford ſays to Cropper, ſtick to that, and that will do, I then tied him, the things I took from him I delivered to Mr. Maynard.

### SAMUEL MAYNARD *ſworn.*

I was along with Thomas, I followed the priſoner Barford into a garden two or three hundred yards off, when Cropper was taken with the box, the two men that were before ſaid to one another, run on you b——r, we are *done*; they jumped over a wide ditch into a field, and ran ſome diſtance and parted, and the little one ſtooped under a gooſeberry-buſh, I aſked him what made him run away, but he would not give me any anſwer; I have had the things in my poſſeſſion ever ſince, they are the ſame things.

### JOHN JEFFRIES *ſworn.*

All that I know is, that this is the identical trunk that was loaded in the waggon at Goſport.

Was there any direction upon it?—Yes, it was directed for Colonel Cheval, there is no direction upon it now, it is torn off; I took particular notice, there were other articles for the Colonel beſides theſe, I know it by the cording, when I firſt ſaw it in Bow-ſtreet one corner of the card was on, there was enough for me to read, (*looks at it*) there is not enough of it on now to be legible, but when it was at Bow-ſtreet there were ſeveral bits on then, I am quite ſure it is the ſame box; there were two deal boxes, this hair trunk, one little box covered with a mat, and a clock in a caſe, and two lead weights, all directed to the Colonel, and a three-cornered wainſcot hat-box, directed to the Colonel, that is not found.

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*Maynard.* The other man that got away had a gentleman's hat with a cockade in it; Barford, when I apprehended him, had two hats on.

Can any body prove the property any further?—No, the lady that the property belonged to came to the office and ſaw the box opened.

*Court to Jeffries.* You do not know of courſe what the trunk contained at Goſport?——I do not, but I am certain ſure that is the trunk.

### PRISONER CROPPER's DEFENCE.

I was coming up to town to ſee for work, and juſt by Hammerſmith I ſaw theſe petticoats and that little thing laying, I put them into my pockets and into my breeches a little further, there was a man and he employed me to carry that box, and promiſed to give me two ſhillings and ſome beer, he ſaid, take up the box and follow me, I did ſo, and through the town I went, and this man came up to me, and being a wet night, they bid me a good night, and he went to the man that was before me, and we met the patrole, they gave the man the time of the night, and they came up to me, ſays they what is here, ſays I, I cannot tell, it is that gentleman's in the cocked hat before me, that gentleman he ran away, and I ran after him; I took up the box again and carried it again, I was very glad of the money, I had but one ſhilling and one halfpenny when they ſearched me, I came from Cheſhire about three months ſince.

### PRISONER BARFORD's DEFENCE.

I live at Stains, I had left my place and was coming up to town, and this gentleman, juſt as I was coming paſt, ſtopped me with the trunk, and I did not know who they were, and I ran to ſave my money.

**Both Guilty, 39s.**

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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31. ROBERT HANSON was indicted for feloniouſly ſtealing, on the [illegible] of December laſt, [illegible] dead fowls, value [illegible] two dead geeſe, [illegible] dead ducks, value 18d. and one pound weight of ſauſages, value 2d. the property of William Haſlar.

### WILLIAM HASLAR *ſworn.*

I live in Oxford Market, I am a poulterer; I loſt the things mentioned in the indictment on the [illegible] of December, and on the [illegible] of December I ſaw the priſoner at the watch-houſe with the dead fowls, which he ſaid he bought at a ſhilling apiece, I found nothing elſe.

### THOMAS BALL *ſworn.*

I am a higler, I come from Hanwell-heath,

heath. I ſold the proſecutor twelve fowls, the 1ſt of this month, they were picked and fit for ſale, and they were the very fowls that I ſold Mr. Hallar. I am ſure of it, I killed them and picked them myſelf, and I can ſwear to my fowls in every poulterer's ſhop in London; I do not pick them like other people, I have a different way of picking them, there are different ways of dreſſing a fowl; I know my fowls, and I know the fowls of another man that lives by me.

*Court to Proſecutor.* Can every higler ſwear to his own fowls?——The countries differ, and this man ſets his fowls fuller than moſt.

Do you know this man's fowls that you bought of him?——They had been thrown in the dirt, and very much diſfigured, or elſe I could have ſworn to them.

*Court to Ball.* Were they clean when you ſaw them?——No.

### [illegible]TON *ſworn.*

I am the proſecutor's journeyman, when I came to the ſhop, [illegible] of this month, about eight in the morning, I found the ſtaple [illegible] and the padlock gone, and twenty-[illegible] large fowls, two large geeſe, and two large ducks miſſing; I ſaw the dead fowls with the priſoner, I cannot ſwear to them, but I am ſure they are my maſter's.

*Counſel.* Then why cannot you ſwear to them?——Becauſe I would not wiſh to ſwear to them.

*Proſecutor.* This man is only a porter, he is not a poulterer.

### THOMAS YOUNG *ſworn.*

I and Philip Welch took the priſoner, the 9th of December, in Holborn, with ſix fowls; he ſaid, he had ſome things of his own, and I might go home with him if I liked; he would not let me ſee them, nor have them at firſt, after that he ſays, damn your eyes! take them; the fowls lay in the mud a few minutes, they were in a handkerchief not tied; going along I aſked him where he got them, and he ſaid, he knew better than to tell me, I gave information of every public-houſe, and the proſecutor heard of it.

### PHILIP WELCH *ſworn.*

Confirmed the above account.

*Court to Ball.* Were the heads on the fowls?——Yes.

Is it by the heads you ſwear to them?——No, I cannot form any idea to you, but by what I have in my own breaſt.

*Jury to Ball.* Did you ſell any other perſon in the ſame trade, fowls of the ſame ſort, as thoſe you ſold to the proſecutor that day?——No.

### PRISONER's DEFENCE.

I bought ſix fowls for ſix ſhillings, I told the men ſo that took me.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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GEORGE RAWLINSON was indicted for feloniouſly aſſaulting John Biſhop on the King's highway, on the 9th day of December, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one gold laced hat, value 18s. the property of Charles Dawes.

### JOHN BISHOP *ſworn.*

I am 13, I know the nature of an oath, if I take a falſe oath, I am in danger of hell fire, and to be puniſhed by the law of my country. I was going into Jermyn-ſtreet laſt Friday night, I cannot juſtly ſay the time, but ſome time about 7 in the evening; I was going along Queen-ſtreet, and I ſaw the priſoner, I thought he was gone on before, but he croſſed the way and came behind me, and ſnatched the hat off my head, and almoſt pulled me down; he ſaid nothing to me, nor offered any other violence; he ran away, and I cried ſtop thief, and he was taken; I am ſure the perſon that the gentleman took was the ſame that ſnatched my hat, I did not know him before.

JOHN FISHER *ſworn.*

I took the priſoner, who was running very hard; on the cry of ſtop thief, he dropped the hat, and I took it up; I ſhewed the boy the hat, and he owned it.

*(The hat depoſed to.)*

*Biſhop.* I live with Mr. Charles Dawes, Apothecary, in Newman-Street.

*The priſoner called two witneſſes to his character.*

**Guilty**

*Of ſtealing, but not of the robbery.*

*Whipped.*

*Tried by the London Jury before* Mr. **Recorder.**

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32. JAMES SMITH was indicted for burglariouſly breaking and entering the dwelling houſe of Ann Arnold, about the hour of eight in the night, on the 1ſt day of November laſt, and burglariouſly ſtealing therein, one cotton gown, value 10s. one petticoat, value 10s. the property of Robert Wright.

ELIZABETH WRIGHT *ſworn.*

I gave a cotton gown and petticoat to Mrs. Clarke to waſh.

ELIZABETH CLARKE *ſworn.*

I take in waſhing, I had a gown and petticoat from Mrs. Wright to waſh on the 24th of October; I live at No. 101, Fetter-lane, the houſe of Ann Arnold; I ſent the gown and petticoat to be mangled, to Mrs. King, No. 6, Magpye-alley, and when it was brought to my apartment I was out at work, and I never ſaw it after 'till I ſaw it at the Rotation Office.

ANN ARNOLD *ſworn.*

A bundle was brought from the mangler by Mrs. Clarke's daughter, into my ſhop, the 1ſt of November; I told her when ſhe came into the ſhop, to carry it into a little room adjoining my ſhop, which ſhe did, and ſhe put it on the drawers under the window, and when I came to look for it in the ſpace of ten minutes, the window was up, and the gown and petticoat gone.

Had the window been ſhut before?——Yes, I am ſure of that, quite cloſe down, but not faſtened.

Where did the window look into?——Into the Raven paſſage, it was the ground floor.

When had you ſeen the window before?——About a quarter of an hour before, I am ſure it was then ſhut, it is a lifting up ſaſh.

Did you ſee Mrs. Clarke's daughter put the gown there?——I was very buſy, I did not ſee where ſhe put it.

ELIZABETH KING *ſworn.*

I gave this child a gown and coat to take home, a ſtriped cotton one.

JOHN GIBBONS *ſworn.*

On the 1ſt of November, between eight and nine at night, I was ſtanding at the end of the paſſage, and I ſaw the priſoner and another ſtand oppoſite to Mrs. Arnold's ſhop for the ſpace of ten minutes, then they went through the Raven paſſage, and the priſoner went in at the other ſide there, and looked at it.

GEORGE MEECHAM *ſworn.*

On the 1ſt of November, about nine, I was going down Holborn with one John Webſter, and juſt beyond Southampton buildings I met the priſoner with one William Kendrick, and one of them ſaid, there goes Meecham, I turned round, knowing them, and they both ran away, and I obſerved the priſoner with a bundle under his arm in this old handkerchief, I purſued him beyond the grotto, and I ſaw him throw the bundle over into the area of one Mr. Knight's; I left Webſter there, and purſued after him about ten yards, and he fell down, and I took him, I knew him before; Kendrick ran acroſs Holborn; then I brought him to the door of Mr. Knight's, and I knocked at the door, and the bundle was given to me by a woman out of the area, the ſame bundle that I ſaw him throw over; I immediately took him to the Juſtice, and he ſaid he found the gown and petticoat the bottom of Holborn Hill: the property was advertiſed from the office, and was claimed by Mrs. Wright.

*Priſoner.* Aſk Mr. Meecham if he had not a warrant againſt me for an aſſault at that time?——Yes, I had.

JOHN WEBSTER *ſworn.*

I was in company with Meecham between eight and nine, and I met the priſoner and another, I ſaw him have a bundle under his arm, I ſaw him throw it down an area, I ſaw it handed up, that was from the ſame area.

*Meecham.* Mrs. Wright deſcribed the property as ſoon as ever ſhe ſaw it at the Juſtices.

*(Depoſed to by Mrs. Wright.)*

PRISONER's DEFENCE.

I found the bundle in a court, I ſtopped to buy a halfpenny worth of apples, and I ſaw Meecham, and I knew he had a warrant againſt me, and I ran away; the man he ſays was Kendrick, was a man that lodges with me; ſeeing Meecham follow me, I careleſsly threw the bundle away; I have been fifteen years at ſea, nine years in the Weſt Indies, and all my friends are dead.

GUILTY

*Of ſtealing, but not of the burglary.*

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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34. JOHN OLDFIELD was indicted for feloniouſly ſtealing, on the 4th of December, two hundred pounds weight of lead, value 50s. the property of William Lloyd.

And HUGH COOPER was indicted for feloniouſly receiving part and parcel of the ſaid lead, knowing it to be ſtolen.

WILLIAM LLOYD *ſworn.*

On Sunday ſe'nnight about half paſt eight I came home from a chapel that I always go to, and news was brought me that ſome of my lead was ſtolen; accordingly I went to the Croſs-keys, in Bulſtrode-mews, for there is a coach-maker's ſhop belonging to me, which I was going to cover with lead, and I found a piece of lead in the public-houſe.

Was there anything by which you could know that lead?——Very well, becauſe there had been three pieces of lead in the ſhop, which weighed two hundred and a half; the coach-maker's man is here, that locked the door.

JOSEPH ENGLISH *ſworn.*

On Saturday in the afternoon, Oldfield came to the ſhop, and abuſed his father very much, who was at work there, in ſlating; I reprimanded him for ſo doing, and he came into the loft, and ſtaid ſometime, he then went up another ladder to another different part of the loft, and took a ſurvey of the roofs all round, he ſtaid up about a quarter of an hour, and came down, and I ſaw him no more then.

Where was the lead laying?——In the loft, right by where I worked; after taking a ſurvey of the premiſes, and going up to the roof a ſecond time, he came down and went off; he did not take anything away with him then, I am poſitive; I ſhut up ſhop after that, the door was locked by the apprentice; and on the Monday morning, we watched for him, at a muffin maker's, in Barret's-court, his name was Wilmot, when we got a ſearch warrant, we went up ſtairs, and found the priſoner Oldfield there, and the lead over in a loft; there was a woman the wife of the priſoner, Hugh Cooper rents the room, here is a piece of the lead.

Do you know whoſe lead that is?——I cannot ſay, it was cut to pieces.

*Lloyd.* I am confident it was my piece of lead, there have been four pieces originally, each of theſe pieces was fourteen inches wide, and ſixteen feet and a half long, all the four pieces were cut out of one ſheet, and all alike, one was put in this place, the other three were taken away.

**DANIEL NEWSON** *ſworn.*

I am conſtable of the pariſh, and I apprehended Oldfield in Cooper's apartments, and we found the lead hid over a ſort of a cockloſt; we took it down, and took the priſoner to the Rotation-office; Cooper was out, and he came in before I went away with Oldfield; I took Oldfield, I had no warrant againſt Cooper, but he went to clear himſelf, and was committed from the Rotation-office; he and his wife both went, and they proved their marriage, otherwiſe they would both have been committed.

What did Cooper ſay about it?——He ſaid he knew nothing at all about it, I know nothing to the contrary.

**THOMAS HODGSON** *ſworn.*

I was going down to the ſtable about half after ſeven, and I met Oldfield, I aſked him what he had, ſays I, have not you lead there? no, ſays he, let me go; ſays I you ſhall not go this time, I caught hold of him, and he flung down the lead and ran away; this is part of the lead, it was weighed the next morning, and it weighed about five ſcore and five pounds.

*Lloyd.* There were four pieces in all, three were found, two at Hugh Cooper's apartment, and one piece this laſt witneſs detected him with; theſe two pieces that were found at Cooper's were cut into twelve pieces, I put them twelve pieces together, and they all matched.

What length did they make amongſt them?—They made juſt two pieces of ſixteen feet ſix inches and a half over, they had not the half-inch originally; the piece that was dropped by the ſtables was not tried by me or by any witneſs here.

*Court to Engliſh.* The piece of lead that you produced was one of the twelve pieces?——It was.

*Court to Lloyd.* From this circumſtance you believe the lead to be your's?——I have not a doubt about it.

PRISONER OLDFIELD'S DEFENCE.

I went on Sunday evening into the Mews, by the Croſs-Keys, I found this lead and I picked it up on a dunghill, I took one of the pieces and brought it on my ſhoulder to Hugh Cooper's houſe, and I came back for the other piece, and I met this gentleman, and he ſaid he would have it, I told him I found it, he went to take it off and it tumbled down.

*Court.* Do you know of any connection between the two priſoners?—No.

*The Priſoner Cooper called one witneſs, who gave him a good character.*

JOHN OLDFIELD, GUILTY.

*To be tranſported for ſeven years.*

HUGH COOPER, NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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35. **ROBERT PARRY** was indicted for that he, on the 13th day of December, thirty pieces of falſe and counterfeited money, made and counterfeited to the likeneſs and ſimilitude of the good, legal, and current copper money of this realm called an halfpenny, not being melted down and cut in pieces, unlawfully did ſell, pay, and put off to one James Jolly, at a lower rate than they were denominated for, to wit, for the ſum of one ſhilling, againſt the ſtatute.

*Another count* for ſelling the ſame at the ſame rate.

*(The caſe opened by Mr. [illegible].)*

JOSHUA PARISH *ſworn.*

I keep the Swan in Roſemary-lane, I was at home when the priſoner came in firſt, he had a pint of beer after. He came in, he gave me two-pence, ſoon after he had another pint, I obſerved the halfpence were all bad and of one make, I thought it had a bad look with it, and one of the perſons preſent, ſays, have you any more about you, will you ſell me a ſhilling's worth? yes, ſays he; how many will you ſell for a ſhilling? ſays he, I ſell fifteen pence for a ſhilling; he was telling out the halfpence, and we took him and ſearched him, and found eight ſhillings worth more about him; the priſoner wanted to take up the ſhilling, and I would not let him; Mr. Jolly ſaid, am not I juſtified in taking this man before a magiſtrate? yes, ſays I, certainly, and we did ſo; the halfpence are two different makes.

——— JOLLY *ſworn.*

I was at Mr. Pariſh's about ſix, and the priſoner was there, and I felt ſomething hit againſt me, ſays I ſell me a ſhilling's worth ſo he tendered the money, I laid down the ſhilling, he wanted to take it up, Mr. Pariſh would not let him.

JOHN NICHOLLS *ſworn.*

I am one of the moniers of the Mint, theſe halfpence were not made at the Tower lawfully.

Are they Government halfpence? —— They are not.

PRISONER's DEFENCE.

I had been paying four and ſixpence, and theſe halfpence were picked out of them, Pariſh aſked me to give him a ſhilling's worth of halfpence in change, I laid them down and aſked for a ſhilling, and they ſaid we will not give you the ſhilling without you give us another three-pence, ſo rather than go without my ſhilling I put down three-pence more; Mr. Pariſh gave me the ſhilling, Jolly had no hand in that at all; I deal in cloaths, but in no diſhoneſt way.

*The priſoner called one witneſs to his character.*

GUILTY.

*To be whipped and impriſoned twelve months in Newgate.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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36. WILLIAM SHAFTO and SOLEY WRIGHT were indicted for feloniouſly ſtealing, on the 10th day of November laſt, one hundred and fourteen pounds weight of logwood, value 8s. the property of James Potts.

*A ſecond count*, laying it to be the property of perſons unknown.

And THOMAS CLARKE was indicted for feloniouſly receiving the ſame knowing it to be ſtolen.

*There being no evidence to affect the priſoners, they were*

ALL THREE ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY;

On Wedneſday the 14th of DECEMBER, 1785, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER I. PART IV.

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*LONDON:*
Printed for E. HODGSON (the Proprietor)
And Sold by J. WALMSLAY, No. 35, *Chancery Lane*, and
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M DCC LXXXV.

# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

37. **WILLIAM SNOWDEN**, was indicted for feloniouſly aſſaulting Thomas Hindes, on the King's highway, on the 22d day of October laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 40s. a ſteel chain, value 2d. a braſs watch-key, value 2d. a ſtone ſeal ſet in gold, value 5s. his property.

THOMAS HINDES *ſworn.*

This boy ran againſt me with violence, as far as his ſtrength could, he rather overpowered me with his head and ſhoulders, and my watch was gone in an inſtant, ſo he made a retreat rather, and I purſued him and ſeized him about three yards off.

Did he take your watch or any body elſe?——That very boy.

You ſaw him take your watch?——Yes, he dropt the watch, a gentleman preſent ſaw him drop it, and he put it into his pocket, it was between eleven and twelve o'clock, in Roſemary-Lane.

JOHN COURT *ſworn.*

I ſaw this tranſaction, and he had not gone far before I got hold of him, I ſaw the chain in his hand, with the watch hanging out.

Was the ſtreet crouded?——No, I was alongſide of Mr. Hindes walking with him, and the boy was taking into cuſtody.

*(The watch produced and depoſed to.)*

PRISONER's DEENCE.

I ſaw a great mob, I ran up to it, and I ſaw two boys; one ran one way, and one ran another, and this gentleman laid hold of me directly, and ſaid I was the lad; I know no more of it than the child unborn.

*Proſecutor.* There was no boy nearer than him, I am ſure that is the boy; I believe he robbed me once before.

*Court.* How old is the boy?—Fifteen.

GUILTY.

*Of ſtealing, but not of the robbery.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

38. **JOHN WELDON** was indicted for feloniouſly breaking and entering the dwelling houſe of Joſeph Young, about the hour of four in the afternoon, on the 15th day of November laſt, no perſon being therein, and feloniouſly ſtealing therein, one linen ſhirt, value 2s. a linen gown,

value 11s. two aprons, value 2s. a cloth cloak, value 2s. four caps, value 1s. a handkerchief, value 9d. a ſilk hat, value 3s. a man's hat, value 2s. eight ſheets, value 24s. two pillow-caſes, value 1s. fourteen clouts, value 2s. one ſhift, value 3s. three caps, value 6d. one ſhirt, value 6d. one bedgown, value 6d. one blanket, value 1s. one linen petticoat, value 6d. one trunk, value 3d. his property.

JOSEPH YOUNG *ſworn.*

I live on Saffron-hill, I am a carpet weaver; my houſe was broke open on the 15th of November laſt, it is my dwelling-houſe; I left it about four o'clock, I returned about twenty minutes after four, upon hearing the cry of ſtop thief in my yard; I work juſt by it; when I left my houſe, my door was double locked; I am ſure the windows were ſhut down, and pegged down in every part of the houſe; I have but one window, in what I call the front; I can ſay with certainty, when I left the houſe, that every part was faſt and firm; I always examine the windows, becauſe I have been robbed before; when I came back to the houſe, the door was faſt as it was when I left it, and my window was burſted out; I did not perceive that from without, I did not go round.

Which window was this that you found burſted out?——That in the yard, the back of the houſe was burſted open, and the pegs were broke off; they were pegged down with wooden pegs, I am ſure I left the windows firm and faſt; I loſt the things mentioned in the indictment, I ſaw them at the Juſtices's half an hour after; I did not know what I had loſt before, ſome were taken out in my preſence; the trunk was mine, there was no mark on it; I have no ſervant, I had ſuch a trunk as that ſtood under the window, that was burſt open; there was a door between the two rooms, it was not locked, it was thrown open; the lid of the trunk was broke, and the trunk I ſaw at the Juſtices's had the lid broke; I can ſwear to all the things that were taken, my wife was gone to work with me, and my children were with her.

HENRY HALLIMAN *ſworn.*

I am a carpet weaver by trade, on Thurſday evening, the 15th of November laſt, I was in my own houſe, next door to the proſecutor's, between four and five in the evening; and I was alarmed by one Elizabeth Powell, who had hold of the ſkirt of the priſoner's coat; and ſaid he was a thief! I ſeized him, and he had ſome mortar on his coat; there is a partition wall in my yard, which had been repaired a day or two before; I took him to my door, and he refuſed to go in it; we puſhed him in, and there lay a large bundle tied up in a coarſe ſheet; the back door is within two yards of wall, the things were found about ſix or ſeven yards from the wall; I took the priſoner in the ſtreet, about twelve yards from the things.

MARY CAVE *ſworn.*

I am a married woman, I lodge in Mr. Young's houſe; on the 15th of November, I was going into the yard, and ſaw the priſoner ſtanding by the door of theſe rooms; it was between four and five in the evening, I aſked the priſoner his buſineſs there; he ſaid nothing at all, he immediately jumped over the wall, which parts the yards of Mr. Young and the laſt witneſs; he jumped out of that yard into the other; when he got to the other ſide of the wall, he ſtood ſtooping; I left him, and met with Elizabeth Powell, and bid her watch the door; I got further aſſiſtance, I ſaw nothing about him when he jumped over the wall; I ſaw the things when they were brought out of the paſſage, but not before.

Was it light at this time?——It was duſkiſh, nobody was in Mr. Young's houſe.

Could you diſtinguiſh people very well?——Yes.

Have you any doubt about the man?——No.

### ELIZABETH POWELL *ſworn.*

The laſt witneſs bid me watch, and I ſaw the priſoner coming out of the paſſage; and caught at him, and held him till the proſecutor and Halliman came up; the priſoner was about half a yard from the property, he made no reſiſtance, tho' he had a ſtick in his hand.

### PRISONER's DEFENCE.

I had been ſick, and came out for a little air; I ſtopped between theſe two doors, and they took me, and puſhed me into the paſſage.

GUILTY.

*Of ſtealing to the value of* 10d. *but not of the burglary.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* *Mr.* ROSE.

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39. GEORGE HOOKER, THOMAS BATES, and WILLIAM LEMON, were indicted for feloniouſly aſſaulting John Lewis on the King's highway, on the 29th day of October laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one ſhilling in money numbered, his money.

*John Lewis and William Merchant called on their recognizances and not appearing, the priſoners were*

ALL THREE ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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40. PETER FITZGERALD was indicted for feloniouſly ſtealing, on the 10th day of December, one hundred and twenty pounds weight of lead, value 10s. belonging to William White, Eſq; and then and there fixed to a certain out-houſe and ſtable of the ſaid William againſt the ſtatute.

### JOSEPH ERRINGTON *ſworn.*

On Saturday morning laſt, the 10th of December, I was coming from my houſe at Kilburn to Paddington, I ſaw a man on the foot path before me, I ſaw him ſtooping down by the ſide of the ditch, and there was a baſket; when I came to him, he was buttoning his breeches; I aſked him if that baſket belonged to him, he ſaid it did, I aſked him what was in it, he ſaid, he dealt in oranges and lemons, and travelled in the country with them, and on his return home he gathered old flints and phials; I ſaid, I will help you up with your load, I found it was very heavy, ſays I, when you are tired of it, I will eaſe you with it: I aſked a man that I met, to aſſiſt me in looking at this; ſays he, who are you? ſays I, I live at Kilburn Wells; I and the priſoner lifted down the baſket, and then he ſaid he had got lead, and he hoped I would not hurt him; he ſaid, he never ſtole any in his life, I aſked him how he came by it, he ſaid he had bought it of two bricklayers in the Edgware-road, I aſked him what he gave for it, he ſaid ſix ſhillings and a pot of beer; I took the priſoner into cuſtody; the lead is here.

### STEPHEN MALLARD *ſworn.*

I fitted the lead to the gutter, and it matched.

### PRISONER's DEFENCE.

I am a poor man that goes about the country with lemons and oranges, and coming along I met two men, and bought this lead of them; they ſaid it was no hurt, I gave them ſix ſhillings and ſeven-pence, becauſe there was no perſon near.

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

41. EDWARD DENNIS was indicted for felpniouſly ſtealing, on the 26th day of November laſt, two pair of velveret breeches value 20s. the property of John Stranger.

JOHN STRANGER *ſworn.*

I loſt two pair of breeches, on the 26th of November, out of my paſſage in Bear-yard: I keep a ſhop in Bear-yard, Lincoln's Inn Fields; it was about ten in the morning, they had not hung up two minutes before they were taken.

——— SHARP *ſworn.*

I ſaw the priſoner taken, running down Bear-yard, between ten and eleven or thereabouts; I went to my own ſhop, and I purſued the priſoner, and found him with another boy in Stanhope-ſtreet, he had one pair of breeches under his coat, he ſaid, he had bought them, and that that boy would go with me to ſhew me, I told him he ſhould go with me, and when we went a few yards together, he threw away the breeches and run away, he was taken, I loſt ſight of him, I am ſure he is the ſame.

(*The breeches depoſed to.*)

PRISONER's DEFENCE.

The breeches were given to me, I live with my ſiſter, ſhe ſings ballads.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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42. JAMES WANT was indicted for feloniouſly ſtealing, on the 14th day of November laſt, one truck, made of wood and iron, value 40s. and four thouſand eight hundred copper halfpence, value 10l. the property of Elias Hibbs and William Bacon.

WILLIAM BACON *ſworn.*

I am a rum and brandy merchant, my partner's name is Elias Hibbs: the priſoner was hired the 15th of November laſt to accompany our porter with a truck, and two caſks of liquor, from Monument-yard to Paddington, they went from our houſe between two and three: a truck is a ſmall carriage drawn by hands; I waited till paſt ten, and was alarmed the porter did not return, having ſomething particular for him to do the next morning: I apprehended the priſoner, and he declared he knew nothing of the matter, he told his ſerjeant that he was knocked down in Tottenham-court-road, and was robbed of ten pounds worth of halfpence; I told him it was very extraordinary that he did not immediately apply to us on his being knocked down to receive his wages, he ſaid, he was ſo frightened, he did not know what he did, that was every reply I could get from him.

WILLIAM TAYLOR *ſworn.*

I am ſervant to the proſecutors, I went with the priſoner to Mr. Kettle's at Paddington, and delivered the liquors, and Mr. Kettle gave me ten pounds worth of halfpence to take back with me, I put them in a ſack, and put them on the truck, we came along Tottenham-court-road, and almoſt at the bottom, I ſtepped on one ſide, and deſired the priſoner to take care of the truck, and the halfpence, and while I was out of the way the priſoner went off with the truck and halfpence and all.

How long were you before you miſſed it?——Not a minute, I ran down to St. Giles's as faſt as I could, and could ſee nothing of him, then I returned to the place where I left him, then I went home and he was not there, and then I went to St. James's and found out his quarters, I got his name and likewiſe his Colonel's name, I went to the Park next morning, which was a field day, and found him in the ranks, he ſaid he was knocked down, and the truck taken away from him.

Was there time for that to have happened while you was abſent?—No, there was not.

Was you perfectly ſober?—I was very ſober.

You are ſure this is the man?—I am ſure this is the man.

**ELIZABETH JONES** *ſworn.*

I live in Dyot-ſtreet, the priſoner lived with me, and when I came home he was at home in my room, I believe it was nigh eleven; I ſaw this money, it was tied up in parcels, I took it down to Weſtminſter, I never ſaw what was in it.

Who tied it up in parcels?—Me and another woman.

Where was it?—It was looſe upon the floor in a corner of the room, I firſt ſaw it when I went home at night, it was upon the floor, it was halfpence, but I did not know the quantity; I went with the priſoner to one of his comrade's wife's houſe with it, and in five minutes after, two ſerjeants came up and took the money from us; the truck was found on the 10th, in Bambridge-ſtreet among a parcel of rags, I ſaw H. B. on it.

**AARON HUGHES** *ſworn.*

On the 16th in the morning we had a field-day, and the two proſecutors and this old porter came and challenged the priſoner, and they went to get a warrant for him, I was ordered to confine him, we went and took the priſoner, and we went to a houſe in Weſtminſter, where one of our men lodged, and there I found three women, two about the money, and they threw their cloaks over it, and I took the money and brought it away, and I ſearched the two women and found a great many halfpence in their pockets.

**ANN ALTON** *ſworn.*

I went over and my huſband brought me the key, and in five minutes the two ſerjeants came up and took the money, it was in my room, we brought it to our room, this Elizabeth Jones and another.

**PRISONER's DEFENCE.**

My Lord, this porter hired me to go down to Paddington to carry ſome liquors, accordingly I did, and the people gave him ſomething to bring away, but what it was I cannot ſay, the porter ſaid it was ten pounds worth of halfpence, ſo he put them upon the truck, and away we came acroſs the fields; coming through Tottenham-court-road the porter ſays to me, I muſt ſtop here awhile, and you go forward, I will ſoon overtake you, and he had not left me very little while, but three men came up to me and knocked me down and took away the truck and what was upon it; and they ſaid if I made any violence or reſiſtance, they would take my life, and I never ſaw the truck nor what was upon it any more, that night.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

43. **JANE LLOYD** was indicted for feloniouſly ſtealing, on the 10th day of November, a copper tea-kettle, value 4s. the property of William Luſty.

**ELIZABETH TARRANT** *ſworn,*

Depoſed that ſhe ſaw the priſoner take the kettle out of the proſecutor's ſhop: the priſoner was purſued and taken with the kettle.

**PRISONER's DEFENCE.**

I am not the woman, I know nothing of it; I have nobody to give me a character, I have not given any body any trouble, I was aſhamed of being in gaol, but *I will give myſelf a character as well as I can.*

GUILTY.

*To be privately whipped and impriſoned twelve months in the Houſe of Correction.*

*Tried by the London Jury before* *Mr.* RECORDER.

44. **JOHN HOGAN** was indicted for feloniouſly ſtealing, on the 26th day of October laſt, five linen ſheets, value 20s. the property of Henry Hitchcock.

**HENRY HITCHCOCK** *ſworn.*

I keep a public-houſe in East-Smithfield, and between eight and nine in the evening I was ſtanding in the bar, and I ſaw the priſoner go out with a bundle under his arm, he had been about our houſe backwards and forwards for a fortnight, as he went out of doors he turned his face to me, and I ſaw it was the ſame man; in the morning at ſeven he came again, and I ſtopped him, my wife having miſſed the ſheets off three of the beds after he was gone; he denied it at firſt, and when he was at the Juſtice's he owned it; before I took him up I told him, if he would tell me where the ſheets were, I would forgive him, he would not do that till he came before the Juſtice.

Was there any promiſe after you brought the officer? —— Not afterwards.

**CHARLES BROOME** *ſworn.*

I live at No. 8, Park-ſtreet, Borough; the priſoner pawned two ſheets with my wife, I was preſent, he had five and ſixpence on them, he ſaid they were his own; preſently after a girl came that uſed to go of errands for him and his wife, the priſoner's wife is a genteel woman that nobody could ſuſpect any thing, ſhe wanted five and ſixpence upon the other two, we lent her three ſhillings upon them,

*(Depoſed to.)*

## PRISONER's DEFENCE.

What I have to ſay, *Maſſa*, is, ſend me to my country, to Bengal, and God bleſs you.

*Court.* You ſhould have taken care to have gone there honeſtly.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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45. **MARY SCARBOROUGH** was indicted for feloniouſly ſtealing, on the 1ſt of November laſt, a ſilk hat, value 3s. the property of Elizabeth Gurney.

NOT GUILTY.

*Tried by the London Jury before* *Mr.* RECORDER.

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46. **WILLIAM FRANCIS** was indicted for feloniouſly ſtealing, on the 26th day of November laſt, one printed book, entitled, a Summary Account of the Flouriſhing State of the Iſland of Tobago, value 12d. and one other printed book, value 12d. the property of Robert Melville, Eſq.

**GENERAL ROBERT MELVILLE** *ſworn.*

I hired the priſoner about a year and a half ago, he remained in my houſe about three months, I was going out of town, I had no further occaſion for him, and I told him ſo, my opinion of him was ſo good that I told him he might remain in my houſe till he was otherways employed; I was out of town between three and four months, when I returned to town he was gone to a place, I miſſed ſome of my clothes and ſome of my books, but none of them were found but the two books in the indictment, which will be produced; I came home on the 18th of laſt month, and by information I took up the priſoner; I found that the drawer in the mahogany table, where I keep money, had been violently broke open, I alſo miſſed two bank notes, and the next morning I took all the common methods, the two books were afterwards found in ſearch. The priſoner was apprehended in Long-alley, Moorfields, and upon being ſearched nothing was found but the two books; Mr. Oldham, a gentleman, who went on my account, and Mr. Armſtrong, who took charge of the priſoner, were preſent.

**JOHN OLDHAM, Eſq;** *ſworn.*

I went, when the priſoner was apprehended, with the officers, he was apprehended in Long-alley; as I was naturally very anxious to find what he had ſtolen from the General, in a box which he owned to be his, I obſerved two books, and they were indorſed by the General, whoſe hand I knew perfectly well; I did not find any thing that I could ſay was the General's property, but I found ſome new tea-ſpoons, ſtamped ſince the act has taken place, and when I went in to the priſoner, as I had known him for four years, I ſaid let me ſee what money you have, he immediately took out a ſixpence out of his breeches pocket, and one of the men ſaid keep your hand out of your pocket, and ſeven guineas were found in his pocket.

### JOHN ARMSTRONG *ſworn.*

I found theſe two books in the priſoner's pocket.

*(Depoſed to.)*

### PRISONER's DEFENCE.

I went into the gentleman's houſe one evening, and I went down ſtairs, I came up ſtairs again and came out and ſhut the ſtreet door, as I thought, behind me: after this robbery was committed, Mr. Oldham and two of the runners came where I lodged, and they aſked me what money I had, and I ſaid ſixpence, and in the confuſion I did not recollect the ſeven guineas.

How did theſe two books come into your box?—When I was there in the laſt ſummer, I was duſting the books and putting them away, and I got theſe two books and was reading them, I was teaching myſelf to read, and in a very great miſtake I put them into my box: here is a perſon here that I lent one of them to, I told him at the ſame time that the book was General Melville's.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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37. **WILLIAM TILL** was indicted for feloniouſly ſtealing, on the 2d of November laſt, three linen gowns, value 5l. a ſilk gown, value 40s. three pair of ſheets, value 50s. a ſilk cloak, value 20s. fourteen linen handkerchiefs, value 20s. nine yards of thread lace, value 40s. the property of John Henly, in the dwelling houſe of William Beach.

### DOROTHY HENLY *ſworn.*

I loſt the things mentioned in the indictment, it was ſeven weeks next Wedneſday ſince this man robbed me, it was on a Wedneſday, between three and four o'clock, on the 10th of November, I was gone out about three quarters of an hour; I went out about a quarter after two, I am a lodger, I left nobody in my apartment at all; when I returned, my door was broke open, and I miſſed the things mentioned in the indictment; I never found any of the things again; the priſoner was the man that took care of my place, and he always profeſſed to take care of it, and took money for me, and took meſſages, and I left him at home; I told him I was going out.

Had he the key of your room?—No, I had it in my pocket.

Then it is for neglect of duty you charge him, for not taking better care?—No, Sir, it is no ſuch thing; when I came back, I aſked him if any body was looking for me, and he aſked me why I did not ſtay at home and take care of my place, and he ſpoke a very wicked barbarous word, I could not tell the meaning of it; I have a little boy, and I ſays to him, light a fire for me; ſays my little boy, this Till will pay all the money he owes in Leather-lane; about a quarter after nine I miſſed my things, I did not miſs them when I came home.

When you found your door was broke open, did not you look?—No, Sir, I did not, he has gone into my place very often before.

Did he ever break your door open before?—Never to my knowledge, only when my little boy would open it, when I was not at home, ſometimes he would puſh back the lock, the lock was now puſhed back.

That was a common thing?——The little boy uſed to do it, and I aſked the little boy if he broke the door open, and he ſaid he did not; the reaſon I have for ſuſpecting the priſoner, is, I have a fox dog, and he makes a great noiſe, and he barked and barked at a quarter paſt nine; I went to the loft door with a candle, and I ſaw this priſoner, and I called to him, and he had a great bundle of cloaths, but I do not know that they were my things; he made no anſwer then; in half an hour he came, and I told him I was robbed, and he d—ned me, and ſwore in a moſt ſad manner; I aſked him if he knew any thing of my little boy, and he ſaid he had ſent him of an errand; I ſaw nothing, but to the beſt of my knowledge and opinion, I ſaw my own yellow gown, I am poſitive ſure that it was my gown.

Do you ſwear that you ſaw your gown in his poſſeſſion?——To the beſt of my opinion, it was in that room lapped up in the ſheets, there was a ſleeve hung out, and I ſaw a robbin to it, I hallowed to him, but he did not come back, he went on, he was cloſe to me, he was going by the ſtable door.

Why did not you lay hold of him?——I was up ſtairs, and I had no opinion of his robbing me, he was under me, he was on the ground, I was on a flight of ſtairs; there is a hatch door, and I held down a candle to ſee who it was, and it was this man, this was four hours after I was robbed, it was nine o'clock, and I was at my own room by four o'clock at the furtheſt.

And can you ſwear, in that ſituation, that you ſaw your gown?——To the beſt of my knowledge it was my gown, I have no other witneſſes, I have nothing more to ſay.

*Mr. Silveſter, Priſoner's Council.* What is become of your witneſſes?——There was a young man that was apprentice to my ſon-in-law, but they would not let him come; it is ſeven weeks next Wedneſday; I went to Juſtice Blackborough the day after the robbery, and I did not get a warrant 'till the Friday.

Was not this man before the Juſtice on the ninth?——No, Sir, not to my knowledge; it is ſeven weeks next Wedneſday, I am ſure it was on a Wedneſday in the afternoon.

When did you go to the Juſtice's?——On Friday.

*Mr. Silveſter.* Is not your name Grey?——No, Sir, my other huſband's name was Grey, but he is dead, and I have been married to John Henley ſince that; I never was in this court but once, that is above twelve years ago, I have not been lately in this court by the name of Grey, nor as a witneſs.

Is Henley alive?——Yes, he does not live with me; I came home a little before four, and from that time I did not go out 'till paſt nine, then I went into Mr. Wolfe's, the public houſe, to look for this man, he was there, and ſat againſt the wall.

Did you charge him then with the robbery?——No, Sir, but I aſked him if he knew any thing about it, and he blaſphemed moſt ſadly.

Did you tell this man of the robbery at all, when you went to Wolfe's?——I aſked him if he knew what was come of my little boy; I had a ſuſpicion in my conſcience that he robbed me, I did not tell him ſo.

Why ſo?——Becauſe I thought he took my things to fetch them back again.

Then you did not think he robbed you?——Yes, I had a very great ſuſpicion he robbed me.

When you was in company at the public-houſe, did you ſay to him, that you had any ſuſpicion of him?——I aſked him why he did not take better care of my things; Mrs. Wolfe was preſent, and many more people that I do not know; ſhe heard me ſaying that I had loſt all my things.

When did you ſee this yellow gown of yours?—On the Wedneſday morning I ſaw it, that I was robbed; I ſaw it in the poſſeſſion of this man that ſame night, I ſaw him go out with a bundle of clothes, and afterwards I ſaw him at the public-houſe.

How came you not to charge him with it then?——I went up to this houſe in a little ſpace of time after, he was ſitting; and I aſked him, did you ſee my little boy; he damned me, I told him, O William, I am robbed of every thing in the world.

Did you tell him ſo?——Yes.

Why did not you charge him with it?——I did not.

How long after did you take out a warrant?——On Friday from Juſtice Blackborough's, he was taken up on the Saturday following.

Was not the reaſon that you did not take him up before, becauſe you and your friends, John Chambers and Hacking, had not laid your heads together, and concerted this plan?——We did not lay our heads together, they did not adviſe me to do any thing.

Did not you conſult with them?——No, I did not conſult with them neither.

Had you any converſation with them about it?——I aſked them to go with me before the Juſtice, I went to no ale-houſe; I met them in the ſtreet.

Where did you talk together before you went to the Juſtice?——In the ſtreet, going along I told them I was going to the Juſtice, againſt a man that robbed me.

What did they ſay?——I cannot tell, but they ſaid, if he had robbed me, he ſhould be puniſhed for it.

Do you know Bagſter that keeps the Sun?——Yes.

Was not you there in a back-room with Chambers, and Hacking?—Yes, but not in the morning before I went to the Juſtice, I will ſwear that, and ſwear it again.

You ſwear that you was not at Bagſter's, that keeps the Sun in Turnmill-ſtreet, that morning before you went to the Juſtice's?——No, I was at the Juſtice's before, and got a warrant.

When was you at the Sun in Turnmill-ſtreet, with theſe two people?——The Saturday after I was robbed; the man was taken up long before that, and gone down to the Juſtice's.

Why was not you there with Hancock?——No, he was not there till after the priſoner was committed to gaol.

Did not you make the poor boy drink?——No, Sir, I did not.

Not any body elſe?——No, no, Sir, that is very falſe.

*Mr. Silveſter*. Did Hancock go before the Juſtice with you?——Yes, Sir, he did.

For what purpoſe?——For the purpoſe as he ſaw him take my clothes out of the houſe; his maſter would not let him come; his maſter's name is John Millington.

This is a room over the ſtable?——Yes.

Who lives in this ſtable?——Nobody but the cattle.

What has Mr. Beach to do with it?——Why, becauſe he keeps his coach-horſes there.

Mr. Beach does not live there?——No, only his coach-horſes.

*Court*. Did you give Hancock any notice to attend?——No, Sir, I went there laſt week, and I aſked Mr. Millington and Mrs. Millington to be ſo kind as to let this lad come, and he ſaid he would not.

Why would not he let him come?——Becauſe, I ſuppoſe they would not let him come without money; and I had not money to employ any body, they aſked me what money I had, I told them I no money.

*Mr. Silveſter*. Did you tell this Hancock that you brought him before the Juſtice, and he muſt ſtand it?——I never did in my life.

Did you never inſtruct this boy what to ſwear, upon your oath?——No, never in my life, his maſter is my ſon-in-law, and yet he would not let him come.

The Juſtice took bail, did not he?——Yes, Sir, it was with my conſent that he took bail.

What are you?——An old clothes woman.

*Court*. Was any examination of her's returned?——No.

**WILLIIAM HANCOCK** *ſworn.*

What age are you?——About eighteen, I live in Mint-ſtreet, No. 14, with Mr. Millington; this woman brought me up when I was a child; my maſter is the ſon-in-law of this woman, he maried her daughter.

Who brought you here to-day?——Mr. Ruſſel.

Who is Mr. Ruſſel?——A coachman in Robinhood yard.

Who applied to you to come here?——He, himſelf.

What connection has he with the proſecutrix or the priſoner?——He came to me, and told me I was to come here and ſpeak the truth.

Then take care you do?——I know nothing at all about it, ſhe brought down a ſummons to me at night, on Tueſday night, which Lord Mayor's day was on Wedneſday, and told me I muſt come to her houſe to breakfaſt on Wedneſday.

What ſummons did ſhe bring you?——A ſummons from Juſtice Blackborough.

Did you go?——Yes, I went, then we had a breakfaſt; then ſhe ſent me out for a quartern of gin, I drank a part of it with her, then ſhe got ready to go away; and going down Saffron-hill we had part of another quartern; and when we had done there, we went to Turnmill-ſtreet, to Mr. Chambers, and there we had another quartern; and with that ſhe told me I was to take this falſe oath, to ſay that I ſaw this young man take theſe clothes, in a ſheet under his arm.

Upon your oath, did ſhe tell you to ſay ſo?——Yes, your Worſhip, ſhe did.

What elſe did ſhe tell you to ſwear?——To ſwear that I ſaw him take them out of a white ſheet, and take them up to the ſtable that was in the corner; ſhe ſaid to take that oath before the Juſtice, and that would commit him to gaol.

Did ſhe bid you ſay nothing elſe?——No, ſhe told me to ſtand to that.

Was that all?——Yes.

Recollect yourſelf again as well as you can, whether ſhe told you any thing elſe?——No, ſhe told me nothing elſe that I can remember, but I was very much in liquor when I came away from the Juſtice's; that I could hardly tell what I ſaid, or did.

Who was preſent when this converſation paſſed?——Nobody, but herſelf, and me.

Where was Mr. Chambers?——He was not come into the room at that time.

How came ſhe to pick you out for this particular buſineſs?—Becauſe ſhe thought I was one that ſhe reared up, and ſhe thought I would do, or ſwear any thing in the world for her; and ſhe took it upon that circumſtance, ſhe thought I would ſwear any thing for her.

Had you been at her place the day that ſhe loſt her things, at all?——No, I had not.

Upon your oath you had not?——Upon my oath I had not.

You are ſure of that?——I am certain ſure of that.

Did you never tell her that you had, before this time?——No, Sir, never.

You never told her that you had been there, or had ſeen any thing about it?——No.

Upon your oath, young man?——Upon my oath.

*Court.* Is there any body here from Mr. Blackborough's?

*(Mr. Blackborough's clerk was ſent for.)*

*Hancock.* I really aſk the Court's pardon with all my heart for what I have done, and will never do the like again; but it was very wrong in her to take an apprentice, and one that hardly knows a letter in a book.

*Mr. Silveſter.* If there is any doubt about the caſe, I will call two witneſſes.

*Court to Hancock.* Did your maſter keep you at home?——He could not ſpare me.

*Court.* Is any body here from Mr. Blackborough's, this is a very black buſineſs on the one ſide or on the other, and I am determined to get to the bottom of it.

**WILLIAM BRACHNEY** *ſworn.*

I belong to Mr. Blackborough's office, I can-

I cannot poſitively ſay whether I was at the office at the time of the examination; but I know ſomething of the buſineſs: this lad came with the proſecutrix, I do not recollect any body elſe; he had got a good ſtory when he did come, I believe it was the morning of Lord Mayor's day, I am not poſitive; I believe they were together before they went into the Juſtice's, and had been drinking at the public-houſe; the firſt I knew about the buſineſs, Mr. Iſaacs and I had a warrant to apprehend the priſoner; we went to look for him the firſt time, and could not find him; then the man came, Iſaacs took him, I was not by; he came before Mr. Blackborough, and they took his maſter's word to bring him the next day; then they got a ſummons for this lad, it was either the day that the priſoner came to Mr. Blackborough's, or the day before; when he came before Mr. Blackborough, he ſeemed to tell a very good ſtory; but to the beſt of my opinion, I think, he was learned that ſtory firſt; becauſe, I thought the woman was a very bad woman; I heard no converſation between the woman and the boy, before they went into the Juſtice's, I was in the office when they came in; I cannot pretend to ſay particularly, whether any body particular ſtood by the boy; when the woman went in, the boy ſeemed to be ſober, but ſhe was rather in liquor, for ſhe was full of *jaw*.

Then the boy was not ſo drunk, as not to know what he ſaid, or did?——I do not believe he was ſo drunk.

Who took the examination?—His clerk.

What is his name?——Edward Lavender; I believe the boy went in after this examination, to have his examination taken, but I cannot be poſitive.

*Mr. Silveſter*. Was Chambers there?—Yes, he was concerned in the buſineſs, he was concerned for this, he came with them, and was with them I believe before they came in.

*Court*. You do not think the boy was drunk?——I do not think he was, he did not ſeem drunk, I never ſaw him till he was brought in by Mr. Chambers and the woman, I never ſaw the woman before I went with her to ſerve a warrant on the priſoner, my reaſon for ſaying he was inſtructed is, I thought there was ſome people with them that might give them a little education, you know as well as I do, I do not like to mention people's names, but I thought ſo I aſſure you.

You thought this woman had got into bad hands in plain Engliſh?—I thought ſhe had got into hands that would give her a good leſſon; but this I am ſure, the place where Hancock ſaid he ſaw the man, it is impoſſible he ſhould ſee the lock broke off, for it is in a hay loft, and you are obliged to look down, he ſaid he had been in ſleep in this hay loft or ſtraw loft, but they are obliged to ſtand and look as if they were looking underneath this deſk, it is a place ſo dark, in my opinion, that it is impoſſible to ſee the door without leaning over.

Could he, in the hay loft, ſee the door without leaning over?—He could not, I am ſure of that, becauſe I was in the hay loft, it is the ſame as ſtanding at this bench and leaning over to look under it; at the time he was examined I think, to the beſt of my remembrance, it was ſaid, that it was a thing impoſſible that a man could ſee the lock brok open with a knife or any thing of that kind.

*Court*. Step for Lavender; and in the mean time examine the priſoner's witneſſes apart.

### MARY WOLFE *ſworn*.

I keep a public-houſe in Leather-lane, the Robinhood and Black-boy, I have known the priſoner theſe three years, he lives in the yard adjoining to the houſe, that is, he works in the yard, Mr. Beach keeps coaches in the yard; on Wedneſday, the 2d of November, I very well remember the priſoner coming to my houſe about ten minutes before two, he was not out till five, the old-clothes woman came in at nine in the evening, and ſaid ſhe had been robbed, ſhe ſaid nothing to him about it, [illegible] was in the houſe at the time.

Did he make uſe of any improper language to her?——None at all, he never ſpoke to her nor ſhe to him, I know the old woman by living in the yard, it is an open yard, the priſoner is a very good honeſt man, I never knew any harm of him, he has uſed my houſe every day for three years, breakfaſt, dinner, and ſupper; the proſecutrix on the evening complained of being robbed, ſhe ſaid nothing to this man nor he to her, ſhe ſaid ſhe had been robbed, ſomebody had broke open her door, and taken a great quantity of things, ſhe run on with a great deal of it; I am ſure that day ſhe came to complain at my houſe, the priſoner came in at a quarter before two, and did not go out till five.

JOSEPH RICHARDSON *ſworn.*

I am a coachman, I know the priſoner, I ſaw him the 2d of November, at Mrs. Wolfe's, I went there a few minutes before one, he came a little before two, then we dined together, and he fell aſleep, and ſlept till his maſter came with the coach, till paſt four; I knew him very well, and I knew the old-clothes woman, I have ſeen Hancock before, but I never ſpoke to him, I ſaw him about two months before that in the yard, I never did ſee him above three times in my life, I did not ſee him at all that day.

EDWARD LAVENDER *ſworn.*

Do you remember Hancock's coming to your office to be examined?——Yes, my Lord, it was on Lord-Mayor's day I believe; this information was taken by me from his mouth.

What ſituation did he appear to be in, drunk or ſober?——The time I examined him he appeared to have a good deal of terror upon him, and ſweat very much, and as he ſigned his name he could ſcarcely do it, he ſhook in ſuch a manner.

Did he appear drunk or ſober?——I believe he was perfectly ſober, I think ſo.

Who was with him when he was examined?——Mrs. Henley and young Mr. Chambers, and I think Mr. Hacking was in the office at the ſame time.

Had you an opportunity of paying any attention to him before he was examined?——No, my Lord, I had not.

You did not obſerve whether he converſed with her?——No.

On the firſt examination of Till, this lad was never mentioned by the woman?——I cannot tell when the firſt examination was, I believe it might be on Friday the 4th of November, nothing was mentioned of this lad then, the conſtable brought the priſoner on a warrant, and ſhe ſeemed to have ſo good an opinion of him, that ſhe deſired he might go; two or three days after he came himſelf, he was at liberty.

When was the firſt mention of this lad?——On the ſecond time that he came.

*Court.* Let the proſecutrix withdraw out of court.

*Lavender.* The firſt time that ſhe came, Mr. Blackborough told her that unleſs ſhe had more evidence than what ſhe had related herſelf, he could not think of committing him; when ſhe came again ſhe was attended by Mr. Chambers and Hacking, then ſhe ſaid ſhe had this Hancock, who could prove that he ſaw him take the things and break open the door, and deſired Mr. Blackborough to grant a ſummons, for his maſter would not let him come without, the ſummons was granted of courſe.

When was that?——I cannot recollect, but I am ſure it was a day or two before the ſecond examination.

*Court to Hancock.* Where were you, in truth, on the 2d of November, the day this robbery was committed?——I was at home at work, my maſter was very bad in bed, he could not get out of bed, he is a coach ſpring maker and tire ſmith; I was at work that day, on making an axletree; my maſter has four children, his wife is living; he has another journeyman beſides me, his name is Harper, I do not know his other name, but he was not at work with us at that time, we had another man at work with us that day, Robert Sellers.

Where is Sellers, now?——I do not know, I heard that he worked in Red-croſs-ſtreet, with a cart-wheel-wright.

Did you go to Mr. Henley's at any time between that Wedneſday the 2d of November, and the Tueſday following?—Yes, I believe, I went one night before ſhe brought the ſummons to me, to ſee her home.

How often had ſhe been at your maſter's after the 2d of November?——Not above twice.

When did ſhe come firſt?——I cannot rightly ſay, but I believe it was two or three days after ſhe was robbed; then ſhe ſaid, I have been robbed; ſays I, how comes that about? ſhe ſaid, I believe it was William Till that robbed me, but ſhe ſaid nothing to me that night about my giving evidence at all; ſhe ſaid ſhe ſuſpected Till, and would get a warrant to take him up on ſuſpicion, that was two or three nights before ſhe brought the ſummons; ſhe came to my maſter's afterwards, before ſhe brought the ſummons; ſhe did not ſpeak to me, I was at work, and ſhe did not offer to come into the ſhop.

When ſhe brought the ſummons, and deſired you to come to her the next morning, did ſhe tell you what it was for?—No, not before I had my breakfaſt.

*Court.* Call in Mrs. Henley. This lad Hancock lives with your ſon-in-law?——Yes, I knew him a great while.

How ſoon after the robbery, did you go to your ſon-in-law?——I went there the day after the robbery.

Did you ſee this lad then?——Yes, and I told my daughter that I was robbed.

Millington is your ſon-in-law's name?——Yes.

Was Hancock, the boy, preſent?—Yes, I believe he was.

Did you ſay anything to him in particular?——Nothing in particular; but he ſaid, he knew the man that robbed me, a ſhort man that takes care of the cattle, he told me that the day after the robbery, indeed he did.

Was your daughter preſent when he told you ſo?——I cannot tell indeed, I do not know indeed.

Did you go alone to talk with this lad?——I do not know whether my daughter was within or no.

Why, you told me this minute, that you told her of the robbery?—I told her of the robbery, and then I think the boy came in out of the ſhop, and I was crying ſadly, he ſaid, what do you cry for, I ſaid, I am robbed of all I have in the world; then ſays he, I know the man that robbed you.

He told you who it was then?——Yes, he told me ſo.

Did he tell you how he had ſeen him?—Yes, he did, he told me he was up ſtairs in the loft.

Was not your daughter there, or was ſhe gone?—I think ſhe was gone.

How came ſhe to leave you alone?——I do not know, ſhe had her family to mind.

Was your ſon-in-law at home?—No, I did not ſee him.

This was before you went to the Juſtice?——Now, really I do not know, I cannot tell, I do not recollect, I believe it was; I did not go to the Juſtice till the Friday in the afternoon, this was the Thurſday, the day after the robbery; it was the day before I went to the Juſtice's, and my daughter, Millington's wife, went with me to the Juſtice.

Did you tell your daughter what Hancock had ſaid?——I do not know, I was crying, and breaking my heart; I ſaid, I ſhall be obliged to come to the pariſh.

Then do you mean to ſay that you have any doubt whether you told your daughter, what the boy had ſaid to you?——No, my Lord, I did not, I believe, tell her; I do not think I did, for I had a very great ſuſpicion that he would hide the things, and fetch them back again; I did not tell my daughter what the boy had ſaid that day, I did not mind to tell her of it, I did not indeed think much of it, I was both crying and breaking my heart, I did not think much of it, and I did not know what to tell her, I thought he only took them away to frighten me like, and fetch them back again, I thought all this was a joke.

Then how came you to be ſo very uneaſy?

—Becauſe, I aſked him whether he knew anything about my things.

Why did not you tell the Juſtice of this other witneſs?—So I did, when I went again.

Why this was before the firſt time you went to the Juſtice?—Yes.

You did not tell him ſo at firſt?—No, I did not.

But why not?—I did not think nothing at all about it.

Why, the Juſtice told you he could not commit him without there was more evidence.

*Court.* Gentlemen, this laſt examination of this woman ſeems to put the matter out of doubt.

*Jury.* Certainly, my Lord.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

*Court to Jury.* Gentlemen, your opinion upon the evidence at preſent is, that there is ſtrong grounds to ſuſpect this woman with her confederates.

*Jury.* Certainly.

*Court.* Then I ſhall order her to be committed on the charge of ſubornation of perjury.

*Mr. Silveſter.* This is a poor man, I take it up out of charity; I will be at the expence of the proſecution.

*Court.* The Court will relieve you, Mr. Silveſter, by ordering a proſecution.

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48. ROBERT ROBERTS was indicted for feloniouſly aſſaulting Elizabeth the wife of Joſeph Wright, in a certain field and open place, near the King's highway, on the 10th day of November laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one pocket book, value 4s. two handkerchiefs, value 1s. a ſilk cloak, value 30s. a muſlin apron, value 16s. and twelve ſhillings in monies numbered, the monies of the ſaid Joſeph.

*There was no evidence to affect the priſoner.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

---

49. WILLIAM SIMKINS, SQUIRE LAWTON, WILLIAM GLOVER, and SARAH JACKSON were indicted for that they, on the 4th day of November laſt, one piece of falſe, feigned, and counterfeit copper money, to the likeneſs of an halfpenny, unlawfully did make, coin, and counterfeit againſt the ſtatute.

There being no evidence of the priſoners being employed in the act of coining, though the implements for it were found in a houſe where they were, they were

ALL FOUR ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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50. HARVEY WESTROPP and ABRAHAM GEORGE were indicted for feloniouſly ſtealing, on the 6th day of October laſt, fifty buſhels of coals, value 39s. the property of William Bowers.

The proſecutor ſaid, he believed the priſoners were innocent, and were only employed to unload the coals.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

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51 CORNELIUS MAINEY was indicted for feloniouſly ſtealing, on the 27th day of September laſt, thirty pounds weight

of lead, value 2s. belonging to John Millet.

*John and Thomas Millet were called on their recognizances, and not appearing, the priſoner was*

Acquitted.

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52. WILLIAM THOMPSON was indicted for feloniouſly ſtealing, on the 22d day of October laſt, nine braſs locks, value 30s. affixed to a certain building of Edward Chapman, and to be uſed and occupied with the ſaid building, he having no title or claim of title thereto.

Not Guilty.

*Tried by the ſecond Middleſex Jury before Mr. Baron* Hotham.

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53. WILLIAM ROEBATT was indicted for feloniouſly ſtealing, on the 21ſt day of October laſt, one copper, value 10s. being fixed to a certain out-houſe of Anna Maria Tackery, widow, to be uſed and occupied with the dwelling houſe of the ſaid Anna Maria, he having no title or claim of title thereto.

Not Guilty.

*Tried by the ſecond Middleſex Jury before Mr. Baron* Hotham.

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54. WILLIAM KIDLEY was indicted for feloniouſly ſtealing, on the 14th day of November laſt, four pieces of leaden pipe, containing forty-three pounds weight, belonging to Jeremiah Redwood, and fixed to his dwelling houſe.

Not Guilty.

*Tried by the ſecond Middleſex Jury before Mr. Baron* Hotham.

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55. THOMAS GARNER was indicted for feloniouſly ſtealing, on the 4th day of November laſt, a pair of nankeen breeches, value 2s. a great coat, value 12d. a child's ſuckling horn, value 2d. and a baſket, value 4d. the property of Richard Bear.

Guilty, 10d.

*To be privately whipped and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* Willes.

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56. HANNAH HALL and ALICE LESSEN were indicted for feloniouſly ſtealing, on the 1ſt day of October laſt, a cloth coat, value 10s. a linen ſhirt, value 1s. and a linen ſhift, value 1s. the property of Joſeph Watkins.

The proſecutor took the two priſoners with the things.

Both Guilty.

*To be privately whipped and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* Willes.

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57. CATHERINE DIBDIN was indicted for feloniouſly ſtealing, on the 20th day of July laſt, a linen ſheet, value 2s. a camblet gown, value 3s. and a linen ſhift, value 2s. the property of Margaret Nicholſon, widow.

Guilty.

*To be privately whipped.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* Willes.

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58. JOHN GILBERT was indicted for feloniouſly ſtealing, on the 6th day of November laſt, one linen ſhirt, value 4s. one

pair of ſtockings, value 2d. the property of Edward Deane.

*There was no evidence beſides the confeſſion of the priſoner, obtained under promiſes of favour.*

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

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59. **JOHN ALLEN** and **SARAH ALLEN** were indicted for feloniouſly ſtealing, on the 29th day of Auguſt laſt, ſeven yards and an half of velveret, value 42s. two printed bound books, called Religious Tracts, value 2s. twenty yards of black binding, value 6d. nine leather boot garters, value 5s. two leather martingales, value 5s. and one belt, value 12d. the property of Edward White and John Farmer.

*The witneſſes not appearing that could identify the articles, the priſoners were*

BOTH ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

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60. **JOHN LONG** and **CHARLES SORRELL** were indicted for feloniouſly ſtealing, on the 9th day of November laſt, two hundred pounds weight of ropes, called gun breeches, value 8s. the property of Obadiah Reeves and John Parker.

*Mary Ives*, ſervant to the proſecutors, ſaw the priſoner Sorrell, who was ſervant to them, with the ropes round him, and followed him to a rope-ſhop, where he went to ſell it.

CHARLES SORRELL, GUILTY.

*To be impriſoned ſix months in the houſe of correction.*

JOHN LONG, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

61. **JOHN DREW** was indicted for feloniouſly ſtealing, on the 4th day of October laſt, one oil-ſtone, value 5s. the property of John Nogle.

GUILTY.

*To be privately whipped, and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

---

62. **DAVID GRAHAM** was indicted for feloniouſly ſtealing, on the 7th day of December, one cloth coat, value 2s. the property of Henry Bath.

The priſoner came with a ſham letter, and took an opportunity of ſtealing the coat, which was found upon him.

GUILTY.

*To be impriſoned ſix months in the houſe of correction.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

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63. **WILLIAM RUSSELL** and **ANN RUSSELL** were indicted for feloniouſly ſtealing, on the 14th day of November laſt, one piece of white ſilk ribbon, containing eighteen yards, value 9s. one other piece, value 2s. one other piece, containing five yards and an half, value 2s. one other piece, containing ſix yards and an half, value 3s. the property of Thomas Flint.

BOTH NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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64. **GEORGE MARK** was indicted for feloniouſly ſtealing, on the 10th day of November laſt, one pair of man's ſilk ſtockings, value 10s. the property of Thomas Shult.

And **JUDAS SYMONS** was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

BOTH NOT GUILTY.

*Tried by the London Jury before Mr. Juſtice* WILLES.

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65. **JOHN MARTIN** was indicted for feloniouſly ſtealing, on the 6th day of November laſt, one bar of Ruſſia iron, value 5s. the property of Joſeph Saxton.

The priſoner was ſeen taking a bar of iron, and carrying it away, but the bar not being produced, the priſoner was

ACQUITTED.

*Tried by the London Jury before Mr.* RECORDER.

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66. **FRANCIS GREEN** was indicted for feloniouſly ſtealing, on the 26th day of November, fifteen pounds weight of potatoes, value 4d. and one wicker baſket, value 1s. the property of Peter Mooney.

GUILTY, 10d.

*To be privately whipped.*

*Tried by the London Jury before Mr. Baron* HOTHAM.

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67. **ISABELLA LISTER** was indicted for feloniouſly ſtealing, on the 16th day of November laſt, two quart pewter pots, value 2s. the property of William James.

*There being no evidence, the priſoner was*

ACQUITTED.

*Tried by the London Jury before Mr. Baron* HOTHAM.

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68. **LEONARD SULLIVAN** was indicted for feloniouſly ſtealing, on the 27th day of February laſt, two cloth coats, value 40s. two cloth waiſtcoats, value 20s. one pair of breeches, value 5s. a ſtuff waiſtcoat, value 5s. a pair of corderoy breeches, value 5s. eleven ſhirts, value 40s. one pair of ſilk ſtockings, value 3s. one pair of ſtockings, value 3s. one pair of cotton ſtockings, value 1s. four pair of thread ſtockings, value 2s. one handkerchief, value 1s. one neckcloth, value 1s. one mourning ring, value 10s. one ſtock buckle, value 2s. one pair of ſtuds, value 1s. one pair of ſilver buttons, value 3s. one watch, with two ſilver caſes, value 40s. one metal watch, value 20s. a part of a ſtop watch, value 20s. a part of a leaden watch movement, value 10d. one pair of ſliding tongs, value 6d. the property of Robert Duncarton, in his dwelling-houſe.

NOT GUILTY.

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69. The ſaid **LEONARD SULLIVAN** was again indicted for feloniouſly ſtealing, on the 12th day of November laſt, one piece of Florentine ſilk, containing ſeven yards, the property of Gentill Chapell, privily in his ſhop.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

---

70. **THOMAS UPTON** was indicted for burglariouſly breaking and entering the dwelling-houſe of Thomas Broadbank, on the 23d day of October laſt, about the hour of one in the night, and burglariouſly ſtealing therein, one ſilver candleſtick, value 2s. 6d. ſix table-ſpoons, value 9s. one ſugar-canniſter, value 3s. one pepper-box, value 1s. one muſtard-pot, value 1s. 6d. four table-cloths, value 6s. five ſhirts, value 5s. his property.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

71. **WILLIAM CROSS** was indicted for feloniouſly ſtealing on the 5th day of December, two linen ſhirts, value 6s. one pair of ſtockings, value 6d. one handkerchief, value 6d. one pair of breeches, value 12d. one pair of ſhoes, value 12d. one cloth coat, value 4s. the property of Peter Fillery.

GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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72. **ABIGAL PERFECT** was indicted for feloniouſly ſtealing, on the 29th day of October laſt, one ſilver watch, value 40s. and 16s. in monies numbered, the monies of James Morris.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

---

73. **THOMAS OSBORNE** was indicted for feloniouſly ſtealing, on the 4th day of December, two flannel waiſtcoats, value 4s. one pair of ſhoes, value 2s. a tin pot, value 6d. a canniſter, value 6d. the property of William Saunders.

*The priſoner was taken immediately after the things were loſt, with them upon him.*

*Priſoner.* I found the things.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

---

74. **WILLIAM SUNMAN** was indicted for feloniouſly ſtealing, on the 12th day of November laſt, one pair of linen ſheets, value 8s. the property of Juſtinian Sillack.

*There being no evidence but the priſoner's confeſſion, obtained under promiſes of forgiveneſs, he was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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75. **JAMES GREEN** was indicted for feloniouſly ſtealing, on the 24th day of November laſt, two pewter pint pots, value 20d. the property of Richard Oſborne.

GUILTY. 10d.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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76. **ROBERT SPENCER** was indicted, for that he, on the 20th day of September laſt, upon one Mary Twigg, ſpinſter, violently and feloniouſly did make an aſſault, and her the ſaid Mary againſt her will feloniouſly did raviſh and carnally know againſt the ſtatute.

*Mary Twigg and Martha Twigg called on their recognizances, and not appearing, the priſoner was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

---

77. **WILLIAM CROOK** was indicted for feloniouſly ſtealing, on the 1ſt day of December, a pair of leather gloves, value 8s. the property of Adam Dernford.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

78. **ELIZABETH TURNER** otherwiſe **RUSHTON**, was indicted for feloniouſly ſtealing, on the [illegible]th day of January laſt, one cotton gown, value 5s. one pair of ſilk ſtockings, value 6s. one apron, value 4s. the property of Elizabeth Steward.

GUILTY.

*Privately whipped.*

*Tried by the ſecond Middleſex Jury before* *Mr. Baron* HOTHAM.

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79. **JAMES KNIGHT** was indicted for feloniouſly ſtealing, on the 15th day of October laſt, two hundred and fifteen packs of playing cards, value 21l. the property of Henry Fourdrinier, William Bloxham, and Joſeph Walker.

*There being no evidence to affect the priſoner as the principal, he was*

ACQUITTED.

*Tried by the London Jury before* *Mr. Juſtice* WILLES.

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80. **RICHARD WATTS** and **JOHN MALING** were indicted for feloniouſly aſſaulting Peter Fernhead, on the King's highway, on the 5th day of December laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one waggoner's whip, value 4s. 6d. the property of Richard Knowell.

*(The caſe opened by Mr. Garrow.)*

*The witneſſes examined apart at the requeſt of Mr. Peatt, priſoner's councel.*

PETER FERNHEAD *ſworn.*

I was guard to Mr. Clarke's waggon, of Leiceſter, I went with the waggon through Barnet, the clock ſtruck ſeven as I was going through Barnet, when I came on Hadley-Green, I ſaw a man cutting the ropes of the off ſide of the waggon; that was Watts; I ſtruck him with my whip, and immediately three men came up, I ſtruggled as long as I could, and they wrenched the whip out of my hand; one of them had ſome inſtrument that looked like a bill-hook, then Maling came up, and one of them ſaid damn him murder him, then Maling ſtruck me with the bill-hook.

Are you ſure they are the perſons?——I am as clear as that I hope to eat or drink.

Are you quite ſure of it?——I am quite poſitive of it, then I hallooed out murder, and fell down on this arm, and immediately ſomebody ſtruck me on the ſhoulder, I cannot tell who it was, I was quite diſtracted before, a waggoner who was before me returned at my not coming along, and he came back to me, they ran away and left me in that condition, I ſearched for my whip, but could not find it, that was wrenched from me by one of the perſons, I ſtood as long as I could; I ſaw them at Juſtice Blackborough's, and knew them among a number of people.

Did you ſingle theſe two men out from all the reſt?——I did.

Had you then or have you now any doubt of them?——Not in the leaſt; my hat was cut through.

*Court.* I very much doubt whether this is ſuch an offence as in point of law is called a robbery, therefore my opinion is, that another indictment ſhould be filed againſt them for a miſdemeanor; you might indict them for an aſſault with intent to rob upon a ſpecial count, and another for aſſaulting and wounding.

BOTH NOT GUILTY.

*Court.* Let them be detained for the purpoſe of an indictment, and referred to Mr. Blackborough, who committed them, to take good bail.

*Tried by the ſecond Middleſex Jury before* *Mr. Baron* HOTHAM.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of DECEMBER, 1785, and the following Days;
Being the FIRST SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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NUMBER I. PART V.

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THE WHOLE

# PROCEEDINGS

UPON THE

K[illegible]G's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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81. MARY M'NEIL was indicted for feloniouſly ſtealing, on the 21ſt day of October laſt, two linen ſhirts, value 4s. one handkerchief, value 3d. one dimity pocket, value 3s. and one ſilk hat, value 3s. the property of Mary Oakley.

GUILTY, 10d.

*To be privately whipped.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

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82. MARY PATMORE was indicted for feloniouſly ſtealing, on the 21ſt day of October laſt, one ſhirt, value 2s. one apron, value 6d. one ſhift, value 1s. two cloth waiſtcoats, value 1s. one pair of ſtockings, value 6d. and one tea-ſpoon, value 1s. the property of Margaret Mather.

GUILTY 10d.

*To be privately whipped, and confined ſix months in the houſe of correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

83. SAMUEL THOMAS CHARLES was indicted for feloniouſly ſtealing, on the 15th day of December laſt, a man's hat, value 4s. and three ounces of black taw, value 6d. the property of Alexander Flaherty.

The proſecutor detected the priſoner, who was his ſhopman, going out of the ſhop with one of his hats in his breeches, which he depoſed to.

*Priſoner.* It is my own hat, one I had to dreſs and clean, and I wanted to conceal it; I have a licence to deal in hats.

*Proſecutor.* I am ſure it was my hat.

GUILTY.

*Court.* Priſoner, your defence is a very great aggravation of your crime, for nothing can be more ſuſpicious or improper, than for a journeyman to deal in the ſame commodity which his maſter does on his own account; therefore, under all the circumſtances of this caſe, I think I ſhould not do my duty if I was not to order you to be tranſported for ſeven years.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

84. **FRANCES JOHNSON** otherwiſe **FIELDING** was indicted for feloniouſly ſtealing, on the 22d day of November laſt, one ſheet, value 2s. one waiſtcoat, value 2s. one gown, value 2s. one petticoat, value 12d. the property of Robert Bidwell.

The priſoner was taken on the bed in the proſecutor's room, having removed the things mentioned in the indictment, from the place where they had been left hanging; and as ſhe was taking before the Juſtice, ſhe knocked down four people, and behaved exceeding ill.

GUILTY.

*To be privately whipped and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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85. **MARY JACKSON** was indicted for feloniouſly ſtealing, on the 3d day of November laſt, one pair of leather ſhoes, value 5s. the property of Stephen Maile.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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86. **GEORGE HOOKER** and **THOMAS BATES** were indicted for that they, on the 6th of November laſt, on the King's highway, with certain offenſive weapons called cutlaſſes, which they in their right hands had and held, unlawfully and feloniouſly did aſſault David Richards, and did then and there demand his monies, goods, and chattles, with a felonious intent his monies, goods, and chattles, feloniouſly and violently to ſteal.

DAVID RICHARDS *ſworn.*

On the the 6th of November laſt, about twenty minutes paſt ſix in the evening, it was about twenty minutes as near as could be, it was not half an hour after ſix, it was in Well-ſtreet, near Alderſgate-ſtreet, I was walking through Well-ſtreet and the priſoner Bates came up to me and ſtopped me, to the beſt of my knowledge he followed me, he was on the other ſide and croſſed the way to me, and he caught hold of my coat and told me to ſtop, and when I aſked him what he wanted with me, he ſwore d—n your eyes you muſt deliver to me all you have, or elſe you will be a dead man, and he held a cutlaſs in his right hand juſt againſt my breaſt naked, I looked in his face and caught hold of the cutlaſs with this hand, the right hand, and almoſt cut my hand off with it; I caught hold of his collar, and we wreſtled into the ſtreet, and the priſoner Hooker came up and cut me over the ſhoulder with another cutlaſs, then I began to cry out murder, I thought I ſhould be a dead man, and directly as Hooker cut me acroſs the ſhoulder then Bates got at liberty, I was was obliged to let him go, then they both got cutting me.

Did they wound you at all?——Yes, acroſs my face, they cut my eye, they cut me acroſs my forehead, and I cut my hand almoſt off, they cut my throat here, and ſtabbed me in my breaſt, then I cried out as hard as I could for aſſiſtance, then they made off, and another gentleman came up to me and aſked me what was the matter, I was almoſt killed, bleeding like any thing; they were not purſued and taken immediately, but one of them the week following, and the other the next week.

They did not take any thing from you at all?——No, they knocked my hat into the dirt, and took my watch almoſt out, but not quite, they had tried ſeveral times at it, the watch was almoſt drawn out, ſo that you might ſee part of the watch, but they did not get it quite away.

Did they take your hat off?——No, they did not take it away, they were obliged to go away on people coming up.

Did they take it off your head or knock it off with their blows?——I cannot tell that.

Did you know the priſoners before this time at all?——I have ſeen one of them paſs by two or three times, he lives near where I live in Whitecroſs-ſtreet, I cannot ſay I knew Hooker before, or whether I ever ſaw him before I cannot ſay.

What ſort of a night was it?——It was a fine night, and the lamps were lighted; they took me between two lamps.

It was not moon-light?——It was quite light, I was with my back juſt againſt a lamp, and their faces near a lamp that I could ſee them very plain, I was within a very few yards of a lamp.

Had you an opportunity of ſeeing their faces well?—I had.

Had you an opportunity of ſeeing Hooker, who came up the laſt, diſtinctly?—Yes, he came up facing the lamp with his face towards me, and gave me a blow on my ſhoulders.

In the ſtruggle with Bates had you ſufficient poſſeſſion of yourſelf to ſee Hooker ſo as to know him again?—Yes, I had, and I did know him again, I am very ſure theſe are both the men, I have no doubt of it in the leaſt.

*Mr. Knowles, Councel for the Priſoner Bates.* The firſt perſon that came up to you was the man that you ſuppoſe to be Bates?—Yes, it was Bates.

Before the other man reached you, you had been cut by the cutlaſs?—Yes.

You felt at that time the pain in your hand?——No, I felt no pain at all, till I was taken to the ſurgeon's.

Before this other man came up, you cloſed with Bates, and you was ſtruggling with him?——I was in the middle of the ſtreet.

You was ſtruggling with Bates before?—Yes.

When were the two priſoners taken?—Hooker was taken the Saturday following, and to the beſt of my knowledge, Bates was taken the Wedneſday after that.

Who did you receive the information from, that Hooker was taken?—I gave information againſt them to the patrols, and after they had taken him, they came and told me, Newman took him; I did not know him before.

When you gave the information, you did not know the names of theſe perſons?——No, but I gave a deſcription of their perſons, and I went to ſee whether they were the perſons I ſuſpected; Hooker was taken on Saturday, and I ſaw him at Guildhall on Monday, I did not ſee him before, I knew him directly, before he came near me, he was ſo perfectly in my knowledge; I firſt ſaw Bates at Guildhall the ſecond day after he was taken, I think it was on the Thurſday or Friday.

Did you know him directly?——Yes.

Was you preſent at Hooker's examination?——I was.

Did he ſay anything in his own defence?——I do not recollect, he ſaid, he was innocent.

Did he ſay that he could ſhew where he was that evening?——No, I did not hear, to the beſt of my knowledge, he ſaid at Guildhall, he could bring ſomebody to prove where he was that evening.

He ſaid ſo, did he?—He ſaid ſomething like it.

Do you recollect that he ſaid where it was that he was?——No, he only ſaid generally, that he would bring ſomebody to ſhew where he was.

Did Bates ſet up any defence of that kind, when he was examined?—No, he did not; theſe are the clothes I had on then.

*(Produces a hat cut through, and a coat cut through the ſhoulder, and a waiſtcoat cut through, and the handkerchief that he had about his neck cut through, and ſhirt cut through all bloody.)*

JOHN NEWMAN *ſworn.*

I know no more than taking the priſoner Hooker, he was under examination before Mr. Alderman Wilkes, along with one Dunſtan, who was caſt for death laſt Friday; and I laid a detainer againſt him, there was an information came down out of Old-ſtreet, that he was concerned in ill treating a man in Brick-lane, of which he was acquitted the other evening, by the proſecutor's not attending.

*Mr. Knowles.* Had you any converſation with Richards before the examination before the Magiſtrate?—No, Hooker ſaid he knew nothing about it, Mr. Alderman Wilkes remanded him back till the young man came to ſee him, I was preſent at his examination.

Did he ſay where he was the evening that this happened?——I think he ſaid he was at home.

Recollect yourſelf?——Yes, he ſaid he was at home, I am ſure; I found nothing upon Hooker.

Did Hooker mention where he lived?—No, Sir.

### ROBERT LISLE *ſworn.*

I know nothing more than I apprehended Bates, Mr. Harriſon and me were two or three nights after him, we took him in Long-lane, Smithfield, talking with a woman and two more men; my brother officer ſays, Mr. Bates, we want you, I laid hold of him directly, and pulled him up Barbican; he came along half way, then ſays he, by G—d, it is not watch hours, and I will not go with you; he denied his name, we found a duplicate in his pocket of the name of Bates, we took him to the King's-head oppoſite to Wood-ſtreet Compter, and from thence to the Compter, to be ſure whether he was the man, I ſaid, pray are not you out on bail, he ſaid, yes, I am.

Did you find anything elſe particular?——Nothing at all, at his examination he acknowledged his name was Bates, he ſaid he was not guilty of it, he ſaid he was at home.

### ANTHONY HARRISON *ſworn.*

I was at the taking of Bates with Liſle, I had information of him, we took him in Long-lane, in company with one or two more, and a young woman or two, when I firſt apprehended him; he went with me, I told him oppoſite the watch, his name was Bates, and he denied it was; I found a duplicate in his pocket, with the name of Bates, I was preſent when he was examined, he did not ſay where he was on the evening of the robbery, that I recollect.

*Priſoner Bates.* Did not I tell him that I was in priſon at the time this was done?—He mentioned ſomething, but I cannot particularly ſay, that he ſaid he was in cuſtody.

### THOMAS CROWDER *ſworn.*

I keep a public houſe in Well ſtreet, at about twenty minutes paſt ſix, as nigh as I can judge, I will not be poſitive to a minute or two I was ſitting in my parlour, and another young man with me, I ran down the ſtreet, and found the proſecutor laying in the kennel bleeding; as for the priſoners, I know nothing about them; there was ſomebody running before, there was a watch half out of his pocket, which I took out, I took him up, and took him to Mr. Withy's.

*Priſoner Hooker.* I can prove that I was at another place at the time.

*Priſoner Bates.* I can prove where I was at the time.

### THOMAS BELL *ſworn.*

I live by Old-ſtreet-ſquare, I was a victualler at the time of this accuſation in Hatwell-ſtreet, Goſwell-ſtreet, I am no buſineſs now, I wait for a place, I expect to go to Cambridge to be bed-maker to the College; on Sunday the 6th of November, being the day after the gunpowder treaſon, George Hooker came into my houſe, about twenty minutes or a quarter after five, and called for ſome porter.

Any body with him?——Not at that time to my recollection, in the courſe of about half an hour, came in two young men, and a young woman, apparently acquaintances of Hooker's, who aſked each other how they did when they came in.

Do you know the name of either of theſe young men?——I never ſaw them in my life before.

How long did Hooker ſtay in your houſe?——Till within about five or ten minutes of ſeven, I am not ſure to a few minutes, but I will give you a reaſon (give me leave to expreſs the matter that happened during this time) after theſe two young men and the young woman came, they called for ſome crank, which is gin and water, and not being warm enough, they put it on the bar which belongs to the tap-room grate, where we put a pot or pint of beer to take the chill off; about five minutes after ſix my wife came into the tap-room, and ſaid ſhe expected her ſiſter, whoſe name is Foſkett, and lives near Covent Garden, to tea, but ſhe ſaid ſhe would go to tea, for it was five minutes paſt ſix, and paſſed the compliment to two or three people that were there, and aſked them if they choſe to drink a diſh of tea; Hooker ſaid, he did not care if he had one, and he went to tea in the parlour with her, and returned in about ten minutes, the parlour joins to the tap-room.

Did you drink tea with them?——I very ſeldom drink tea, but I did that afternoon, and ſaw him in the room.

Who elſe drank tea?——No perſon but my wife and Hooker, I took one diſh without ſitting down, Hooker and my wife ſat down, nobody elſe, I do not imagine there was any other perſon in the place; the two young men, and the young woman went out of the tap-room, and came in again in about five minutes, where they were I do not know, that was before Hooker went to tea, that was not when Hooker was at tea; while Hooker was at tea, they were in the tap room.

*Court.* What had they with their tea?——Toaſt, my Lord, that I recollect particularly well, becauſe Mr. Hooker took a piece, and the ſervant girl that was there was rather jocular with him, and ſaid he would take all the toaſt.

Who made the toaſt?—I do not know.

What had the young men and the young woman while you was drinking this tea?—Nothing but the crank, I ſaw them have nothing to eat, Hooker was at tea about ten minutes.

What became of him after tea?——He came into the tap-room after he had been in the parlour to tea.

Did he drink any thing in the tap-room?——He might, I do not remember.

What time did he go away?——About five minutes before ſeven, the reckoning was paid, I do not know which paid it.

Did they go out together?——I do not recollect whether they went out together or not, a neighbour of mine, one Mr. Taylor, a box-maker, was ſitting with him, and looked at the clock and ſaid it was almoſt ſeven, and he would go home to ſupper, he ſat on the right-hand ſide of the firſt box in the tap-room, Hooker ſat the right-hand ſide fronting him.

You have a dial in the tap-room?——Yes.

Did he go away firſt or Hooker and his company?——Our dial was right, it is a good dial, Miller came in about a quarter or twenty minutes after five, Hooker came in before five: Miller had two or three pints of beer, nothing but beer, except ſome tobacco, I ſmoaked half a pipe with him and drank with him, nobody elſe was in that company but Mr. Miller and me, Hooker and theſe people ſat oppoſite, I do know whether they talked.

Were there any other companies?——There might be people, but I do not recollect; the box is long, and there is a ſeat at that end, and a ſeat by the fire place, Hooker ſat at the corner which is at the table: I have known the family of Hooker a great many years, but have only known the priſoner by ſight.

*Mr. Knowles.* Your dial was a good going dial?——Yes.

You had had no complaints of it that day?——No.

How far is your houſe from Well-ſtreet?——I ſuppoſe it is about a quarter of a mile.

From the time that the priſoner Hooker came into your houſe to the time he went out of it after Mr. Miller, was he abſent at all?——He was not abſent to my knowledge out of the tap-room, only to go to drink his tea, he might go out for a minute, but nothing more, for I ſtaid in diſcourſe with Miller; Hooker's father is a man of very good character, the ſon is his apprentice, as to his character I know nothing of him good or bad, I believe he is a wild boy, but I never heard any harm of him.

What converſation paſſed?——The day preceding the Sunday was the 5th of November, and there were a great many effigies about the ſtreets, in the repreſentation of Guy Vaux, and ſome unlucky hands had taken from the ninepin-ground behind my houſe one of the four-corner pins, which we call ninepins, and had burnt it in the fire, and he and me were laughing and talking of the impudence of the boy in burning the ninepin before the door.

*Mr. Knowles.* Are you going ſoon to college?——I expect a letter up every day.

*Court.* Did you join in converſation with Hooker and his company?——No, not particularly, I might, but I do not recollect any thing particular but this diſcourſe.

### ANN BELL *ſworn.*

*Court.* Let Mr. Bell withdraw out of the other ſide of the court.

What is your name?——Ann Bell.

Do you know the priſoner Hooker?——Yes.

Do you remember his being at your houſe on Sunday the 6th of November?—Yes, the day after gunpowder treaſon.

Tell us what you know of it.——He came into my houſe about a quarter before five, it was before candles were lighted, I went in afterwards to my parlour adjoining my bar, and ſometime after I went into the tap-room, and I expected my ſiſter to come to tea, and I ſaid, bleſs me, it is late, I do not think my ſiſter will come, for it is paſt ſix o'clock, and I concluded to go to tea by myſelf, as ſhe did not come; and returning out of the tap-room I ſaw young Mr. Hooker, and going out, I ſaid, George will you have a cup of tea with me, and he ſaid, I do not care if I do, Mrs. Bell, and I believe he did drink two or three cups of tea, and then he went into the tap-room again, and afterwards he went away, I do not know whether it was five minutes after or before ſeven, but I ſaw our hour-hand near to ſeven; ours is a very good dial, it was not wrong that day, there was one Mr. Miller, a neighbour of ours, a very good man, and of good family, was there; I know the priſoner's parents, they are very honeſt people, they bear a good character, the priſoner's employment is weaving or ſomething in that way, I believe he works for his father, but I cannot particularly ſay, I am ſure the dial was very right, it is ſaid to be a very good dial.

*Court.* What time did the priſoner Hooker go away?—I ſaw him there pretty near ſeven, I do not know what time he went away, I went into my fore room, I only went into the tap-room to carry the candles.

Who was the young woman that was with Hooker?——I do not know, I ſaw a young woman and two young men; there were no young men drank tea with me but Hooker and my huſband, I believe my huſband might drink a cup of tea, I believe he did, he is not very fond of tea.

Did you and Hooker and he ſet down to tea together?——I cannot tell particularly whether my huſband ſat down, but Hooker did.

Did Miller drink any tea?——No, he was the next door neighbour, I cannot ſay what time Miller went away, after tea I ſaw Mr. Miller there, my ſiſter's name is Foſkett, No. 31, Ruſſel-ſtreet, Covent-Garden.

Did you eat any thing with your tea?—Mr. Hooker eat a bit of toaſt, I very ſeldom eat any thing in an afternoon.

Was it toaſt or bread and butter?——It was toaſt.

### JOHN MILLER *ſworn.*

I am a box-maker, I live at No. 6, in Hatwell-ſtreet, Goſwell-ſtreet.

Do you remember being at Mr. Bell's houſe on Sunday after gunpowder plot?—Yes.

Who were there?—George Hooker was there.

*Court.* What time did you go in?——I went in about half after five.

How ſoon after that did Hooker come in?—He was there when I went in.

Was any body with him?—There was one young man with him, but I do not know him.

Were there many other people beſides him and his companion at the time?—Nobody but Mr. Bell and me drinking, to the beſt of my knowledge, I do not recollect any body elſe at the time when I went in.

How long did that young man ſtay there that was with Hooker?——It was ſeven o'clock before that young man went away.

Did Hooker go with him?—No, he did not go with him, he was in the houſe when I went away, they were both there when I went away, I do not know what time that young man went away, it was ſeven o'clock before I went away.

How much after ſeven?——It was gone ſeven, it might be five minutes before or after, I do not recollect, it was about ſeven but whether before or after I do not recollect.

Do you recollect any other people coming in after you came in?——I do not recollect in particular any other perſon.

Then you do not recollect any other company in particular beſides Hooker, yourſelf, and the landlord?—No.

Did you join company with Hooker and his companion?—No, Sir, Mr. Bell and I had four pints of beer together, and a paper of tobacco, and after we had drank that I paid my reckoning and went in doors.

Did Hooker and his friends ſmoak with you?—No.

Did they drink any of your beer?——No.

What had they?—They were drinking ſomething, I think it was crank.

Who drank with them, do you recollect?——The young man that was with him, nobody elſe that I recollect.

Now recollect as well as you can, whether you are ſure that there were none of the other company drink with him?—I do not recollect that I ſaw any body.

Should you have recollected if there had?——If I had ſeen them, I ſhould; there was Hooker and one other, but who that other was I do not know, I ſaw nobody elſe; that was all that was in his company.

Who was that young woman that drank tea with Mrs. Bell?—I ſaw no young woman drink tea with Mrs. Bell; ſhe came and paſſed a compliment in the tap-room to George Hooker, and aſked him to have a diſh of tea with her, and he went out of the room and was gone ten minutes, or it might not be ſo much.

Did his friend go with him?—No, the young man that was with him never was out, he ſtopped in the tap-room.

Alone all the time?—Mr. Bell and me were together.

Then you kept the young man company while his friend was drinking tea?—No, I never kept any body's company but Mr. Bell's, he was in one box and I in another, and he ſat in the box he was in all the time that George Hooker was gone to tea, I did not ſee the young woman that drank tea with Mrs. Bell.

Did you ſee any young woman in the tap-room?—Not to the beſt of my knowledge, I do not know that I ſaw any young woman.

How long might Hooker be abſent when he went to drink tea?—Ten minutes, I dare ſay he was.

How long was he out any other time while you ſtaid?—I do not know, to the beſt of my knowledge I never ſaw him out after that time, not that I took any notice off.

Where was Mr. Bell while Hooker went to tea?—Mr. Bell was drinking in the tap-room.

With you?—Yes.

What were Mr. Bell and you drinking?—Porter.

Neither he nor you liked tea?—No, Sir, I do not recollect that ſhe aſked me particularly, but I did not take any notice.

Did Mr. Bell go to drink tea?—No, to the beſt of my knowledge, I do not recollect that he did go and leave me, without it was to draw a pint of beer or ſo.

Do you recollect what your converſation turned upon with Mr. Bell?——We were talking about one thing or another, I do not recollect any thing particular, I know it was the day after the 5th of November, but I do not recollect that we talked any thing about it, I do not remember any particular circumſtance being mentioned that had happened the day before.

Had the boys had any bonfire before your door the day before?—Yes, they had; I do not recollect that they had any Guy Vaux.

Do you recollect talking how the boys had made their bonfire, and what they had put in it?——No.

Then you do not recollect talking about what the boys had the impudence to burn the day before?——Yes, he ſaid they took a ſkettle out of his ſkettle ground, but I thought nothing of that, that was all I heard him ſay, I cannot ſay how many ſkettles.

Did you ſay anything when you went away?——I wiſhed Mr. Bell a good night, and the company that was there; I took notice that it was near ſeven when I went into my houſe, it might be five minutes before or five minutes after, I do not know, I ſaid, I was going home to bed, I wiſhed them all a good night and I went to bed.

Did you ſup at Bell's?——No, I did not eat any thing after my dinner.

Then you did not ſay it was almoſt ſeven o'clock, and time for you to go home to ſupper?——No.

How long have you known Hooker?—I have known him about a fortnight or three weeks, only ſeen him three or four times at Mr. Bell's; I did not know the lad that was with him, I am ſure I left them both there when I came away; I ſaw nobody drink with them; they were both there when I came in.

*Jury.* Do you know Mr. Bell's parlour at all?——I have drank in the parlour.

Is it a fore room or a back room?——It is a front room.

How many doors into it?—Two doors, one out from the bar, and one from the paſſage.

*Court.* Can you be particular how long Mrs. Bell and Hooker were at tea?——I cannot tell how long they were at tea, he was wanting about ten minutes, I do not think it was more than that.

Do you know Well-ſtreet?——I do not know that I do.

Do you know Jewin-ſtreet?——Yes.

How far is Jewin-ſtreet from your houſe?——I think it is half a mile.

*Liſle.* This Bell kept an exceeding bad houſe.

*Mr. Garrow, Priſoner's Counſel.* What may you be?——I am a carpenter.

Is that your only buſineſs now?—No, I was at the apprehending Bates.

Who was it that you would have been bail for at Clerkenwell the other day?——One Mr. Connelly.

You are a maſter carpenter?——Yes.

Do you keep any men?——No, Sir.

Where is your ſhop?——My ſhop is No. 45, White-croſs-ſtreet; I am conſtable of Cripplegate ward.

Appointed by whom?——I ſerved in my right twelve months to-morrow.

You keep your deals and things at No. 45?—No, Sir, I do not keep them all there, ſome at Mr. Smith's in Beech-lane, I have dealt with him lately.

Is Mr. Bell's houſe within your juriſdiction?——It is very little diſtance.

Have you made any preſentment of this houſe?——I dare not go to his houſe, it is not in my ward.

Have you to the officers of the ward?—I did not trouble my head about it.

*Mr. Bell.* It is whiſpered that my houſe has loſt it's licenſe, but it was a ſixth or ſeventh licenſe granted without a ſingle objection, the laſt licenſing day it was granted; there is not a conſtable belonging to the diviſion, that can ſay they were ever ill uſed, when they viſited my houſe; they came in many times, and never took a man out.

Who is your landlord?—Mr. Meukes.

Is your houſe in London or Middleſex?—It is in Middleſex.

*Court.* How long was Hooker and your wife at tea in the parlour?—About twenty minutes, as near as I can recollect.

Did the two young men and the young woman that were in company with Hooker, ſtay all the time that he ſtayed?——They went out and came in again, but that to the beſt of my remembrance was before he went to tea.

Then while he was at tea, the two young men and young woman were together in the tap-room?——Not together, becauſe the benches were apart, and not both together, in the ſame room.

Do you mean all this time only to ſay that the two young men and young woman were in the room, were they or were they not part of his company?——Yes, they aſked one another how they did.

Did you and Mr. Miller mix any converſation?——No converſation that I recollect, a word might paſs, we ſat no nearer than as the tables I repreſent; and they are near enough to ſpeak.

What ſort of young woman was this that was in company?——I cannot recollect the young woman, I never ſaw her or the two men before.

Was ſhe tall or ſhort?——She was rather ſhortiſh, much about the ſize of my wife, ſhe might be taller or ſhorter, I do not recollect.

Tolerably decently dreſſed?——No ways tawdry.

Then you do not recollect the converſation that paſſed between the woman and Miller?——I do not recollect any, if they ſpoke it was while I went backwards and forwards out of the room, Bates was not in my houſe, nor had not been for a fortnight or three weeks.

*Court to John Clarke.* I ſee you are here accidentally: do you know Mr. Bell's houſe?——No, my Lord, I never was in the houſe, but there were once ſome coiners taken out of this houſe.

*Bell.* The ſtair-caſe goes at the back of the ſtreet door, and a man gave a woman a bad half guinea to lie with her all night, the man was taken up for tendering this bad half guinea to the woman; and Mr. Silveſter was counſel, and I there appeared like a man to proſecute; there never was a man for a felony in any reſpect, taken out of my houſe; I have never been convicted of any gaming, or ſerving in ſervice time, or any thing of the kind.

*(For the Priſoner Bates.)*

### DANIEL JENKINS *ſworn.*

I live with Mr. Davis, the keeper of the Borough compter; I am the turnkey, I know the priſoner Bates.

Have you ever had him in cuſtody?—No.

What do you come here to prove?—He came to ſee a priſoner at our priſon, in the duſk of the evening, on the 6th of November, which happened to be on a Sunday evening.

How came you to remember the day?—That day he had a noſegay in his boſom, and Mr. Davis himſelf ſaw him come in; ſays he, this is not a day to wear a noſegay, it is next Thurſday, we had loſt a priſoner juſt before, and were very particular in perſons coming in and going out.

Why was he to wear a noſegay next Thurſday?——I ſuppoſe his meaning was becauſe it was hanging day.

What time did the priſoner come to the compter?—Between four and five o'clock, I cannot poſitively ſay to a minute.

When did he go away?—I cannot poſſitively ſay the time he went away, he ſtayed there ſome conſiderable time and had ſeveral pots of beer, he went away by candle-light, it might be ſeven o'clock, but I cannot undertake to ſay when it was.

Can you venture to ſwear it was ſix o'clock?—No, I cannot ſwear that; I cannot ſwear to any time particular.

Do you know any thing more?—Not at preſent.

### SUSANNAH HUMPHRYS *ſworn.*

I am a milliner, I live in Eaſt-Smithfield.

Do you keep any ſhop?—No, Sir.

A chamber milliner?—Yes.

Are you married or ſingle?——No, Sir, I am not married.

What do you come here to prove?——I went over the water to ſee a young man that was in the Borough compter, on the 6th of November.

What day of the week?—On a Sunday, and while I was there, the priſoner Bates came in to ſee the ſame young man that I went to ſee.

Did you know the priſoner before?—I never ſaw him before.

What time did he come?——About five o'clock, as nigh as I can recollect.

What time did he go away?—About a quarter after ſeven, or ten minutes, I cannot tell to a minute.

How did you know the time?—There was a gentleman with me, one Mr. Kelly, who is gone to to ſea; and I aſked him the time, and he ſaid, it wanted five minutes of ſeven.

How came you to aſk him what o'clock it was, when the priſoner went away whom you never ſaw before?—The priſoner was there then, when I aſked the gentlemen what o'clock it was; the priſoner had another pot of beer after that.

You did not know the priſoner before this?——I never ſaw him before.

Did you know his name at that time?—No.

Had you and he any converſation together?——No further than drinking with the perſon he went to ſee.

Did he or you go away firſt?——He went away firſt, it was very nigh eight o'clock when I went away; I never ſaw him before, and did not know him, nor he me.

Did he call you by your name?—No.

Then how came he to fetch you here?——His mother came to me, the young man who was in the Borough compter knew my name.

Who is that young man?—His name is William Bradley.

Is he there now?———No.

Where is he?———I do not know.

*Court to Jenkins.* What is become of Bradley?—My Lord, he was at our houſe at that time for an aſſault, and diſcharged the next morning.

Do you remember this woman being there?——Yes, very well, and the young man that was with her, which I let out at eight o'clock; for we turn out all the ſtrangers at eight o'clock.

*Suſannah Humphrys.* I was ſubpœnaed by Bates this day week as near as I can recollect.

*Court to Mr. Akerman.* What day was there an execution?——It was the day after Lord Mayor's day.

*The Jury withdrew about ten minutes, and returned with their verdict,*

BOTH GUILTY.

*Each tranſported for ſeven years to Africa.*

*Tried by the London Jury before Mr.* RECORDER.

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87. HENRY LANTWARE was indicted for feloniouſly ſtealing, on the 10th day of December, ten ſufflee prints, made of wood and braſs, value 5s. the property of John Preſton.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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88. BENJAMIN SPICE was indicted for that he, and John Page, and divers others, to the number of three perſons and more, on the 24th day of April laſt, at Maidſtone, in the county of Kent, being armed with offenſive weapons, to wit, divers bludgeons, clubs, ſticks, and hop-poles, unlawfully, riotouſly, routouſly and feloniouſly, did aſſiſt in reſcuing and taking away from Thomas Brock, one of the officers of Exciſe, four gallons of geneva, being uncuſtomed goods, and goods liable to pay duties, which had not been paid or

ſecured, after ſeizure of them by the ſaid Thomas Brock.

*A ſecond Count*, For that he, together with the ſaid John Page and the other perſons, on the ſame day, and at the ſame place, being ſo armed as aforeſaid, unlawfully, riotouſly, routouſly, and feloniouſly, did aſſemble, and being ſo aſſembled and ſo armed, did aid and aſſiſt certain perſons, whoſe names to the Jurors are unknown, in reſcuing and taking away from the ſaid Thomas Brock, then being ſuch officer of Exciſe, four gallons of foreign geneva, being uncuſtomed goods, and goods liable to pay duties, which were not paid or ſecured, after ſeizure by the ſaid Thomas Brock.

*A third Count*, For that Thomas Brock being officer of Exciſe, on the ſame day, and at the ſame place, did duly ſeize four gallons of geneva, being uncuſtomed goods, and that he, together with the ſaid John Page and other perſons, on the ſame day, being armed with divers large ſticks, bludgeons, clubs, and hop-poles, unlawfully, riotouſly, routouſly, and feloniouſly, did aſſemble, and being ſo aſſembled, and being then and there ſo armed, they unlawfully, riotouſly, and routouſly, were aiding and aſſiſting, in reſcuing and taking away, the ſaid laſt mentioned geneva after ſeizure thereof by the ſaid Thomas Brock, againſt the ſtatute.

### *The Caſe opened by Mr. Attorney General.*

May it pleaſe your Lordſhip, and you Gentlemen of the Jury. This is a proſecution againſt the priſoner, for an offence againſt an act of parliament, that has been paſſed ſo long ſince as the 19th of Geo. II. and Gentlemen, it is a lamentable conſideration, that it has been neceſſary for the legiſlature of this country, from time to time, to make laws more and more ſevere, againſt thoſe perſons who openly, and violently reſiſt the laws of their country, and reſiſt them in a manner which calls for reſiſtance again, even to the riſque of the lives of the perſons employed in collecting his Majeſty's revenue: Gentlemen, I am extremely ſorry that ever theſe laws were neceſſary, I am much more ſorry that it has of late been ſo frequently neceſſary to call for their execution, it is now come to ſuch a paſs, that if the law will not protect the officer, nothing but ill-will, and everlaſting battles muſt enſue, between the officers of the revenue, and thoſe that are concerned in defrauding it: you have heard of many of theſe affrays, moſt of them have been attended with bloodſhed, and if the laws already enacted are not ſufficient, it will become neceſſary to have recourſe to force, and the laws muſt be put into execution by that which every civilized ſtate would wiſh to avoid: it is to avoid that horrid alternative, that theſe proſecutions have been begun againſt perſons acting in this outrageous and tumultuous manner: it is to ſave the lives of perſons of his own deſcription, and hereafter to protect the lives of his Majeſty's officers, and to preſerve the laws that were originally made, that this priſoner is now brought to the bar: Gentlemen, I do not expect you will convict the priſoner under theſe laws, unleſs upon the evidence adduced, he clearly falls within the guilt of breaking thoſe laws: I will ſtate to you very briefly, and very fairly the evidence I have to offer, I will ſtate to you the act of parliament, the meaning and conſtruction of which, in point of law, you will receive from the Bench; you will take this into conſideration carefully, together with the facts that will be given in evidence, and coupling the facts with the law, you will decide whether the priſoner falls within it; that is your province; it is mine to ſtate the law, as I humbly conceive it to be: I am inſtructed that he certainly is guilty of the offence deſcribed in the indictment, which is ſtated as the offence of being tumultuouſly aſſembled with others to the number of three or more, armed with offenſive weapons for the purpoſe of reſcuing and taking away from the officers of the Exciſe ſeveral goods, the duties of which had not been paid or ſecured; it is likewiſe charged not only that he was aſſembled for that purpoſe, but that he likewiſe, with three other perſons ſo armed, actually did reſcue from the offigers of Exciſe ſuch kind of goods. Gentlemen, the act of parliament of the 19th of the late King, begins with reciting "that whereas divers diſſolute perſons have aſſociated themſelves, and entered into confederacies, &c. to the loſs of the public revenue, and whereas ſeveral ſeveral officers of the Exciſe," &c. for remedy of theſe evils, it enacts "that after the 24th of July, 1746, any perſons to the number of three or more, armed with fire arms or other offenſive weapons, who ſhall be aiding or aſſiſting, &c. every ſuch perſon ſhall be guilty of felony, without benefit of clergy;" ſo that you ſee the offence deſcribed in this act of parliament, is that of being aſſembled to the number of three or more armed with fire arms, and reſcuing, or endeavouring to reſcue, ſuch goods as are deſcribed in the indictment: this being the law, I will now ſtate the facts: it will appear to you, Gentlemen, that on the 24th of April laſt, one Thomas Brock, an officer of the Exciſe, called to his aſſiſtance two other officers, named Burdett and Carter, and they planted themſelves in an orchard, near to the Roebuck, where the goods were to paſs by: Brock remained in the lane, the two others went into the orchard; they had not been long there, before Carter ſaw two men come out of a cottage that joined the Robuck, and come into the orchard loaded with tubs that were ſlung in ſuch a manner, as the witneſſes will deſcribe, which I underſtand is the uſual way they carry geneva or other liquors, for the convenience of throwing them over horſes or over their ſhoulders; he immediately called out, throw down your tubs; Brock called to them, one of the men run away, and the other attempted to ſecure them; however, he was more than a match for them, and he eſcaped, and they ſecured the two tubs; upon this they went with the two tubs into the lane, and there Carter ſeeing ſix or ſeven men in the lane, he was ordered by Brock, to go and ſee if they had anything with them; he went, and they had not; he heard a whiſtle, and coming back from theſe men he found Brock engaged with eighteen men, of whom the priſoner was at the head, with large ſticks, ſuch as the handle of a fork that is uſed in ſtables, and hop-poles, and at the head of them, the priſoner, who was at that time levelling a blow at Brock, he did not ſtrike with one hand, but was ſeen ſtriking at him with both; the priſoner called out, it is Brock and his crew; upon which the officer told them they ſhould not have the tubs, to which the priſoner replied you may be d—d, and ſwore if they did not leave the tubs, they would murder them; upon this a ſcuffle enſued, and the officers of Exciſe found the ſmugglers were more than a match for them, after conſiderable ſtruggles, and ſeveral blows had been aimed at the officers of Exciſe by ſome men, Carter and Brock who had got fire arms with them, told them, that if they did not deſiſt, they muſt fire, and he ſaid they might fire and be d—d; upon which he gave orders to thoſe men to fire, and that man did fire, which is a ſtrong circumſtance to ſhew how active the priſoner was; the only perſon wounded by that ſhot was the priſoner, who will appear to you to have been very much wounded; they at laſt took the reſolution of abandoning the tubs, and only ſtaved one, and taſted it to know what it was, they went away: Gentlemen, this is the evidence; it is neceſſary firſt of all, to prove that they were aſſembled to the number of of three or more; next that they were armed with fire arms, or other offenſive weapons; and my Lord will tell you his meaning reſpecting the words of the act of parliament, concerning offenſive weapons, it is impoſſible to give any definition what ſhould conſtitute an offenſive weapon within this act of parliament; I humbly contend, and, I think, contend with the concurrence of the learned Judges, who have tried theſe kind of cauſes, that the meaning is ſuch a kind of inſtruments as were peculiarly proper for reſiſtance and aſſault, and ſuch as men engaged in the ordinary buſineſs of life, ought not, and would not take along with them, ſuch as they had for the purpoſe of reſiſtance, ſuch as was proper for it; it ſeemed to be the unanimous opinion of a learned Judge lately on the Bench, that that was the meaning of this act of parliament; that if a man had but a common walking-ſtick, or a common whip, ſuch as men ordinarily carry, though he might accidentally, or though they might be made uſe of to the degree of offence, yet in conſidering this act of parliament, thoſe were not the kind of weapons, and it was neceſſary they ſhould be ſuch as were uſed for the purpoſe of offence: now, Gentlemen, it will appear that by much the greateſt part were armed with what could not be uſed for any other purpoſe than offenſive weapons, and that the priſoner had himſelf (though it would have been ſufficient if he had been with three other perſons at the ſame time, for I ſhould have thought it would have been carrying it a long way, to have ſaid in ſuch a caſe, that he himſelf was not ſo armed) but he himſelf had a weapon of the nature which is deſcribed; I cannot produce to you the weapon itſelf, but there will be produced to you, a weapon of the ſame nature, which the witneſs had from ſmugglers, and which is the ſame ſort of weapon uſed by them: It is not that ſort of ſtick which men uſually carry, becauſe the method of uſing it required two hands to uſe it: Gentlemen, this will be the evidence that will be laid before you, if the priſoner does fall within the act of parliament, and I prove this caſe, as I am inſtructed I ſhall, it will be your duty to find him guilty: I ſhould be moſt happy to find theſe offences were not committed at all, but as they are, I ſhould be happy if the examples made might prevent that dreadful ſcene which I am affraid will happen, if theſe laws are not protected: I am ſure you will give it that attention you ought to do, I am ſure you ſtand indifferent to both parties, and I am ſure to both you will diſcharge your duty.

## THOMAS BROCK *ſworn.*

(*Examined by Mr. Solicitor General.*)

What was your employment in April laſt?——An Exciſe officer, at Maidſtone outſide.

Was you in the execution of your duty, on the 24th of April laſt?——I was.

Who was in company with you in the execution of your duty on that day?——Gabriel Joſeph Carter, and Godfrey Burdett were with me.

Are they officers too?——One of them was a diſtiller's aſſiſtant at Maidſtone, at that time, the other was a perſon on a viſit at my houſe at the time, an officer's ſon.

What happened to you in the courſe of your duty on that day?——On the 24th of April in the afternoon, they were both at my houſe, and I requeſted their aſſiſtance to go with me on that day, as I expected ſome goods would come on the road towards the Roebuck; we arrived in an orchard adjoining the Roebuck about nine at night, Mr. Carter and we were all in the orchard together, Mr. Carter was on that ſide of the orchard that the Roebuck was on, when he came to the bottom of the orchard he diſcovered ſome people, I was at the bottom of the orchard alſo, and I went to the road, and I heard ſome people in the road, the orchard was cloſe to the road adjoining, I heard ſome people in the road, and I thought it was Mr. Carter, which cauſed me to go into the road, then I heard Mr. Carter ſay, lay down your tubs, or down with your tubs, at the ſame time Mr. Carter called out Brock, I was with him as ſoon as he could ſpeak, and caught a man hold by the collar, who ſtood near to the tubs.

How many tubs were there?—Two.

What are tubs?——They are four gallon caſks.

What ſort of appearance have they?——There were ſling cords upon them, which is a ſmall cord, a three braided cord to carry theſe tubs; in the ſcuffle he broke looſe from me, he ſlipped under the rail, I had hold of his frock, and he being too ſtrong for me, jammed my hand againſt the rail, and I was obliged to quit my hold; before I heard Carter call out Brock, I heard theſe people, that I took for Carter.

Did thoſe perſons ſay or do anything that you miſtook for Carter?—Not then, after the man made his eſcape from me, I took the tubs over into the road, and Mr. Carter immediately followed me; I aſked Carter and Burdett to go up the road in ſearch of more goods, and they went up nearer to the Roebuck, and left me with the tubs, and they ſoon after returned back with ſome people following them, who ſwore they ſhould not have the tubs.

How many people might there be that followed Carter and Burdett when they came down to you, thoſe people that were following them?—Why, there were, I believe, eighteen or twenty, and thoſe perſons that were following them at firſt, there were eight or ten, they increaſed directly, then I left the tubs ten or a dozen yards off, and joined Carter and Burdett, apprehending that there would be a riot.

Did you hear anything particular before theſe people came up to Carter and Burdett?——I heard a noiſe in a houſe, it was but a ſmall diſtance, the Roebuck is by the ſide of the road.

Between the time that this man eſcaped from you, and the coming up of theſe eighteen or twenty perſons, did you hear anything particular that ſtruck you at the time?—I heard ſomebody ſay it was Brock and his men.

Did you hear any further expreſſion, or anything elſe at the time?—I heard ſomebody ſay, it is Brock and his men, d—n their eyes, they ſhall not have the tubs; when I was in the orchard, I heard ſomebody make a ſoft kind of a whiſtle, and I thought it was Mr. Carter.

Was it before or after you ſaw the men, that you heard this whiſtle?——I had ſeen nobody when I heard this whiſtle.

Then when was it that you heard theſe expreſſions?——When they were following Mr. Carter, and coming down the road.

When theſe men came up, and you had an opportunity to ſee them, had they any thing with them?——Great ſticks, large ſticks.

What number of them had large ſticks?—About five or ſix, the nigheſt compariſon that I can make of the ſticks, is I believe, they may be about four or five feet long, and ſomething ſmaller than a pitchfork ſhaft.

What did they then do?—They began to threaten, and ſwear that we ſhould not have the things, repeating that it was Brock and his men, and d—d their eyes, that we ſhould not have the tubs; and they d—d their eyes, if they cut them, they would murder them.

Did you know any of theſe perſons?—I know but one, the priſoner Benjamin Spice, he had a large ſtick, which I *fended* off with a ſword that I had in my hand, it was ſimilar to the fork ſhaft, I verily believe it was four feet and a half; I warded it off.

How did he uſe this ſtick?—He uſed it with both his hands, it was a ſtick of that length that he could not uſe it with one hand.

In what manner did he uſe is?—He ſtruck at me, but I kept it off with my ſword, and Mr. Carter he fell upon him very rapidly with a ſhort ſtick, it might be ſomething bigger than this ſtick I have in my hand, *(a common walking ſtick)*; the ſticks the other perſons had were conſiderably bigger, after Mr. Carter had knocked him rather down on the ſide of the bank next the Roebuck orchard, I told him then, if they did not deſiſt we would fire upon them.

What did you and Carter and Burdett do with the tubs after this?——Spice, after he got up, retreated back in amongſt the reſt that were behind, and they went into the hop-yard after that, and got ſome hop-poles, I am not able to ſay how many.

How many might they amount to before they retreated into the hop-yard?——I believe there might be about eighteen or twenty, they were all aſſembled.

What number of them were prepared with ſticks by ſuch time as theſe went into the hop-yard?——I believe about five or ſix, and I heard the others break off the poles to provide themſelves with ſticks, then we returned back to the tubs in the road, which were not above ten or twelve yards off, I took them up, and I adviſed Carter and *Burdett* to ſtave one of the tubs, as I told them I thought it impracticable to carry them off, and I wanted to ſee what ſort of liquor it was.

Did you ſo ſtave the tubs?—Burdett cut the hoops aſunder, and I took hold of the tub, and it ran all down my breeches.

What was this liquor?——Holland geneva.

You taſted it?——I did.

What happened after the ſtaving the tub?—They ſtill purſued upon us very rapidly, and I told them the conſequence would be, if they did not deſiſt, I would fire upon them.

How were they armed then?——With theſe ſticks that they got out of the hop-yard, and thoſe they had before, I believe they all had ſticks, I cannot particularly ſpeak to every man.

Was the priſoner among thoſe who ſo came among you the ſecond time?—He was.

Did they uſe any expreſſions this ſecond time?—They cried we might fire and be d—d, we uſed every effort to get away before we fired, but we found it impracticable.

*Court.* How near might they be to you at this time?—Some of them about a dozen or fourteen yards off, ſome more.

What paſſed afterwards?——They ſtill kept threatening us, I ordered Burdett and Carter to fire.

How did they threaten you?—Swearing they would be d—d if they would not kill us, and that we ſhould not carry the goods off.

Did the priſoner at the bar uſe any of thoſe expreſſions that you ſpeak of?——I cannot ſay whether he did at that time, it appeared to be all in one voice, and they all joined, we could not diſtinguiſh one man from another, but the firſt time Spicer ſaid himſelf, we ſhould not have it, he ſaid he would be d—d if we ſhould take off the goods, that was at the firſt time; judging it impracticable to get away, I ordered Carter and Burdett to turn about and fire upon them.

Were they following you at the time you were running in the manner you deſcribe?—Yes; accordingly they both fired at them with piſtols.

What was the conſequence of this firing?—They did not ſeem to ſtop, they ſtill purſued us, and Carter called out to me why do not you fire? and I immediately fired.

What was the effect of your firing?——The effect of my firing ſeemed to ſtop them, I heard ſomebody cry out when I fired; I cannot pretend to ſay who it was; I have heard ſince that when I fired, I ſhot Spice, then we all three made our eſcape, and they kept throwing their ſticks at us.

How ſoon after this did you ſee the priſoner?——The next day.

Was any one of the name of John Page there?—I cannot ſpeak to him, I only knew the priſoner at the bar, I ſaw the priſoner the day after at the Roebuck; there were ſome people in the houſe and they exclaimed againſt me for my cruelty for ſhooting, and Spice himſelf complained and ſhewed me his wound.

Where was that wound?——Somewhere about the lower part of his belly, it appeared to be a ſide ſhot.

What it had ſlanted along the lower part of the belly?——Yes, he told me he was ſhot in the foot too, but I did not ſee that, he was ſet on a bench eaſing his foot, and at that time I gave him ſixpence.

*Mr. Garrow, Priſoner's Council.* What ſort of a night was this?—Rather cloudy, the moon was at full.

Five or ſix perſons when you firſt ſaw the body had ſticks?—Yes.

What ſort of ſticks, were not ſome of them common walking ſticks?—I never ſaw farmers walk with ſuch ſticks to my knowledge.

Had you an opportunity in the darkneſs of the night and the violence of the affray to make the diſtinction?—I do not remember that ever I ſaw a farmer walk with ſuch ſticks.

Were the whole of the five or or ſix like the ſtick that is to be produced?——I think ſo.

The retiring into the hop-ground and getting the hop-poles was a concluſion of the ſame buſineſs?——Yes.

You was at that time in the ſervice of the revenue?——Yes.

How ſoon after was you diſcharged?——In July.

Upon what account pray?—Why I was diſcharged when the act took place, the act for ſtaving of liquors, there were no goods ſold to produce any money for the officers, and thoſe that were at great expences, as I was, were very much diſtreſſed, and neceſſity, which was the mother of all inventions, obliged me to part with ſome part of the goods, which I ought to have ſtaved, and for that I was diſcharged.

Now this is a very moderate way of ſtating that you had defrauded the Revenue?—I had no orders to ſtave the goods, although the proviſion of the act is, that they ſhould be ſtaved, they are not ſtaved.

It was for bad practices in your duty as an officer.

*Court.* He has told you the fact.

How ſoon afterwards was you reſtored?——I have not been reſtored.

Did you not apply to be reſtored on convicting this priſoner?——I never did any ſuch thing, nor never made any application, if I can get any employment in the Revenue, I ſhall be very happy to have it.

Upon your oath, do not you hope it?—I cannot foreſee.

I aſk you what you expect and hope?—I believe this, whether he is caſt or whether he is not, that neither one thing nor the other will be in favour of me.

Did not you give the information in hopes of being reſtored to your office?——I gave the information the day after the tranſaction, before I was diſcharged; I acquainted my ſuperviſor with it that very night.

Did you charge the priſoner by name on that very day?—I did not, I did not know the priſoner's name although I knew his perſon, I only knew him by living with a miller.

How ſoon did you acquire the pleaſure of knowing his name?—The day but one after, it might be two days, I told the ſuperviſor about two or three days after, I told him I knew he was a ſervant to a miller.

You had learned his name then?——As ſoon as ever I had learned his name I acquainted the ſuperviſor, when I firſt told my ſtory I did not know his name.

Theſe men were engaged in battle with you who had a ſuperior force?—Yes.

Did any of theſe people attempt to lay hold of the goods?—I did not ſee them.

They were beating you, but not attempting to lay hold of the goods?——I did not ſee them at all lay hold of the goods themſelves.

*Mr. Silveſter.* Did you deſcribe this man to your ſuperviſor the next day as well as you could, that is, that he was a miller's ſervant?—I gave all the information that lay in my power.

Then as ſoon as you learned his name, you communicated that alſo?——Yes, the board was acquainted with it in the courſe of three or four days.

Had you any reaſon to fear you ſhould be diſmiſſed at that time?——No.

*Mr. Attorney General.* There is an act of parliament that gave to the officers an half of all that was ſeized, and laſt ſeſſion but one an act paſſed, that all the ſpirits which the officers were entitled to, ſhould be ſtaved after condemnation, the act has not been hitherto executed, but the officers have hitherto been kept out of any reward at all.

What is the meaning of having them ſtaved?—To prevent the introduction of foreign ſpirits, and to encourage real ones; not one ſeizing officer has got any thing this year and a half.

*Mr. Garrow.* I wiſh the jury to recollect that this man, for offending an act of parliament, and a very modern one, was turned out of his office.

### GODFREY BURDETT *ſworn.*

I was on a viſit to Mr. Brock in April laſt, at his houſe, I am an officer's ſon, not an officer; on the 24th of April laſt, we went to the bottom of the orchard, and when we came to the cottage houſe I heard Carter ſay, down with your tubs, I directly retreated to the bottom of the orchard, I ſaw Carter and Brock have hold of a man, and Brock came back and ſaid, there are ſome more men in the road, Carter and me went up to the Roebuck and turned back, and a man followed Carter and us, ſome blows paſſed between Carter and Brock and the man got away into the road, I did not rightly ſee him, then we went into the road, and Carter and I directly went up towards the Roebuck, thinking to meet more as we ſaw ſome men up the road, I cannot tell the number that were there then, more gathered together after to the amount of eighteen or twenty, a man followed Mr. Carter and I down, he ſwore we ſhould not have the tubs, I cannot tell who he was, there were more men behind him that were up the road, ſome blows paſſed between Carter and the foremoſt man, and then they directly cried out, it is only Brock and his men, and they directly jumped into a hop-garden and broke down the poles, and came over into the road again.

Had theſe people you ſaw when you firſt went up, or had they not any ſticks before they went into the orchard?——They had ſticks, very large ſticks, ſuch as the footpads walk with.

What ſize might they be?——About the bigneſs of a fork ſtave.

Do you know how many people you ſaw at firſt?——I do not.

Were there more than three?——Yes, ſix or ſeven.

How many of theſe ſix or ſeven were armed with ſticks?—I cannot tell, more than three or four had ſticks, one man came rather before the reſt, ſwearing we ſhould not have the tubs; and he ſtruck with a ſtick at Mr. Carter, and Mr. Brock; and Mr. Carter knocked that man down, whoever he was, on the bank; I did not know any of the men, I was quite a ſtranger to the country; after that they ſaid it was only Brock with his men.

What did they do then?——They went into the hop-yard for the poles, then they came into the road again, and cried d——n their eyes murder them; and then Brock ſaid he would fire on them, and they ſaid, fire on, and be d——d; directly Mr. Brock ordered to fire, and we did fire; my piſtols were loaded with ſlugs, and the others with balls, and they cried fire on, and be d——d; after that Mr. Brock turned and fired his piſtol, then we were forced to retreat, and they threw their ſticks at us, and one of them hit me on the arm and leg.

*Mr. Garrow.* There had been a ſcuffle between the officers and men, who were carrying the caſks?——Yes, when I came down, that was in the orchard of the Roebuck.

How many yards off the houſe?—About ten or twenty yards.

Did you make a great deal of buſtle in that ſcuffle?——No, not much, I was not down at firſt; I heard Carter ſay, down with your tubs.

### GABRIEL JOSEPH CARTER *ſworn.*

I was in company with theſe witneſſes.

How were theſe men armed?——Theſe are in general the ſticks they carry with them.

*(Produces a ſtick five feet in length, and about four inches round, with a ſpike at the end.)*

Were the ſticks of this ſize?——Yes, ſimilar to that.

You will not ſwear they had ſpikes?—I cannot poſſibly ſwear to the ſpikes.

In what manner was he ſtriking?——With both hands, when I cloſed in upon him.

Are you ſure that was the man?—Yes, I know the man perfectly well, he was by himſelf at that preſent time, but there were ſome more coming down the road, they ſwore at us pretty roundly, they d——d my eyes and limbs, and ſaid I ſhould not have the goods.

What were the goods?——Tubs, one with Hollands geneva.

*Mr. Garrow.* It is my duty to ſubmit to your Lordſhip, that the priſoner ought not to be called on for any defence. The firſt Count in the indictment ſtates, that the priſoners, together with other perſons, to the number of three or more, did aſſemble themſelves together, with intent to reſcue the goods, and that being aſſembled, they did reſcue; now every other aſſembling, except that with intent to reſcue the goods, I take to be clearly bad; the firſt objection I would make to your Lordſhip is, that there is no proof in this caſe, of that which is a neceſſary ingredient in it, namely, aſſembling *with intent to reſcue*; I ſtate the authority of Mr. Baron Eyre, who laid down this law, that though it appeared that the parties did aſſemble, if they came together without a preconcerted deſign, that would not ſatisfy that indictment; now here it is manifeſt that theſe men, of whom the priſoner is taken to be one, were drawn out of ſome place at which they were not aſſembled with any ſuch preconcerted deſign or intent: in the two other counts, they have not charged any aſſembling with ſuch intention: I have another objection ſtill leſs capable of anſwer; this charge is not for aſſaulting revenue officers in the diſcharge of their duty, this is a charge of aſſembling with an intent to be aſſiſting in the reſcuing of goods, and aſſiſting in that reſcue, and in every count of it, it goes on to ſtate this, which the act of parliament renders indiſpenſably neceſſary "uncuſtomed goods liable to pay duties, &c." I aſk with great deference, what proof there is of this fact? it is not becauſe ſome liquors are carrying, upon which perhaps the duties were paid, and carrying without permit; that will not ſatisfy this act of parliament; but the Crown muſt prove to the ſatisfaction of the Jury, that theſe goods neither had paid the duties, nor have the duties been paid: in all the caſes hitherto, there has been a ſentence of the condemnation from the Exchequer, wherever we have been called upon for a defence: you muſt be ſatisfied plainly and indiſputably; it is clear from the nature of the thing, the defendant is ſuppoſed not to be one of the perſons carrying the goods, but he is ſuppoſed to be one of the perſons coming in for the purpoſe of the reſcue; perhaps it may be ſaid, you are calling for what is impoſſible; to this I anſwer, that if the officers had acted with that firmneſs, which the law preſumes he will act, backed by that force which the law calls into his aid, theſe goods might have been ſtopped and condemned, and the proof of that condemnation ready; but ſtanding as this caſe does, the act of parliament requiring, and the indictment alledging, that they muſt be uncuſtomed goods, I ſubmit it is impoſſible that the indictment ſhould be ſupported: in the other two counts, it is not laid to be with intent to reſcue.

*Mr. Attorney General.* I ſubmit this is a caſe to be left to the Jury, on the firſt point, the firſt part of the act is, if any perſon ſhall be aiding or aſſiſting, in the reſcuing and taking goods, or in caſe any perſon ſo armed as aforeſaid, ſhall be aiding and aſſiſting, therefore it is firſt charged that they aſſembled in order to be ſo aiding and aſſiſting; then the ſecond count is, that being ſo armed, they aſſembled for ſo doing; then the third count is, that they did ſo; now Mr. Garrow ſays, theſe perſons were not aſſembled with that view, but that accidentally they did it; it is to be ſure a matter of fact for the Jury, whether two men with theſe goods, which afterwards proved to be Hollands geneva, which goods are afterwards taken from them by the officers of Exciſe, there being ſome whiſtle immediately afterwards, and more people made their appearance, ſix or ſeven men with the priſoner at their head, and crying out it is Brock and his men; and ſwearing by God, they would have the goods; if that is not evidence to be left to the Jury, I profeſs I do not know what is; I think it is very ſtrong evidence; then with reſpect to the other point, it is aſtoniſhing it ſhould be ſaid, that in all caſes, we muſt prove the condemnation: why, if the goods are reſcued, you cannot prove the condemnation, wherever they can be condemned we would recur to it: the evidence is, here were two tubs, that they found it not in their power to reſcue from the Exciſe officers, and that they deſtroyed one in order to taſte it.

*Mr. Juſtice Willes.* Mr. Garrow has taken two objections to the firſt count of this indictment, and a general objection to the ſecond and third count; firſt he ſays, it will be neceſſary in order to convict the priſoner, that this aſſembling together muſt appear to be *with intent* or in order to reſcue the goods; he thinks there is not ſufficient evidence of intention; I admit his law that there muſt be ſufficient evidence, but it is to be left to the jury whether there is ſuch intention: now it does not appear to me to be caſual meeting, but it muſt now be left to the conſideration of the jury, whether under all the circumſtances of the caſe, they ſhould or ſhould not be of opinion that this was for the purpoſe of reſcuing the goods: now from the number of people, the arms they made uſe of, their threats, their execrations on the ſubject, that is a matter to be left to the jury, whether they did aſſemble to reſcue theſe goods, agreeing with his law, that there muſt be proof of aſſembling to reſcue theſe goods; again he ſays, there is no proof of their being uncuſtomed goods, there could be no condemnation, you cannot be put upon that cannot be given: as to the other point, I think that is to be left to the Jury, how far theſe appear to be uncuſtomed goods, for which no duties were to be paid; for you ſee theſe are the ſort of tubs uſed by ſmugglers; therefore I leave it to the Jury.

## MARY MAKTIN *ſworn.*

*Mr. Silveſter.* Have you been in Court all the time?—No, juſt now called in: I live at Maidſtone, I keep the Roebuck, which is almoſt a quarter of a mile from the town, I remember Spice being at my houſe on the 24th of April, betwen the hours of ſeven and eleven.

*Mr. Garrow.* In what condition was he as to dreſs?—I do not remember particularly, he was in a riding frock.

What was he doing in the houſe before he went out?——Nothing, Sir, he was ſitting by the fire.

Do you remember the time that he went out?——Between nine and ten.

What took him out?—Hearing a noiſe.

Did you hear a noiſe?——Yes, he went out, I ſaw him go out.

Had he any thing in his hands?——Nothing at all.

Had he ſuch a ſtick as this in his hand?—No, Sir, he had nothing at all, I ſaw him get out of the chair, and go out.

Had he boots on?—He had half boots on, I ſaw him ſit by the fire before he went out, with his boots unlaced, he lodged at our houſe almoſt twelve months.

What time does he uſually go to bed?—About ten.

Was there anything particular that kept him up later than uſual?—I had been up at the town, and I had carried away the key of the wicket, which led to his room, he ſeemed when I came back, as if he was rather ſleepy, I came home near ten, we heard a noiſe, and went out after it, we went as far as the door, and we heard the report of a piſtol, that very much alarmed me indeed, and in leſs than five minutes Benjamin Spice returned ſhot in the foot.

The remainder of this Trial in the next Part which will be publiſhed in few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of DECEMBER, 1785, and the following Days;
Being the FIRST SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

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THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of Benjamin Spice.*

Do you remember ſeeing Brock the officer the next day?—Yes, he came into my houſe.

What did he do there?——He came and had ſome gin, he gave ſome to the priſoner.

What buſineſs is the priſoner?—A huſbandry man.

What character does he bear?—A very good one.

Is he an inoffenſive, harmleſs man?—Yes.

During that time, has he been one of a gang of ſmugglers or not?——Not that I know of, I think I ſhould know of it if it was ſo, he kept very good hours.

*Mr. Attorney General.* I ſuppoſe you do not know of any ſmugglers that came to your houſe?——No, Sir, not that I know off.

How often had people been ſtopped about your houſe, in this orchard?——There never was any that I know of.

Who were the two men that had the tubs?——I do not know, I did not know they were there, they did not come from my houſe, I cannot tell where they came from.

Remember you are upon your oath?—I am.

How many men were at your houſe at that time?——I cannot tell.

Was it full of people?——No.

Was there ten people?—I do not know.

Was not there twenty at the time he went out?——There were not, nor yet ten, I think I can ſafely ſwear there were not ten.

Do not you know there were more on the road near your houſe?——No, Sir, I did not, I heard a noiſe and went out, we were very whiſt, and we heard a noiſe all in a minute.

Who was in the houſe at the time with the priſoner?—There was a boy.

What is his name?——Robert Hyde, there was the maid, ſhe is here now, and a little boy of mine about eight years of age; there was one gentlemen that is here, Mr. Munn, I do not recollect any body elſe, I ſwear there was not a great many; I heard no noiſe in the orchard, I ſaw nothing as I came home, I heard nothing of any gin that was to come that way.

Will you ſwear that when you came home that night, there was not a great many men about your houſe and orchard?——I will ſwear it.

Then you went out?—Yes, the priſoner might be about twenty roods off, when the piſtol went off, I heard a talking, I ſaw no more, then I went out from the houſe, I did not ſee him, but in a very few minutes he returned back ſhot; there is a hop garden oppoſite, I heard nobody go into that, I do not know any body went in, I heard the noiſe of ſeveral people.

Did any of them come back?—Nobody came back with him, he returned alone, he had no ſtick when he went out, nor when he came in; I ſaw nobody come back that night, when I looked into the road, I neither ſaw him nor any body elſe.

Had you any ſuch ſtick as that in your houſe at the time?—No.

How many piſtols did you hear?——I think there were three; I think I muſt have heard any body that went into the hop garden, I ſaw no more at all that night.

ELIZABETH CHEAVERS *ſworn.*

I am ſervant to Mrs. Martin, and was ſo on the day that Spice was ſhot; in the courſe of that evening, he came in very early, and enquired for the key of the wicket to go to bed, I went to look for it, but my miſtreſs was gone to town, and ſhe took it with her, he continued till my miſtreſs came home, and went into the bar-room with ſome other company; I was alarmed at ſome noiſe in the road, and I went out, and he went after me, it was ſome time after my miſtreſs came in, and I was met by Mr. Thomas Brock, the priſoner had unlaced his half boots, and pulled his garters off; when Brock came to the door, he ſhoved me on the left ſhoulder with one hand, and hit me on the left ſhoulder with a ſword, and ſaid, d---n your eyes come out, he then took his hand off my ſhoulder, and forced open the door, he ſet one one foot in, and ſaid, d---n your eyes come out; Spice was in the paſſage at the time; then Brock run out and Spice followed him, I was ſitting on the ſteps at the ſame time.

Had Spice any ſtick in his hand when he went out?——He had no weapon when he went out, nor yet when he came in; he went out with his garters in his hand, and his boots unlaced, and in leſs than three minutes, I ſaw the flaſh of three piſtols, and in three minutes after I heard no noiſe.

Did any number of people go out with them?——None went out with them, but the gentlemen that were there were going out, but returned back at the hearing of piſtols; he ſaid, he fancied he was done, and I aſked him what was the matter, and he ſaid he was ſhot, when he pulled up his ſhirt, I ſaw a piece ſhot off his belly, he ſaid that was not of much conſequence, then he took off his ſhoe, and took out the ball.

If this man had been able to have got to his bed, do you upon your oath, believe he would have been in his bed before this time?——I do.

Could he get over the wicket?——He could not if he had tried, the next morning I ſaw Mr. Brock and two more, they gave him ſome liquor, and gave me ſome, ſomebody in the room ſaid, there is a poor young fellow, Mr. Brock, are not you ſorry, to which the words he made uſe of were, d---n my eyes, people would never have broils, if they did not buy them.

*Court.* How comes this man not to be tried before, when the matter happened ſo long ago as April laſt.

*Mr. Attorney General.* Theſe are always reported to the Board of Exciſe, they report a caſe, and they ſtate it, and theſe are indictments that I ſhould be very ſorry to bring, without they are very well conſidered, and it is not always determined to proſecute capitally.

*Mr. Garrow.* When was the priſoner taken into cuſtody?—In September.

Did he continue to lodge in the ſame place?——Yes.

*Mr. Juſtice Willes.* You ſee we are in a caſe where a man's life is at ſtake, and wounded in the belly and in the foot, and what this man has already ſuffered, all circumſtances conſidered, I own I ſhould recommend it to the crown to conſent to his acquittal.

*Mr. Attorney General.* Then I am ſure I ſhall, if your Lordſhip thinks that public juſtice will be anſwered, and that the circumſtances of this caſe, conſidering what he has ſuffered, and the behaviour of the officer after, will prevent a repetition of this offence, I had much rather than by the execution of the man; I have brought him here only for the ſake of putting a ſtop to theſe practices for the future, I am ſure I ſhall be much better ſatisfied if it may be only underſtood, let it be well underſtood before this is given up, that the law is not ſuch a law as never can or will be executed.

*Mr. Baron Hotham.* There is nobody, Mr. Attorney General, who has heard any thing of theſe trials, but muſt feel for your ſituation; I think you have given every ſatiſfaction and every honourable anſwer to the delay that ariſes in theſe caſes, but the fact is, that it is of the utmoſt neceſſity that theſe crimes ſhould be puniſhed where a proper ſubject ſhould be found, ſo it is for the honour of the crown that when it turns out that the priſoner is not a fit ſubject of ſeverity, that the proſecution ſhould be given up.

*Court.* It is conſented, under all the circumſtances of this caſe, not to throw it out to the world that theſe are not proper proſecutions, but the Attorney General, on the part of the crown, has conſented to his acquittal.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

*Court to Priſoner.* You are acquitted, not becauſe you are not guilty of the offence charged, but the crown out of that lenity and moderation, which has always honoured them, have conſented to your acquittal; but at the ſame time you ought to return to your country, and follow your honeſt trade with induſtry and attention, and endeavour to avoid theſe practices yourſelf for the future, and alſo endeavour to perſuade your fellow-countrymen to avoid the ſame by your example, as it will not only bring yourſelf but them into ruin and diſgrace.

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89. JAMES HILL was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of James Clarke, about the hour of ſeven at night, on the 21ſt day of October laſt, and burglariouſly ſtealing therein one wooden till, value 4d. five ſhillings, and two hundred and thirty-five pieces of copper money, called halfpence, the property of the ſaid James Clarke.

JAMES CLARKE *ſworn.*

I keep a chandler's ſhop, No. 6, in Adam and Eve court, Tottenham-court-road; on Friday the 21ſt of October, between ſix and ſeven in the evening, I was ſerving ſome perſon in my ſhop, and when they went out they did not ſhut the door after them, I went round and put it too, it goes with a ſpring lock and braſs knob on each ſide the door; and my wife was calling me to tea in the parlour, which is about fifteen feet from the ſhop door, I had juſt ſat down in the parlour, I turned my head round and ſaw the priſoner throw himſelf upon the counter with his feet off the ground and his body a top of the counter, I ran to catch hold of him in that poſition, but I fell over a tub of coals that ſtood in my ſhop, but I ſaw the priſoner go out at the door with the till and money in it, he was purſued and brought back by William Smith, who is here, and William Triplet, whom I have not ſeen here this morning.

*Court.* You were called by your wife in a hurry to tea?—Yes.

Then you contented yourſelf with putting the door to?—Yes.

You did not pull it to ſee that it was faſt?—I puſhed it to, it goes with a ſpring lock.

How could you be ſure the ſpring went?——It has a ſpring latch above the lock, I know it was faſt.

Did you try whether it was faſt?——I did not try by pulling, I puſhed it with my fingers againſt the door, and I ſhut it, but I did not try it afterwards.

Did you hear the ſpring lock go at all?——No, I did not.

### WILLIAM SMITH *ſworn.*

As I was going up Adam and Eve court I met the priſoner juſt coming out of the ſhop with the till, he dropped the till, I overtook him and brought him back, I was cloſe to him all the while, he was never out of my ſight, I did not ſee him come out of the ſhop; the proſecutor found four ſhillings, and two and ſixpence, and nine and nine-pence halfpenny in halfpence.

### PRISONER's DEFENCE.

I had been into Hedge-lane, and going along a gentleman got hold of me, and ſaid I had got the till, and took me back to this ſhop; I was ſo ill I thought I ſhould not have taken my trial; I live at Marybone with my ſiſter, ſhe keeps a green ſhop, I ſell ſhoemaker's things.

Is your ſiſter married?—No, Sir, ſhe is not.

Why did not ſhe come here to ſpeak for you?—I did not think it would have been of any ſervice, nor ſhe neither, and ſhe has nobody to mind her ſhop; my father was a ſhoemaker when he was alive, he and my mother have been dead theſe four years, I ſhall be thirteen the 14th of October next, I went to ſchool before they died and ſince for half a year, I uſed to make the wax for my ſiſter, and go of errands.

*Court to Mr. Clarke.* Do you recollect exactly what time in the evening it was?——Between the hours of ſix and ſeven on Monday the 21ſt of October.

Was day-light quite gone?——It was too dark to do any thing.

*Court to Smith.* Was day-light quite gone?——I cannot ſwear to that with certainty.

GUILTY.

*Of ſtealing, but not of breaking and entering the dwelling houſe.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* HOTHAM.

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90. MARY NICHOLLS was indicted for felonioully ſtealing, on the 24th day of October laſt, one linen ſheet, value 4s. one other ſheet, value 4s. one flat iron, value 6d. one braſs candleſtick, value 6d. the property of Bryan Hughes, being in a certain lodging room, in the dwelling-houſe of the ſaid Bryan, and let by him to her by the name of Mary Ryder, to be uſed by her and one William Ryder, her pretended huſband, againſt the ſtatute.

The proſecutor found the things at the pawnbroker's, pledged by the priſoner.

GUILTY.

*To be privately whipped and confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

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91. WILLIAM SILTOE was indicted for felonioully ſtealing, on the 5th day of December laſt, one pair of leather ſhoes value 2s. the property of Robert Pertier.

GUILTY.

*Whipped.*

*Tried by the London Jury before Mr.* RECORDER.

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92. WILLIAM FOXHALL was indicted for felonioully ſtealing, on the 21ſt

day of October laſt, fourteen china plates, value 7s. the property of Joſeph Dixon.

*John Wyatt* ſaw another boy hand them to the priſoner, and he was taken with them upon him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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93. JEREMIAH ROSE and JAMES DOYLETT were indicted for feloniouſly ſtealing, on the 13th day of December laſt, fourteen pounds weight of ſtarch, value 7s. the property of William Shaw.

The priſoners were ſeen both together, talking and walking together immediately after the robbery, and the ſtarch was taken from Roſe.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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94. JEREMIAH PEACOCK was indicted for feloniouſly ſtealing, on the 7th day of December laſt, one ſmall wooden tub, value 18d. and fourteen pounds weight of pickled tripe, value 5s. the property of Solomon Shaw.

SOLOMON SHAW *ſworn.*

I call myſelf a tripe dreſſer, I ſent a man with four cags of tripe to Mr. Robinſon's, Fleet-ſtreet, and one was loſt.

*Robert Hollitt*, ſervant to Mr. Shaw, depoſed to carrying the tripe in a cart, and he miſſed one of the cags while he was unloading, which was brought back in half an hour after to the ſhop, with the priſoner.

*Francis Dunn*, a patrol, took the priſoner with the cag, and brought him to Mr. Robinſon's.

*(Depoſed to.)*

*Priſoner.* I found the cag in Fleet-ſtreet.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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95. JOHN BAILLE was indicted for feloniouſly ſtealing, on the 11th day of November laſt, one linen handkerchief, value 10d. the property of David Cole.

The proſecutor ſaw the priſoner take his handkerchief; and the priſoner pleaded that the proſecutor kicked him violently over the private parts, which the proſecutor on his oath denied; but Mr. Akerman informing the Court that the priſoner was (as he appeared) very bad from ſome hurt he had received from ſome one; the Court in compaſſion to his ſituation, ordered him to be privately whipped and diſcharged.

*Mr. Akerman.* My Lord, after the Seſſions I muſt take him up to my Lord Mayor, and get him ſent to the hoſpital.

*Tried by the London Jury before Mr.* ROSE.

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96. WILLIAM SLATER was indicted for feloniouſly ſtealing, on the 16th day of November laſt, one cloth great coat, value 10s. the property of Philip Milner Dacre, Eſq;

GUILTY.

*To be privately whipped and confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* ROSE.

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97. JOHN ATKINSON was indicted for feloniouſly ſtealing, on the 31ſt of

October laſt, one japanned iron tray, value 2s. 6d. the property of Joſeph Powis.

The priſoner was taken with the tray upon him, by Daniel Wilmot who ſaw him take the tray.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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98. **JOHN GLADMAN** was indicted for feloniouſly ſtealing, on the 9th day of November laſt, one ſilk handkerchief, value 2s. the property of William Haylett.

The proſecutor took the priſoner with the handkerchief upon him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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99. **ANN WRIGHT** otherwiſe **WHITE** and **MARY THOMSON** were indicted for feloniouſly ſtealing, on the 1ſt day of December, eleven cotton neck handkerchiefs, value 5s. the property of Edward Gibſon.

The handkerchiefs were found on one of the priſoners, they were in company together, and owned they knew each other.

BOTH GUILTY.

*Recommended to mercy by the Proſecutor.*

*Each to be privately whipped and confined to hard labour.*

*Tried by the London Jury before Mr.* RECORDER.

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100. **GEORGE BAILLIE** was indicted for feloniouſly ſtealing, on the 13th day of December, one vaſe glaſs lamp and ſhade with furniture thereto, value 10s. the property of Paul Le Meſurier, Eſq.

**LEWIS LEWIS** *ſworn.*

I keep the new London tavern in Cheapſide, the priſoner brought this lamp to my houſe, and offered to ſell it for three half crowns, it was on Tueſday the 13th of December, he ſaid Mrs. Phillips had ſent him with it, which was the perſon that formerly kept the houſe, I then ſuſpected him, and ſent one of my ſervants to enquire of her, and upon her anſwer I ſtopped the priſoner, and ſent my ſervant with the priſoner to Mrs. Phillips, he came back again with my ſervant, and my ſervant ſaid in the preſence of the priſoner, that the priſoner had acknowledged he had told a falſity.

What did the priſoner ſay to that?—He ſaid nothing, I ſent for a conſtable, when the conſtable came, he ſaid he brought it from Chelſea, he was taken into cuſtody.

**GEORGE PIERPOINT** *ſworn.*

On the 13th day of December, between four and five, Mr. Lewis ſent for me; I went there and aſked the priſoner how he came by the lamp, he told me he brought it from his father's houſe at Chelſea, I told him the lamp was not his it was his father's, he ſaid his father was dead; he went to the Compter, and the next day was taken before the Alderman; I advertiſed the lamp on the 16th of December, and, in conſequence of that, Alderman Le Meſurier's ſervant came and claimed it; the priſoner owned before the Magiſtrate that he picked it up in a court.

**WILLIAM WHITE** *ſworn.*

I am ſure Alderman Le Meſurier's lamp was loſt from his houſe on Tueſday the 13th of this month, about twelve I went into the country, and the lamp was hanging in the paſſage, I came home about five in the evening, and the lamp was gone, it was the paſſage lamp; the other witneſs Rouviere was in town, I knew the lamp, this burner was broke before, and I broke off one of theſe knobs about a fortnight or three weeks before, upon the whole I am very certain this muſt be the lamp.

JOHN FREDERICK ROUVIER *ſworn.*

I am a clerk to Mr. Le Meſurier, coming to the compting-houſe at my uſual time, about four o'clock, I ſaw a man in the paſſage taking down the lamp, I had no ſuſpicion he was a thief, I did not take particular notice of him, I paſſed by and went to the compting-houſe about my buſineſs, I did not aſk any queſtions, I know nothing further.

Do you know the man again?——No, it was rather dark and I could not diſtinguiſh the man, I thought it was ſomebody taking it down to mend or clean it, there was another clerk in the houſe, and the maid.

How did the man get in?——The ſtreet door which goes to the compting-houſe is always open.

## PRISONER's DEFENCE.

On Tueſday evening, about half paſt three or four, I was coming from Shoreditch, I had been to ſee an old ſhopmate of mine, and coming through a paſſage near Wood-ſtreet, a man was running in a white coat, on his ſeeing me a man laid down the lamp upon ſome dirt, it is true that I ſuſpected it to be ſtolen, and that gentleman, the clerk, he declared before the Alderman that it was a man in a white coat genteely dreſſed that he ſaw take the lamp, and he ſaid I was not the perſon.

*Court to Lewis.* What time did the priſoner bring the lamp to your houſe?—At a little after four.

*Priſoner.* Aſk Mr. Rouviere the queſtion.

*Rouviere.* The man that I ſaw taking down the lamp had on a light-coloured coat, and appeared to me rather taller than the priſoner.

*Court to Lewis.* What cloaths had the priſoner on when he came to you?—The ſame he has on now, a dark-coloured cloth coat.

*Court to Rouviere.* Can you ſay with any degree of certainty whether the man you ſaw was or was not the priſoner?——He was not to the beſt of my knowledge.

*Priſoner.* I have one more thing to ſay, with your permiſſion, when Mr. Lewis ſent his ſervant to Mrs. Philips, I followed the ſervant two or three minutes after, and I left the ſervant at Mrs. Philips's, and returned to Mr. Lewis, to deſire I might have the property ſince there was no owner to it, and I had not ſtole it.

*Court to Lewis.* If I underſtand you, your ſervant and him went together?—He followed my ſervant, and came back by himſelf directly, when he came back, he ſaid the lamp was his property, and if I did not pay him the ſeven ſhillings and ſixpence, he would take it.

*Court to Priſoner.* How came you to contrive this falſe ſtory?—I beg your pardon, my Lord.

*Court to Rouviere.* You did not ſee any other perſon, but the one that was taking down the lamp in the paſſage?—I did not.

And you rather think, that the perſon that was taking down the lamp, was not the priſoner?——I do.

*Court to Jury.* Gentlemen, the priſoner tells theſe different ſtories, none of which are ſupported by evidence, and they ſeem to leave little or no doubt whether he came honeſtly by it, but the queſtion is, whether he has committed the fact mentioned in the indictment, he is charged with ſtealing it, but yet if he ſtole it, he muſt be actually preſent at the time; for if he received it from the perſon that ſtole it afterwards, though guilty, he is not guilty of the crime charged in this indictment; now Mr. Rouviere ſaw the perſon take down the lamp, whoever that perſon was, that was the perſon that ſtole it; I am affraid therefore, that you have no evidence that he was the man that committed the fact, though he came diſhoneſtly by this lamp.

NOT GUILTY.

*Court.* Let him be detained by order of the Court, for receiving the lamp knowing it to be ſtolen by a perſon unknown, and let the ſame witneſſes be bound over to proſecute, and let him be referred for Bail to the Right Honourable Lord Mayor, giving forty-eight hours notice.

*Tried by the London Jury before Mr.* Recorder.

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101. MALACHI PORTER was indicted for that he, on the 11th Day of November laſt, on the King's highway, with a certain offenſive inſtrument and weapon called a cutlaſs, upon John Young, in the peace of God and our Lord the King, then and there being, unlawfully, maliciouſly, and feloniouſly, did make an aſſault, with intent his monies from his perſon and againſt his will feloniouſly to ſteal, againſt the ſtatute.

JOHN YOUNG *ſworn.*

I am a labouring man, I live at Barnett, on the 11th of November I was coming home over the fields, about a quarter after five, it was in the ſecond field, belonging to Mr. Taylor, I met two men, one of them I knew very well, that is the priſoner, I bid them good night, they made me no anſwer, I kept on while I came to the next field, and juſt going through there, the other man ſtruck at me with a hedge-ſtake which he had in his hand when I met him, and knocked me down, he aſked me for my money, I told him I had no money, the priſoner at the bar was with him, at the time, I ſaid I was a poor day-labouring man, I told them I had no money, and I hoped they would not miſuſe me, the priſoner rifled my pockets with a cutlaſs in his hand, which he had in his hand when he firſt came up to me, with that the priſoner at the bar ſtruck me over the face with a cutlaſs or a hanger, I cannot ſay which, and the priſoner aſked me if Mr. Bethell's family was at home, I would not reſolve him, I ſaid nothing to him, with that he ſaid you know Bethell's houſe as well as I do or better, and if you do not tell me I will ſtab you to the heart, with that he ſtruck me again with a cutlaſs or a hanger on the ſide of the cheek, by ſaying he would ſtab me to the heart I got up to get away, and he cut me with a cutlaſs by the ear, then he held my head under his arm, and ſwore if I did not tell him he would ſtab me to the heart, the other man held me by the collar, this priſoner ran away firſt, and I held the other by the ſmock-frock, and he got away, and then I went up to Hadley, to one Mr. Gibbs that lives at the Three Tuns, he is my brother, I told him what had happened and came back again, and two more men came with me the ſame evening, I told what had happened, I ſaid I knew the man very well that had done it, I did not know his name then, I have known him five or ſix years; he was taken up on Friday by four o'clock, I knew him again, I am ſure he is the man that ſtruck me with the cutlaſs.

*Court.* The priſoner, I think, did not aſk you for any money, it was the other man?——Yes, I told him I had none.

When was it that the priſoner firſt came up to you with the cutlaſs?——When I ſaid I had no money, then he ſtruck me with a cutlaſs.

What did he ſay when he ſtruck you with the cutlaſs?——He aſked me if Mr. Bethell's family were at home or not.

Did he ſay any thing to you about your own money?——No.

Then the attempt to rob you ſeemed to be over before he aſked you that; did he do any thing with the cutlaſs before he rifled your pockets?——No.

After he ſtruck you with the cutlaſs he made no more attempts to rob you, but aſked you about Mr. Bethell's houſe?——Yes.

Who came up to you firſt?——The other man knocked me down firſt, and this man came up next.

Did he come up to you with the cutlaſs drawn?——I never ſaw it till he ſtruck me.

*Mr. Garrow to Young.* You had ſeen theſe two perſons together in the firſt inſtance, when they did not aſſault you?——Yes.

Did they come up to you afterwards when the other man knocked you down?——The one knocked me down and the other came up to me directly.

Were they pretty cloſe together?——Yes.

Did they appear to be of the ſame company and of the ſame deſign?——Yes, this man came up immediately to rifle my pockets after the other had knocked me down.

Did this man ſay any thing to you about your money before he ſtruck you?——No, they both of them aſked me for my money before I was knocked down.

What did the priſoner ſay about your money?——He ſaid d—n you, you raſcal, I want your money, that was before he ſtruck me, I ſaid I was a poor labouring man, he made no anſwer but ſearched my pockets immediately, he ſtruck me before ever he talked of ſtabbing me.

*Court.* After he ſtruck you the firſt time with the cutlaſs was there any thing ſaid by either of them about having any money from you?——No, Sir.

### WILLIAM COPE *ſworn.*

I live at Potter's Bar, I apprehended the priſoner the 13th of November, at the Green Man, at Potter's Bar.

Did you ſearch his houſe?——He had a lodging, I ſearched that, I took him upon ſuſpicion of breaking open a houſe, there was a cutlaſs found, and I took a knife from the priſoner, I never heard the priſoner ſay a word.

### PRISONER's DEFENCE.

I came from Waltham, in Eſſex, that morning, I went from thence to Hertford, there was no work; from thence to Wetſtone, there was none; then I came back to Hertford again, then I heard of ſome at Endfield Chaſe, and I got a lodging at Potter's Bar; I am very innocent of the crime, I never had a cutlaſs in my hand in my life, nor neither was I in the place, I lodged at Mrs. Duck's, at Potter's Bar, and ſhe locked me in over night, between ſix and ſeven, and let me out at eight in the morning.

### MARY DUCK *ſworn.*

I know the priſoner, if I ſee him, he came to my houſe the 11th of November, at night, between ſix and ſeven, which is at Potter's Bar, he ſtaid at my houſe till morning, the man behaved very well at my houſe.

*Mr. Garrow.* He was a ſtranger to you was not he?——Yes, I never ſaw the man but twice before, he had nothing with him but his ſmock-frock wrapped up as if tied up.

How far is your houſe from Mr. Bethell's?——A mile and a half, he came in and opened the door, and ſaid, Miſtreſs, can I lay here, I looked at him, ſays I, you are Malachi Porter; I do not know that he eat a bit of victuals, but drank two draughts of water, I do not know whether he had walked much, he went to bed a little before eight.

*Court to Jury.* Gentlemen, it is my duty to tell you that the evidence does not ſeem to meet the indictment, for the indictment is that he made an aſſault with *the cutlaſs* with intent to rob.

NOT GUILTY.

*Court.* Let him be remanded by order of the Court to Newgate, to be proſecuted on another indictment, for an aſſault, with an intent to murder, and for a common aſſault, and referred to Mr. Blackborough, the Magiſtrate, to take bail, with forty-eight hours notice to Mr. Chetham, the proſecutor's attorney, and the Court recommend it to Mr. Blackborough to take ſufficient bail that the priſoner may not eſcape juſtice.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

102. **RICHARD KNOWLAN** and **MARY MURPHY** otherwiſe **WOOD** otherwiſe **TYLER** were indicted for feloniouſly ſtealing, on the 30th of September laſt, two hundred yards of printed cotton, value 30l. and two hundred yards of callico, value 30l. the property of Thomas Brown.

THOMAS BROWN *ſworn.*

I live at Northampton, I loſt my property at Iſlington, I know nothing of the robbery, I am proprietor of the Northampton waggon, I have no partners.

JOSEPH COOPER *ſworn.*

I am a linen draper, Holborn-hill, I ſold a great quantity of callicos to Mr. Richard Marriot, on the 26th of September.

Were the goods mentioned in the indictment, the ſame you ſold to Mr. Marriot?——They were, they conſiſted of callicoes, and there might be ſome cottons, and they amounted to a hundred pounds and upwards; Mr. Marriot lives at Northampton, he is ſhopman to Mr. Staples.

RICHARD MARRIOT *ſworn.*

I am ſhopman to Mr. James Staples, at Northampton; on the 26th of September laſt, I bought a quantity of printed cottons, and callicoes, to the amount of one hundred pounds and upwards of Mr. Cooper, with ſome white muſlin; Mr. Cooper is a linen-draper, on Holborn-hill, I put a mark on them, they were directed to Mr. Staples, Northampton, and ſent by Mr. Brown's waggon, they never came to hand; I always reſide with Mr. Staples, and he never received any, I am ſure it was the 26th or 27th, I arrived at Northampton the Monday morning following, they were the things mentioned in the indictment, the parcel that was to go was valued at forty-nine pounds twelve ſhillings and four pence.

How many were there of the cottons?—There were upwards of two hundred yards of the callicoes, they are worth nineteen pounds; I ſaw them at Sir Sampſon Wright's about ſeven weeks ago, I cannot ſay the day; I know them, they have my marks on, they were in the hands of the conſtable, and part in the hands of the pawnbroker.

EDWARD COLEBROOK *ſworn.*

I was a ſervant to Mr. Cooper at the time theſe goods were loſt, I delivered them to the waggoner on Thurſday the 29th of September.

Do you know Mr. Brown's name?——Only as I have heard it here.

To whom did you deliver them there?—The man is here, I did not know his name, I think his name is Edward Falkner, the bill was packed up with the goods, I believe that is what we generally do, I do not know whether Mr. Marriot took a bill of parcels into the country, I am ſure there were callicoes, and printed cottons among them, as to the quantity I cannot ſay, by what I ſaw in the journal, the amount might be a hundred pounds, I cannot ſay particularly, they were in three bales, and a ſmall paper parcel containing one piece of print; I know that Mr. Marriot ſent two letters that he had not received the goods he ordered, and I went to enquire about it, and I heard the waggon had been robbed; I delivered theſe bales in the morning by nine o'clock, I am ſure.

EDWARD FALKNER *ſworn.*

I am a porter at the Ram Inn, Smithfield, I received three truſſes and a paper parcel the 29th of September; I put them in the warehouſe, they were directed for James Staples, Northampton; I loaded them ſame truſſes and paper parcel on the waggon, with my own hands, on the ſame day; I did not ſee the waggon ſet off, it ſets off about half after four in the morning, I laſt ſaw it at eleven in the evening, and every thing appeared ſafe.

*Priſoner.* Did they advertiſe theſe things when they loſt them?—I did not.

FRANCIS THOMPSON *ſworn.*

I am book-keeper to Mr. Brown's waggon, I can only ſpeak to the entry of the goods, three truſſes and a parcel, I examined the books before I came here to day, and the ſame morning that I heard the waggon was robbed.

What was miſſing?—Two truſſes, there were more goods for Mr. Staples, beſides Mr. Cooper's, therefore it is impoſſible for me to diſtinguiſh which were his, and which were not, I ſaw the goods loaded in the waggon.

How many truſſes did you ſee loaded?——Four, there were others beſides Mr. Cooper's, I made the entries myſelf, four truſſes and a parcel, the things were brought to the waggon the 29th of September, and the waggon ſet out the ſame day.

### DAVID MURPHY *ſworn.*

I am a labourer, I live at Iſlington, I bought part of the goods from the priſoner, I keep no ſhop, I have lived in Iſlington three years, I am a lodger of the priſoner Knowlan's; I bought ſeven yards of linen, and eight yards of cotton, I do not know what callico is, it was either Thurſday or Friday, I cannot tell the month, I ſuppoſe it is eight or nine weeks, as nigh as I can gueſs; I gave it to one Mrs. Bucknell, and as I heard the report I took the linen from her houſe, and carried them to the Juſtices; I cannot tell the month, nor the day of the month, it is about ſix or ſeven weeks ago, I gave the property to the Conſtable, he has had it ever ſince, I bought this at Iſlington, and gave one ſhilling a yard for the linen, and two ſhillings a yard for the printed cotton, I knew the priſoner before, he is a labourer.

### THOMAS STAIR *ſworn.*

I am porter to Mr. Brown's waggon, Mr. Brown's waggoner had left him, and he got me to come up on the journey to London, I ſet off on Thurſday from Northampton, and took back the ſame waggon freſh loaded from London, I ſet off on the Monday morning from town, I went on very well till I got to Holloway turnpike, I do not know how many miles it is from London, we paſſed through Iſlington, I ſtopped to give my horſes a bit of hay, and I perceived the rope cut, and the ſheet likewiſe, I ſearched and found ſomething was miſſing, we purſued our journey to Northampton.

### RICHARD WATSON *ſworn.*

I am ſervant to Mr. Purſe, pawnbroker, in the Strand; I know the priſoner Knowlan, he pawned this piece of cotton, on the 18th of October, I ſaw him after at Bow-ſtreet; I can ſpeak to the perſon of the man, he might be in the ſhop about three minutes.

### WILLIAM JORDAN *ſworn.*

I am ſervant to Mr. John Cooper, pawnbroker, in Fleet-ſtreet, Temple-bar; I have kept this printed cotton ever ſince I lent the priſoner eight ſhillings upon it, he ſaid he bought it for his wife, I ſingled out the priſoner in the ſtrong room.

### JOSHUA DALY *ſworn.*

I am ſervant to Mr. Cowper, pawnbroker, in Wild-ſtreet, I received this piece of cotton of the priſoner Knowlan, I lent him eight ſhillings upon it, on the 18th of October, here are ſix yards, I have never ſeen him before, I aſked him no particular queſtions, he told me he bought it to make his wife a gown; Mr. King, the conſtable, brought ſome duplicates to our houſe, and one in the name of Richard Knowlan, belonged to this cotton.

### WILLIAM WILDMAN *ſworn.*

I am a pawnbroker at Iſlington, the priſoner, Mary Murphy, lives juſt by me, ſhe milks cows, and keeps a little houſe in the neighbourhood, I know the other priſoner, he did watch by our door, he had been ſometime a watchman, he was a bricklayer's labourer, and watched at night.

Does this man and woman live together?——According to the accounts of the conſtable, he lodged with the woman, ſhe aſked me to lend her half a guinea, on eight yards of printed callico, on the 3d of October, in the name of Tyler, which ſhe always uſed at my ſhop, ſhe ſaid it was her property, ſhe went by the name of Wood, ſhe had uſed my ſhop for eight or ten years, and always uſed it by the name of Tyler, ſhe brought it on the 3d of October, I have kept it ever ſince Mr. King the conſtable found me out; here is another piece which ſhe brought on the 8th, and ſaid it belonged to her lodger, containing ſix yards, it was the ſame pattern, and ſaid her lodger and her had got a gown apiece of the ſame cotton; ſhe told me her lodger's name, but I forgot it, I put it down in her own name, I lent her half a guinea upon it; on the 17th ſhe brought one yard of printed cotton, upon which I lent her one ſhilling, ſhe ſaid it was her own property, ſhe bought it to make her child a gown.

Did this man and woman live together as man and wife?——No, I never knew he lodged with her.

## THOMAS TRING *ſworn.*

I belong to Sir Sampſon Wright, on the 18th of October, information came to Sir Sampſon Wright's of this robbery; when we came to the priſoner's houſe, we waited there three hours, I told Knowlan, I muſt ſearch your houſe, it is in Pierpoint-rents, facing the Three Hats, Iſlington: two more of our people were there, I went up ſtairs, and ſearching about the room, I ſaw two boxes, and one of them the priſoner Knowlan ſaid was his, and there were theſe things, and a purſe of money, five pounds eight ſhillings, they were printed callicoes and printed cottons, and twenty-two ſhillings I took out of his breeches pockets, and three duplicates of things that were pawned that day the 28th, that we took him, then I aſked who the other box belonged to, and Mary Murphy ſaid, it was her box, that was the leſſer box; then I deſired her to open it, and ſhe ſaid, ſhe would not; and ſhe told me at my peril to ſearch it if I dared; then ſays I, I will break it open, and I took the poker and broke it open, and took this bundle out, theſe are all printed callicoes, and I found this duplicate in her box, and a printed cotton bed gown, the proſecutor ſaw theſe things at Bow-ſtreet, and he ſwore to the marks.

*(Depoſed to by Mr. Marriot.)*

Can you venture to ſwear from any circumſtance about that linen without a mark that they were your linen?——There is a mark upon theſe, this is a bit of Montroſs linen, the pattern is the ſame of what was marked.

Is there on any part of the printed cottons or callicoes any mark that you can judge they were your's?——No, this piece of callico has my mark on, here is a piece of plain white cotton that has my mark on. *(The mark ſhewn to the Jury.)* Theſe are the things that were found in the man's box, here is a mark on this piece, it is the ſame piece that the bed gown is made off, here is a ſmall bit of printed cotton without a mark.

*(The different pawnbrokers ſhewed to Mr. Marriot the things they took in of the two priſoners; ſome of the things depoſed to.)*

## WILLIAM BARKER *ſworn.*

I live in Shoreditch, this piece of printed callico was brought to me by a man I do not know, in the name of Richard Knowlan, I gave him a duplicate, which I ſaw to day in the hands of Thomas Brown.

*Brown.* This is my waggon, I have no partners, it goes to Northampton, from the Ram Inn, Smithfield.

*Priſoner Knowlan.* In the firſt place, there being duplicates found upon me, they did not find them upon me, I produced them in my own name.

*The priſoner Knowlan delivered in a written defence which was read by the Clerk of the Arraigns, as follows.*

I am a watchman of Clerkenwell pariſh, about ſix o'clock in the morning, after crying the hour in White-lion-row, going to the back road, Iſlington, where I likewiſe cry the hour, in croſſing the fields near the ſheep-pens, I picked up two parcels, one of which upon examination, contained a quantity of callico, the other a quantity of linen and cotton, but the quantity of either I do not know; unacquainted with the ſtrict duty of my office, I took them to my lodging, inſtead of, as I ſince learned I ſhould have done, carrying them to the watch-houſe; they remained about three weeks in the cuſtody of the other priſoner Murphy, we both lodged together; unfortunately not being able to read, I had no poſſibility of ſeeing by the newſpapers, if they were advertized, but I did all that was in my power, that was making known the circumſtance of my having found them, and requeſted ſeveral of my acquaintance to learn if they could, who had loſt ſuch property, and if I could find to whom they belonged, upon due proof of the property, I would deliver them up: three weeks havelapſed, and no claimant, I was perſuaded and thought myſelf warranted to diſpoſe of them, which I did from no idea of guilt whatever; when the conſtables came to me, enquiring if I had found ſuch property, I readily told them I did, and that what remained undiſpoſed of I would give up to them, with the duplicates and pawnbrokers directions for ſuch parts as were pledged: I have always ſupported a good character as a labouring man.

### PRISONER MURPHY'S DEFENCE.

This priſoner lodged in my place, I have three fatherleſs children, he was recommended to me as an honeſt man, I was not able to pay the rent myſelf, but how he came by the things I do not know; what things they were, I do not know.

*Tring.* I found the duplicates in her pocket.

### JOSEPH COLLIER *ſworn.*

I am a houſe keeper, in White-Lion-row, the priſoner worked with a neighbour of mine, one Mr. Garrard, about two years and a half, I have employed Mr. Garrard, and this man has worked with him at my houſe; he is a very induſtrious man, I never heard before this any harm of him, he was ſo induſtrious that I remarked him a year ago.

### SUSANNAH GARRARD *ſworn.*

I have known Knowlan almoſt theſe three years, I am a houſe-keeper in White-lion-row, he bore a good character, my huſband employed him two years and a half in the labouring way, he has always been very juſt and honeſt, we have truſted him with money many times, and if he is diſcharged my huſband will have no objection to employing him directly.

### WILLIAM WOOLNORTH *ſworn.*

I live in White-lion-row, I have known the priſoner between two or three years, he always appeared to me to be a very honeſt induſtrious man, this is the firſt that I ever have heard to the contrary, and as a watchman till this happened, I never thought him otherwiſe than an honeſt man, I am a near neighbour to his maſter.

### JOSEPH SPENCER *ſworn.*

I have known him about two years, he is a very honeſt man for anything I ever heard.

*Priſoner Murphy.* I have no friend here, I muſt truſt to providence.

RICHARD KNOWLAN, GUILTY.

*To be tranſported for ſeven years.*

MARY MURPHY, GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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103. JAMES THOMAS was indicted for feloniouſly ſtealing, on the 24th day of November laſt, one pair of man's ſilk ſtockings, value 4s. 10d. the property of John Baggalley.

### JOHN BAGGALLEY *ſworn.*

I live at No. 115, Fleet-ſtreet, I keep a hoſier's ſhop; on Wedneſday the 24th of November, about eight in the evening, I being abſent, one of my ſhop-men ſent for me, and I found the priſoner in cuſtody of the ſhopman, he accuſed him of ſtealing a pair of ſilk hoſe.

### JOHN COLEMAN *ſworn.*

I am ſhopman to the proſecutor; the priſoner, on the 24th of November, came into Mr. Baggally's ſhop, and aſked me to let him ſee ſome dark ſpun ſilk-ſtockings, nobody elſe was in the ſhop, I ſhewed him a pair of the pattern, but they would not do, I then told him I had ſome ſilk that would come very low, which I would let him ſee, and I went to look for them, and I ſaw a pair of ſtockings concealed in his hand, I collared him and began ſhaking him, and he threw down the ſtockings on the counter, and in his defence he ſaid he had got nothing, he only threw down the ſtockings, there were other ſtockings laying on the paper which I opened to ſhew him, he threw them among the others, and I inſtantly ſeparated them.

*(The ſtockings depoſed to, marked L. A.)*

*The priſoner called three witneſſes who all gave him a good character.*

GUILTY.

*He was humbly recommended to mercy by the Proſecutor.*

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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104. JOHN WILLIAMS was indicted for feloniouſly aſſaulting Michael Daley on the King's highway, on the 22d day of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, two linen ſhirts, value 40s. three ſtocks, value 3s. five handkerchiefs, value 5s. one pair of worſted ſtockings, value 2s. and one baſket, value 2d. the property of Mary Daley.

### MICHAEL DALEY *ſworn.*

I ſhall be thirteen the 12th of next April, I was examined on the former trial, my mother is a waſher-woman, No. 4, Bond-ſtreet, Rathbone-place; on the 24th of September laſt, I was going to Mr. Carr's in Norfolk-ſtreet, I had the linen with me, I was going along, and I got to the door, I had knocked, and my mammy told me, before I went, to hold the things very tight becauſe ſhe had a dread upon her, as ſhe was adviſed not to ſend me, I knocked once and I was going to knock a ſecond time, and ſomebody came behind me (my face was towards the door) and ſnatched my bundle off my head, I turned round and took hold of him, and he had the handkerchief.

*Court.* Had he got the bundle completely from you when you took hold of him?——Yes, Sir, and when I took hold of him, he dropped the bundle.

What became of him then?——He fell down in the kennel, and I fell down too, and he took and hit me over the arm, and took the bundle of linen from my head.

Should you know either of theſe men again if you ſaw them?——No, Sir, I ſhould not, I cannot tell either of them.

How many men were there?—But two, then I followed the man that had got my baſket of linen, and I hallooed out ſtop thief, and he was ſtopped going down a paſſage, the clothes were in a baſket.

### THOMAS WALDEN *ſworn.*

I was in a houſe in Arundel-ſtreet, with a few friends, hearing a great noiſe I liſtened a little while, I heard the alarm of ſtop thief, I immediately ran out of the door, and ſaw one Tranter, who had been tried and acquitted here, run out of the corner of the gate-way, and I ran after him, juſt as he got out of the gate-way he fell down, he immediately jumped up again, and I purſued him and had like to have fallen down myſelf, I caught him round the waiſt, he wanted to eſcape, but I held him ſo tight that he could not, I deſired him to come along, he wanted ſadly to get away but I would not let him, juſt as I got hold of him a young man came and aſſiſted me, and we got him into Arundel-ſtreet, and he was taken to the round-houſe, and there he was till Monday morning.

Had he any thing in his poſſeſſion when you took him?——Nothing at all.

——— SAYER *ſworn.*

I apprehended Williams at the Jolly Sailors in Drury-lane, when he came to Bow-ſtreet I told him he was apprehended for robbing a boy of a bundle.

Did you tell him what boy or where the robbery was committed?——No, my Lord.

Did you ſay no more than that?——No, my Lord; when he was firſt charged, he ſent Mr. Gee out to me to know if he could not be admitted as an evidence, he lives in Drury-lane, I went to him and told him I did not know, I would ſpeak to Sir Sampſon, I went over the way and ſpoke to Mr. Addington, and Mr. Addington referred it to Sir Sampſon, he had heard the matter before the next day, Sir Sampſon ſaw him, and Sir Sampſon admitted him as an evidence.

Was there any information given againſt him upon oath before he was admitted as an evidence?——No, my Lord.

*Court to Jury.* There being no evidence againſt this priſoner but what he ſaid himſelf when he was admitted an evidence for the Crown, on the trial of two men for the ſame robbery, who were acquitted; although he denying all the evidence he gave before the Juſtice, when he came before the Court as an evidence, and was therefore committed to priſon, and indicted as a principal, yet there being no other evidence againſt him, he muſt be

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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105. **SARAH ARMOND** was indicted for feloniouſly ſtealing, on the 20th day of November laſt, one man's cloth coat, value 4s. one cloth cloak, value 4s. one ſtuff petticoat, value 2s. one ſhirt, value 12d. the property of Frederick Heſs.

GUILTY.

*To be privately whipped and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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106. **MARY MORRIS** was indicted for feloniouſly ſtealing, on the 13th day of December, one ſilk mode cloak, value 10s. one dimity gown, value 5s. the property of Suſannah Beale, widow.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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107. **ELIZABETH RILEY** and **ANN GORDON** were indicted for feloniouſly ſtealing, on the 19th of October laſt, one bank note, value 30l. and one other bank note, value 10l. the property of George Leake, privily from his perſon.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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108. **WILLIAM CHADWICK** and **THOMAS WILLIAMS** were indicted for feloniouſly aſſaulting Daniel Bring on the King's highway, on the 4th of November laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one half-guinea, value 10s. 6d. his property.

BOTH NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

109. **THOMAS ASHBY** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of the Rev. John Weſley, clerk, about the hour of four in the night, on the 31ſt of October laſt, and burglariouſly ſtealing therein one large looking-glaſs in a mahogany frame, value 5s. one mahogany round table, value 3s. three mahogany chairs, value 6s. and one braſs fender, value 12d. his property.

*There was no evidence to convict the priſoner.*

NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

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110. **ISABELLA ELLIS** was indicted for feloniouſly ſtealing, on the 6th day of November laſt, one leg of pork, value 2s. two pounds weight of lump ſugar, value 1s. one pound of moiſt ſugar, value 5d. a quarter of a pound of Souchong tea, value 18d. half a pound of freſh butter, value 5d. a dead fowl, value 1s. one linen cloth, value 2d. and one guinea, value 1l. 1s. the property of Robert Hall.

NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

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111. **GEORGE DARBY** alias **BROWN** and **MATTHEW SMITH** alias **TODD** were indicted for feloniouſly aſſaulting Charles Atwell on the King's highway, on the 30th day of October laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 3l. a chain, value 2s. and a key, value 6d. and 5s. in monies numbered, his property.

*The witneſſes examined apart at the requeſt of Mr. Garrow, priſoner's councel.*

CHARLES ATWELL *ſworn.*

*Mr. Garrow.* What is your name?——Charles Atwell.

Where did you come from?——From Doctor Stence in Drury-lane.

How long have you been out of priſon?——What priſon?

Have not you been in Clerkenwell priſon lately?——Not very lately.

What did you go there for?——Muſt I tell you?

Yes, you muſt; was it not for a ſod——l attempt?——No, Sir, it was not, I was wrongfully accuſed.

Was not you convicted before a Jury?——No, Sir, I was not, I was acquitted from this place.

Oh, then you have been tried here beſides?——I was tried without doubt in this place, and was acquitted; the perſon that proſecuted me about that was the boy's father.

I aſk you, Sir, have you never been in cuſtody, under confinement?——Since that time?

No, I mean then.——I believe that was four or five years ago.

Somebody did think of committing you wrongfully; do you mean to ſwear that you was not convicted of that offence?——I do not underſtand you.

Was you never found guilty before a Jury?——No, acquitted.

Was you never tried any where elſe but here?——No, never.

Was you never tried at Clerkenwell?——No, Sir, not tried at Clerkenwell.

Come, look at that honeſt gentleman a little; upon your oath, was you never tried at Clerkenwell?——I was tried here and honourably acquitted.

*Mr. Chetham.* He was tried here for the actual crime, and acquitted.——I was not guilty of it, Sir.

I did not aſk you whether you was guilty; was not you tried for the offence itſelf, the capital offence?——I think I was.

*Court.* Tell us what you have to ſay againſt the priſoners?——I live with Doctor Stence, a ſurgeon and apothecary, in

Drury-lane, I have lived with him ſome time.

In what capacity?——As ſhopman, I had been down at Weſtminſter about ſix, it was in October, I believe it was the 30th, as near as I can recollect, I went to ſee a friend, they were not at home, I was going to the upper end of Mount-ſtreet, to Storey's-gate, I went through the Park, I heard the gate fall too, I had not the key of the gate, I met a young man whoſe name is Charles Brown, I aſked him if he had got a key of the Park, he ſaid he had not, four young men came up from the path way, and they ſtopped and aſked ſome queſtions, but I cannot tell what.

Who did they aſk queſtions of?—Both of us, we were ſide by ſide, then they came to the front of us, and aſked me if I had got any money or ſomething to that purpoſe.

What gate was it you heard fall too?—That that goes into Piccadilly, oppoſite to Clarges-ſtreet.

What gate was you at before the four young men came up?——I was near to the lodge gate, they put their hands into my breeches pocket, and took out four ſhillings and two ſixpences, and a ſteel watch-chain and a ſteel key which I had not put to my watch, they were neither of them the priſoners at the bar that robbed me.

Have you any thing elſe to ſay againſt the priſoners?——The priſoners were in company with the two that robbed me.

Did the two priſoners at the bar come in company with the two that robbed you?—There were only four of them.

Were the two priſoners at the bar either of thoſe four?—Yes, I was robbed by the pond.

You were robbed by two men?——Yes.

Were the priſoners at the bar either of theſe two?——No, Sir.

You never had but four people come up?——No, theſe two were [illegible] believe in company, but they were not the men that robbed me, the other two eſcaped.

Do you mean to ſay that theſe men laid hands on you?—No, Sir, but they were preſent with thoſe that did, I believe ſo, I have not ſworn to them.

*Mr. Garrow.* Was it you or Charles Brown that loſt the paint?—I never uſed any in my life.

Why do you ſuppoſe I meant to aſk you if you did, was it you or Brown that loſt the paint?——It was Brown.

CHRISTOPHER CREEDLY *ſworn.*

I am one of the patrol belonging to Sir Sampſon Wright, and on the 30th of October, at half paſt ſeven in the evening, in St. George's-row, I met three men, I paſſed two which was one that run away and Darby, and the laſt man that came up was Smith, I laid hold of him and my partner laid hold of Darby, the other ran away as faſt as he could, I ſearched Smith and found this piſtol loaded with ball and powder, and this knife and this box and nine ſhillings in ſilver, which is an ivory box, I deſired my partner to hold Smith while I ſearched Darby, we found upon him a piſtol loaded.

WILLIAM BRANDISH *ſworn.*

I was with Creedly, I took away ſome piſtols and other things from theſe men, I took no watch, nor key, nor money.

*Court to Atwell.* I underſtood you could not ſwear to the priſoners?—I believe them to be the men that robbed Charles Browne in company with them that robbed me, it was not very light.

Is there any lamp in the place?——No, Sir, there is none there.

Do you wiſh Brown to be called, you have a right to call him if you chooſe it.—I wiſh him to ſpeak the truth, and I dare ſay he will, reſpecting my robbery.

CHARLES BROWN *ſworn.*

Where do you live?—I live in Butcher-row, I am out of place.

What is your buſineſs?——I am of no buſineſs, I was not an apprentice, I was in a jewellers and perfumers ſhop, I ſerved as ſhopman.

Mention his name?——Pelligree and Hopkins; I was in the Park on Sunday, the 30th of October, I was coming to the gate, and Charles Atwell aſked me if I had the key of the gate, I told him I had not, the gate was ajar when I came through.

Is it a gate that falls with a ſpring lock?—Yes.

Which way did Atwell come?——He came up from St. James's way, and ſaid he wanted to go through.

What paſſed after this?——There was nothing paſſed between us, four men came up to us.

Were the priſoners at the bar the men? Yes, I think they were, the one that ſtands up was.

Can you be ſure they were?——That one, I cannot be ſure of the other, but as to clothes, the one that ſtands up that is the priſoner Smith, I can be ſure of him, I knew him immediately at Sir Sampſon Wright's.

Was there any lamp in the neighbourhood near you?—No, Sir, but it was quite ſtar-light.

No moon?—No, Sir, they were rather cloſe to me.

Was there no moon?——I do not recollect that there was.

What did the priſoner Smith do?—He aſked us a queſtion, what we were, or ſomething, he pulled out a piſtol and aſked me if I had any money, I told him I had but very little.

Did Smith do any thing to Atwell?——No.

After he pulled out the piſtol what did he do to Atwell?——I cannot ſay, I heard one of the others aſk Atwell if he had a watch, and he ſaid he had.

Did theſe men all come up together?—Yes.

Did you hear them converſe together at all?—No, no further than that.

What did the others do to Atwell?——The other ſaid he has a watch, and one of the priſoners ſaid rip him up then, and I ſaw them take a watch from his fob.

What elſe was taken from him?——I could not ſee any thing elſe.

*Mr. Garrow.* How long might they be there?—A very ſhort time.

Did you ſee them do any thing beſides take the watch?—No, I did not.

Had they time to take any thing but the watch?——Yes, they had, we were both together, I ſaw them have their hands in his pocket, but I cannot tell.

Can you deſcribe the time at all?—No, I cannot, it was in the Park.

Could you ſee the face of Smith?——Yes.

Have you ever ſeen him before?—Never, I never ſaw him before, I could not diſtinguiſh the colour of his dreſs.

Had he a hat on?——Yes.

A round hat?——Yes.

How long might they be there altogether?—I cannot tell how long.

Can you make a gueſs?—I cannot.

Were they there a minute?—I ſuppoſe they were, I cannot tell exactly.

Now, can you ſafely venture to ſwear to the man's face by ſtar light, no lamp nor other light, and with a round hat on, who was not with you above a minute?——When I went to Sir Sampſon's, I ſaid, Smith was the man.

Was it a metal watch?—I take it to be ſilver, it was light enough to ſee it was ſilver.

O, I forgot, how long have you been acquainted with Mr. Atwell?—I never ſaw him before.

So you are a young gentleman living upon your perſonal fortune?—I muſt live by what I work for.

That comes to the ſame thing in your way of trade; you was taking an airing in the Park in the evening?——I was going through the Park, I was going to St. James's.

You viſit at the palace perhaps?—I viſit a ſiſter that lives there.

You was by the pond?—Yes.

There are ſome ſeats there?—Yes.

What they ca[illegible]ooing places, I believe?—I never heard them called ſo.

Was it a lady you was going to at the palace?—A young woman a ſervant.

Does ſhe paint her face?——Not to my knowledge.

You had the misfortune to loſe a box of paint this night?—No, Sir.

Will you ſwear that now?—I had a box of lip ſalve for my ſiſter.

You are a ſingle man, I think, Mr. Brown?—Yes, Sir.

How long may you have lodged in Butcher-row?—Not long, I lodged in Oxford-ſtreet, at Mr. Ward's, a druggiſt, before.

You was coming in from Piccadilly into the Park?—I was, I had been into Piccadilly.

With whom?——At a public houſe, I had been drinking tea.

You never take any more vulgar liquors than tea?——Sometimes.

What age may you be?——Seventeen laſt May.

Is that the way you uſually dreſs?—Yes.

So Mr. Atwell aſked you if you had a key of the park?—Yes.

So then you entered into a little confab.?——We had no diſcourſe at all only that he wanted the key.

Are there not lamps at the gates of the park?—I do not know.

No, why you know the gates of the park, as well as any body knows the pump at Aldgate?——I do not know that there are lamps.

So you truſted you pretty perſon in the dark, and made this happy acquaintance?—No happy acquaintance at all.

Have you enquired at all who he is?—No, Sir, he is nothing to me.

When did you ſpend the evening with him laſt?——I have not ſpent the evening with him at all, I have not been in the Park ſince.

The Park is a good pleaſant place in the evenings?——It was not ſo pleaſant to me.

It was quite light enough to ſee a man's face?——I was immediately by the man, Smith was robbing me, I do not know that he touched Atwell, I have a letter in my pocket now that came from my uncle, which was found upon him.

Pray may I aſk you, as you have but ſmall wages, though I tell you before hand, you have a right to refuſe anſwering me, how you have ſupported yourſelf, what way of living have you had?—I had my money that I took in Bond-ſtreet, I lived there near ſeven months, my wages were ſmall for the place to find every thing.

*(Charles Atwell called again.)*

Did you ever find any of your things that you loſt?—No.

Did you ſee any body elſe when the four men came up?—No, I was ſpeaking to Charles Brown.

When did you firſt ſee Charles Brown?——Near the gate.

Which gate?—That that leads into Piccadilly, I never ſaw him before in my life, nor I did not know where he lived, I aſked him for the key of the gate.

How many men came up?——Four.

Had they their hats on?——I believe they had.

What did they do?—They came up, and aſked whether we had got any money or ſomething, there was ſomebody ſpoke before, but what it was I cannot ſay, they clapped a piſtol to my cheek, and another to my breaſt, I ſaw only two piſtols, then they aſked me if I had got any money, I told them no, one of them put his hand into my right hand breeches pocket, and took my money.

Which of them was it?—I think Smith was one of them that robbed Charles Brown, I was ſo near I could very well diſcern.

**The remainder of this Trial in the next Part which will be publiſhed in few Days.**

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
## JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 14th of DECEMBER, 1785, and the following Days;
Being the FIRST SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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### NUMBER I. PART VII.

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

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## *Continuation of the Trial of George Darby and Matthew Smith.*

You do not ſpeak with certainty to theſe two men ?——I verily believe they are the men, I deſcribed one of them to Sir Sampſon, one looked like a dirty looking fellow, with looſe hair.

Was that the one you ſuppoſed robbed you ?—No, Sir, one of them that was robbing Brown.

*Mr. Garrow.* You and Mr. Charles Brown were quite ſtrangers to each other ?—Intirely ſo.

After you were robbed, you jogged on together I ſuppoſe, and exchanged addreſſes ?—Exchanged what ?

Addreſſes, directions ?——He went one way, and I went another.

You met the next evening in the Park, I ſuppoſe ?—We had no occaſion to meet the next evening in the Park.

You did not loſe any paint ?—I ſuppoſe if I had, I might have loſt it.

Did you loſe any ?——No.

When did you ſee Charles Brown again ?—On Thurſday evening, I ſaw him coming from Covent Garden.

Stumbled upon him juſt by accident ?—That is a queſtion I cannot anſwer, I did not meet him by appointment.

Then you ſtumbled upon him by accident, will you ſwear that, now ?——I did not meet him by appointment.

Then it was accidental ?—It was ſo.

Where might you be going ?—Carrying out things.

What might you be carrying out ?——I cannot recollect.

What part of Covent Garden ?——The ſtreet that leads from Covent Garden:

Has it any name ?—Yes, Ruſſel-ſtreet.

Was it broad day light ?—Yes, I believe he had been at Bow-ſtreet, I am not ſure.

You had not been to Bow-ſtreet ?—They fetched me to Bow-ſtreet:

You told me you never was tried at Clerkenwell ?—I do not know that ever I was tried there, I had nothing to do there.

Was you never tried there ?——Do you mean being before the gentlemen ?

Aye, being before the gentlemen ?—No, Sir, I can truly ſay I was not.

Was you never tried ſince you was tried here ?—No, Sir.

Have you never been in cuſtody, now, Sir, for taking an evening's walk in the Park, or ſome ſuch matter ?—No, never, no man can lay ſuch a thing to my charge.

Whereabouts in the Park, did you meet Mr. Charles Brown?—Juſt by the water, the water ſurrounds the place.

Are there not ſome lamps that lead from the Green Park-gate to St. James's?——Yes, but not on that ſide where I was.

You and your friend Mr. Charles Brown who were quite ſtrangers, had got into the dark?—Sir!

Why you know you were by the pond, and there are no lights there; now, upon your oath, was that the direct road for you?—I have often gone that road.

I dare ſay every night of your life, when you are at leiſure, but I aſk you, Sir, is that the direct road for any fair honeſt married man to go?——I do not know, there are many misfortunes happen to people, as well as myſelf.

Is that the direct path from the Green Park or to it?——I thought ſo.

*Mr. Garrow.* My Lord, you will not call theſe men on their defence.

*Court.* I believe I need not have the trouble in ſuch a caſe as this is, to ſum it up.

*Jury.* We are unanimouſly of that opinion, my Lord.

**BOTH NOT GUILTY.**

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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112. The ſaid GEORGE DARBY, alias BROWN, and MATTHEW SMITH alias TODD, were again indicted for feloniouſly aſſaulting Charles Brown on the King's highway, on the 30th day of October laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one red morocco pocket-book, value 6d. one handkerchief, value 6d. one pen-knife, value 1d. one ſmall wooden box, containing a quantity of lip-ſalve, value 1d. a bottle, with a quantity of hartſhorn, value 2d. two counterfeit ſhillings, value 2d. one ſixpence, and ten halfpence, his property.

CHRISTOPHER CREEDLAND *ſworn.*

I am one of the patrols, I apprehended the two priſoners in George's-row, the other ſide of Tyburn turnpike; I found one of theſe piſtols loaded, and this box, and nine ſhillings in ſilver, and this little knife, and a comb; and I deſired my partner to take hold of him, while I ſearched Darby, and on Darby I found another piſtol, and this letter, and five pence in halfpence; (*the letter handed up*) here is a bit of white paint, and ſome lip-ſalve, this handkerchief and knife, and three keys.

*Court.* Did they ſay any thing when they were apprehended?——No, only they were very angry with the others when they run away, they ſaid d——n their eyes, if it was not too far, I ſhould have had them.

*Mr. Garrow.* I believe they told you they picked up theſe things in the park?—I heard them tell Sir Sampſon that they found them, but not where.

Whether theſe things were taken from any body by robbery, or whether the perſons that had them, had been put to the ſcout, you cannot tell?—No.

*Court to Brown.* Look at theſe things.——The three keys, the handkerchief, and the box are mine.

*Mr. Garrow.* You told me juſt now this was your ſiſter's lip-ſalve?——It was for her.

Is that your white paint?—That is none of mine.

Will you ſwear that?——Yes, I will: I lived with Mr. Montague, in Portman-ſquare, as under footman.

Where do your friends live?——I have no father or mother, I have wrote to my friend, where that letter came from juſt before.

Where did you meet Atwell firſt, on this night after the robbery?—I met him as I was coming from Sir Sampſon Wright's, he was going the other way.

How happened it that you had got out

of the high-road where there were lamps, to the place where there was none?——I was going through there.

Was that your direct road to St. James's palace?——It was the way I was going.

Is that the way that you uſually go?—It is the way I went then, I never went that way before, the other way is further round; I was going that way, becauſe I thought it was neareſt.

Was that the neareſt way from Storer's-gate to Mount-ſtreet?—That is as any body chooſes.

Is that the direct path that honeſt men go?—I ſuppoſe if they were not honeſt men they would be ſtopped.

Is it the direct path, are there lights and a foot-way?—It is a place that people do paſs through.

That I know very well, people of a certain deſcription.—I was going through there.

Is that the direct path to Storer's-gate from Mount-ſtreet?—I cannot tell that, I never was that way.

So by accident, you two gentlemen met in this dark place?—Yes.

*Foreman of the Jury.* Where was you coming from?—Out of Piccadilly.

What part of Piccadilly had you been in?—The upper part, the end next Hyde-park.

*Court.* Then ſurely you had no buſineſs to come to that private gate, when the gate of Hyde-park is open, and the road lighted.

**BOTH NOT GUILTY.**

*Court to Jury.* The total diſcredit you have ſhewn to the evidence of ſuch witneſſes, is a very proper puniſhment for thoſe, who by their conduct, bring themſelves into diſcredit; it might probably have been very well for the public, if there had been any reputable witneſſes againſt theſe men.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

113. **CHARLES YOUNG** and **JOHN POWER** were indicted, for feloniouſly ſtealing, on the 17th of September laſt, 2092 pounds weight of wood, called Red Sanders wood, value 20l. the property of the Eaſt-India company.

*A ſecond Count.* For ſtealing the ſame, the property of perſons unknown.

*The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.*

*(The Caſe opened by Mr. Silveſter.)*

——— WISSETT *ſworn.*

I am an officer in the ſervice of the Eaſt-India Company, I am clerk to one of the warehouſes; a witneſs attends with ſome of the wood; this is red ſanders wood, it is imported from Bengal.

Have the Company loſt any of that wood lately?—Yes, as appears from the report, I can know no otherwiſe.

*Court.* It is impoſſible to prove this belongs to the Eaſt-India Company?—It is ſo, my Lord, for it is put up to ſale very ſoon after it arrives, and it is impoſſible to ſay whether this has paſſed the ſale.

*Court.* You muſt go upon the count, as the property of perſons unknown.

ANDREW BRODISON *ſworn.*

I am a cuſtom-houſe waterman, I know the priſoner Young extremely well; on the 17th of September laſt I ſaw him in company with three other people at Ratcliffe-croſs, they were landing red wood or logwood, I do not know which.

Where did they carry it?—To one Mr. Bottlebold juſt below Ratcliffe-croſs.

Was Satchfield with you?—Yes, it was between five and ſix in the morning, as nigh as I can gueſs.

*Mr. Garrow.* This was at the public plying place?—Yes.

I take it that ſort of lumber is not ſuch ſtuff as one could carry in one's pocket?—It was carried publicly.

As a baker carries his baſket?——Yes, I ſaw them carry ſome pieces, to the beſt of my recollection.

### WILLIAM SATCHFIELD *ſworn.*

I was at this landing place on the 17th of September laſt, I ſaw the priſoner Young there, I cannot ſay to the other man; he came on ſhore with ſome wood, I do not know what wood it was, it was a kind of red wood, he took it to Mr. Bottlebold's wharf.

### JUDAH BOTTLEBOLD *ſworn.*

*Mr. Garrow.* Mr. Bottlebold you come here about ſomething called red wood, you know that?—Yes.

You was charged alſo with receiving it, knowing it to be ſtolen, you know that too; nay, tell us, why you are an honeſt Jew; what, have you loſt your voice?—Yes, Sir.

You was charged with receiving it?—Yes.

Why ſpeak out, it has happened to many of your tribe before?—It never happened to me.

*Mr. Garrow.* My objection is, that Mr. Bottlebold being applied to, is to transfer that which is prima facie evidence againſt him as the thief, and put himſelf into a leſs diſagreeable ſituation.

*Gourt.* Having called the two witneſſes, they have proved enough of this man's evidence to go to the Jury, for there is no objection to the competency of the accomplice, he is at all times liable to be examined, but the objection is to his credit.

*Mr. Garrow.* There is no evidence at all againſt Power, for whom I am concerned, therefore your Lordſhip will not let him ſay any thing againſt Power.

*Court.* I muſt hear what he ſays, but I ſhall direct the Jury, that what he ſays againſt Power alone, is not evidence.

*Mr. Silveſter.* Where do you live?—I did live in Narrow-ſtreet, Ratcliffe.

On the 17th of September laſt, did you receive any thing?—Yes, on the 17th day of September, between two and three in the morning, Charles Young and four other perſons knocked at the door, and my partner Levy Phillips went down ſtairs and opened the door; they informed us, they had a parcel of red wood, they aſked us what we would give them for it, and we agreed to give them half a guinea a hundred, it weighed fourteen hundred weight, they brought it in between three and four in the morning; after that, we went up ſtairs, and my partner gave Charles Young ſeven guineas for the wood; after they were gone, between five and ſix, I went to Mr. John Henry Ford, No. 17, in Broad-ſtreet, Old Gravel-lane; Mr. Ford aſked us, what we would have for it, I aſked him 18s. he offered 16s. when I returned, I found eight logs more of the ſame wood; ſoon after Charles Young and another perſon came in, and the ſaid wood was weighed, and it weighed two hundred weight; I believe Power was there.

Do you know whether Power was there or not?——I rather think he was.

Can you ſwear poſitively that he was?——I think he was there poſitively.

*Court.* How came you to ſay then it was Young and other people; will you ſwear poſitively that Power was there?—He was; my partner agreed to give them a guinea, we was to call on Mr. Ford for payment.

What did you do with the logs of wood?——Mr. Ford took it away in a cart, and going home it was ſeized.

Who is the carman that took it away?—He lives in Nightingale-lane.

What is his name?——Horſeman.

Was the wood in the cart, the ſame wood that was in your houſe?—Yes, it was put into Horſeman's cart, to be carried to Ford's.

Is that part of the wood?——It is like it.

*Mr. Garrow.* What trade are you?—I am a dry-ſalter, and ſell drugs.

Is this an article of dry ſaltery goods?—Yes.

Do you uſually buy your wood at two o'clock in the morning?——I never did before.

Are you obliged to ſell it by ſix, it is a periſhable article, I ſuppoſe?——I took the earlieſt opportunity, my partner wiſhed me to ſell it.

How long was you in gaol about the goods ?—One day.

What did they ſend you to gaol for ?——For receiving ſtolen goods.

Did you ſwear poſitively to Power at the office ?——I ſaid I was almoſt ſure, I was quite ſure, he had a different jacket on, he was ordered to put another jacket on, and then I knew him; I did not poſitively know him before.

Have you never doubted about it ?—No, never.

How came you to ſay you believed it, and you thought it, if you had never doubted it ?——Becauſe his dreſs was altered very much, when I ſaw him.

Was not you from home a week after this happened, to hide yourſelf from the officers ?——I was in the city, at my brother's, for a few days, it was holiday time, and there was an account that Charles Young was taken.

Was you from home for that cauſe, or any other ?—I had no other cauſe but that.

But what ?——But Charles Young's being taken.

*Court.* You were quite ſure at the Juſtices, when the jacket was put on, that Power was the other man ?——Yes.

Did you tell the Juſtice ſo ?—Yes.

You did ?——Yes.

Then you ſaid before the Juſtice, that Power was one of the men that was with Young ?—Yes.

Now, take care what you ſay, for I have your examination before me, upon your oath, did you ſay one ſyllable about Power, or was his name ever mentioned ?——The Juſtice aſked me whether I knew him, I told him, yes.

You did, you ſwear that ?——Yes.

Now, read his examination. How long after this man brought them to you, was it, that you went to the Juſtice's ?—The ſame morning.

*Court.* Now obſerve, in two particulars, that he ſtates that he ſwore before the Juſtice, that he was ſure of Power.

*(The examination read.)*

“ Middleſex. The voluntary confeſſion
“ and examination of Judah Bottlehold,
“ admitted an evidence on his Majeſty's
“ behalf, taken the 11th of October, 1785,
“ who on his oath ſays, that about five
“ weeks ago, he took a houſe in Narrow-
“ ſtreet, Limehouſe, and the firſt act they
“ did, after taking the houſe, was receiving
“ a quantity of red wood from Charles
“ Young and four others, which confeſſant
“ agreed with Charles Young and
“ his four companions, for half a guinea
“ a hundred; that on the 17th ult. at four
“ in the morning, this Charles Young and
“ four others, brought fourteen hundred
“ weight; at ſix, the ſaid Young and
“ black Joſeph brought eight ſticks,
“ weighing two hundred weight, for which
“ they agreed to pay him one guinea, but
“ not having money at home, the wood
“ was left in the back kitchen; that the
“ next morning, the informant and John
“ Phillips, went to John Henry Ford,
“ No. 17, Broad-ſtreet, and told him
“ that he had a parcel of ſanders wood to
“ ſell, who being then in bed, he got up,
“ dreſſed himſelf, and told Phillips and
“ the informant he would get a cart, and
“ come and take it away; that about
“ ſeven the ſame morning, the ſaid Ford
“ brought a cart down, and the ſaid wood
“ was put into it by the driver thereof,
“ ſaid Ford, this informant, and his partner
“ Phillips; that the agreement Ford
“ and Phillips made for ſaid wood, was
“ 16l. per ton, that at the time of landing,
“ he had no bill of parcels, nor did he aſk
“ for any, but that when they went down
“ for the money, Ford told them that the
“ wood was ſtopped, and he was to be at
“ the Juſtice's by ten; that informant gave
“ him a bill of parcels for the ſaid wood,
“ at 24l. a ton: that informant received
“ from ſaid Young and his companions, a
“ quantity of hemp, and ſeven bags of
“ hops, which he is confident were ſtolen.

*Mr. Silveſter.* Who was preſent at that firſt examination ?——Nobody was preſent.

*Mr. Garrow.* What charge was you in cuſtody for?—I was charged for buying hops.

And for buying ſome hemp too?—— Yes.

*The ſecond examination read, dated the* 12th *of October,* 1785; *alſo, a third and fourth examination.*

*Court.* In all theſe examinations, the name of Power is not mentioned; he mentions him in a fifth examination, as he does now to-day. There is no other witneſs that ſpeaks to Power, but this accomplice, whoſe evidence can have no effect againſt Power.

BENJAMIN PAYNE *ſworn.*

I know Bottlebold, he did live in Narrow-ſtreet on the 17th of September, I ſaw a cart load of wood come to his wharf, there were forty-two pieces of ſanders wood as they called it, I call it log wood; I put it into the office at Shadwell, William Elby took it there.

WILLIAM NICHOLS *ſworn.*

On the 17th of September, I believe I was coming to the water ſide, between ſix and ſeven in the morning, I come up Narrow-ſtreet, Mr. Payne met me, and told me Mr. Saunderſon and him were looking for me, to ſtop a cart-load of wood, I did ſtop it, it was carried to the public office, Shadwell; I do not know what became of it after.

WILLIAM ELBY *ſworn.*

I was ſent for on the 17th of September, on a Saturday, I took the wood out of the cart, and aſſiſted Nichols to put it into the office.

SAMUEL BARNES *ſworn.*

I was at the office at Shadwell, I received this parcel of wood, containing forty-two pieces, this is a part of it, it has been in the cuſtom-houſe ever ſince.

*Mr. Garrow.* Under whoſe care?—Mine, and my brother officers.

You have the key of it?——I have.

You are ſure that is a part of it?—Yes, it came in on the firſt of October, and had a tally on it.

You ſeized it, as uncuſtomed goods not as ſtolen goods?—I do not know that we ſeized it properly, but the Juſtice ſaid there would be a proſecution, and we took it.

*Priſoner Young.* I was taken up for this before and was diſcharged, ſuch wood as this comes from Guinea, I did not carry any ſuch wood to Bottlebold's, I am a waterman, I dare not aſk a gentleman how he comes by any thing.

*The priſoner called two witneſſes to his character.*

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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114. The ſaid CHARLES YOUNG was again indicted for feloniouſly ſtealing, on the 10th day of October laſt, ſeven hempen bags, value 7s. and two thouſand one hundred and eighty pound weight of hops, value 70l. the property of William Skirrow, being in a certain boat in the navigable river of Thames.

*A ſecond count,* for ſtealing the ſame quantity of hops, laying them to be the property of David Wilton, then being in a certain other boat, called a lug-boat, on the navigable river of Thames.

*There being no evidence to carry the matter further than on the laſt trial, the priſoner was again*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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115. The ſaid CHARLES YOUNG and JOHN POWER were again indicted for feloniouſly ſtealing, on the 18th of October laſt, five hundred and ſixty-five

pounds weight of wood called ſapen-wood, value 14l. the property of the Eaſt-India Company.

*A ſecond count*, laying it to be the property of perſons unknown.

(*The caſe opened by Mr. Silveſter.*)

*The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.*

ROBERT WISSETT *ſworn.*

I am clerk to ſome of the warehouſes of the Eaſt-India Company; the Eaſt-India Company have loſt a conſiderable quantity of ſapen-wood.

*Mr. Garrow.* You know nothing but by the reports you had from the Company?—No, Sir.

*Court.* I think it is general evidence that they have loſt ſome, though it would not be to any particular parcel.

*Wiſſet.* This is ſapen-wood, a ſpecies of wood which is uſed in dying, and this is the firſt ſeaſon in which it has been imported; it is a red dye.

ROBERT BRIANT *ſworn.*

I am a watchman at Paul's wharf, I ſaw two men, but I cannot tell the day of the month, it was on a Tueſday morning, it was a full moon, it may be two months ago, it was a ſpring tide, it was very light, a little after two in the morning, they came and ſtopped ſome time by the ſtairs, I ſaw them come by water to the wharf, with a boat loaded with wood, which I thought was log-wood, they ſtopped there ſome time, and began to land it, I called to the watchman, and they came to my aſſiſtance, he and three men came, I knew Charles Young, I had ſeen him there before, he ſhoved his boat on round by our wharf, I ſpoke to him, I have no doubt but it was Young, I am ſure he was one of the perſons, I do not know the other.

WILLIAM COMMANDER *ſworn.*

I am a watchman of Caſtle Baynard ward, on Tueſday morning, the 18th of October, I was crying the hour half after two, I ſaw two men unloading ſome wood the bottom of Paul's wharf, and I ſpoke to one of my partners, and ſaid here is ſomething clandeſtine, let us go down and examine them, when we went down they ſignified they were cuſtom-houſe officers, and that we had no buſineſs to meddle by water, becauſe we were land watchmen and not water watchmen.

*Mr. Garrow.* Who ſaid ſo?——The two men that were in the boat, they both ſpoke, I told them our orders were to watch the water as well as the land, and, ſays I, I am afraid it is ſomething clandeſtine, or you would not land it at this time in the morning; I aſked them what it was, and inſiſted that they ſhould not land any more, they had unloaded about a third, we ſent for Calladine and the conſtable of the night, and they did not know what to do, and one of them went to adviſe with one of our common councilmen, the boat was detained all the while, and they ſaid they would go on ſhore and have ſomething to drink, ſo they went up to the middle of the wharf and laid their heads together and came back and looſened the boat, and rather ſhoved it off, and one of them took up a ſcull and ſaid, he wiſhed it was a piſtol, he would blow our brains out, they left the wood they had landed on ſhore, I know Young, he was one of them, I cannot be poſitive to the other.

*Mr. Garrow.* You was there all the time that Newman was there?—No, Sir, I went up for the conſtable.

STEPHEN NEWMAN *ſworn.*

I am another watchman of this ward; on the 18th of October, between two and three, Commander gave me a ſignal, and when I came up there were two more of our watchmen and him and me, and we went down to Paul's wharf ſtairs, and there was ſome wood laid on ſhore, and there was a good deal of wood in a boat, and the two priſoners were trying to ſhove the boat on ſhore, and we aſked them what they were about, they ſaid what was it to us, we were watchmen on land and not by water; and I left them there and went to fetch the patrol, and when he came he was as ignorant of the affair as ourſelves, he ſent for the conſtable; Young was one of the men, and he ſaid the wood belonged to one Mr. Harriſon, of Spittalfields, who was coming there with his cart for it; there was a cart drove along Thames-ſtreet to the end of Paul's wharf, and ſome men came down, and Young aſked them if Mr. Harriſon was coming, and one man ſaid he was, and another man ſaid, what Mr. Harriſon? then he ſaid he was coming; that man not knowing the name of Harriſon gave us a ſuſpicion, then Young ſaid we will go and get ſomething to drink, and Power came back and followed them, and Young ſaid they may keep the wood and be d—d, it will not fetch them above three ſhillings, they will not let a man get a ſhilling, I know both the priſoners, they were both the men that were there; Young took up one of his ſculls and ſaid he knew him very well, and he would take the number of his head wherever he met him, and he ſaid, d—n you, I wiſh this was a piſtol, I would blow your brains out, they puſhed off their boat, and away they went, and we took the wood to the watch-houſe, here is ſome of the wood.

*Mr. Wiſſet.* This is ſapen-wood, which is worth fifty-eight ſhillings per hundred, a very ſmall quantity was ſold at the ſale, being a new article.

*Mr. Garrow.* How long might all this converſation take up?—About an hour.

What all you watchmen left your ſtands to hold this converſation, which has been told here in two minutes, and it took up an hour; was you acquainted with Power before?——No, Sir, I was not.

This was the 18th of October, when did you ſee Power again?——I think the 11th of laſt month, it was three weeks and a few days.

When did you ſee him the next time?—At the Juſtice's, at Shadwell, at the bar with Young.

They told you that he was one of the parties that had been robbing on the Thames?——No, Sir.

Did not Nicholls tell you ſo?——I do not know Nicholls.

How happened it, that you are ſo much more able to ſwear to this man, than any body elſe that was there?——I am here to ſpeak the truth.

What cauſe of knowledge have you ſuperior to all the reſt of your fellows that were there?——I ſtood and looked at ſome wood all the time.

Do you know that this man's life is at ſtake?—He was dreſſed in a brown jacket, and a round hat, it did not flap down much, it was up on the ſides, it did not hide his ears nor his eyes; I ſwear to him by taking notice of him, and when I ſaw him again, I knew him.

Had you given any deſcription of him to any body?——No, do not you think I could ſwear to him as well as I could to Young.

What reward do the Eaſt India Company give upon the conviction of theſe perſons, that are ſuſpected of robbing them?——I cannot tell.

Have you never heard?—No.

Do you know what reward is to be got, if theſe men are caſt?——I am not a thief catcher.

You ſeem to be a better trade, a thief fixer?—I am ſure he is the man, I am quite ſure and poſitive of it.

### JOHN CALLADINE *ſworn.*

What are you?——I am a houſe-man, and patrole of Caſtle Baynard ward, I know one of the priſoners, that is Young, but I am not poſitive to the other, whether he was there or not I cannot ſay.

*Mr. Garrow.* I believe they were a little angry with you, before the Juſtice, that you would not be poſitive to the other?—Who was?

Was not there a little miſunderſtanding?—A perſon aſked me whether I did not know him, I ſaid I had not ſo much converſation with him as with the other.

Who aſked you that?—Newman.

He was a little diſpleaſed?——No.

He argued with you a little?——Only

three words, there was another man there, and after that came more down.

Did you weigh the wood?——Yes, there was five hundred and five pounds.

### DENNIS MOUNTAIN *ſworn.*

I am one of the watchmen, I know Young very well, but the other, I cannot ſay I know him ſo well.

*Mr. Garrow.* You do not mean to ſay that he was there?——I do not mean to ſay that he was not, but I cannot ſafely ſay he was.

### PRISONER YOUNG's DEFENCE.

I am a waterman, this wood is log-wood, it is not ſapen wood, if there is any man that is a judge of it, he will ſay ſo.

*Court to Wiſſett.* Are you ſo compleat a judge, as to tell us, this is not log wood?——I am not a judge of log wood, I cannot tell whether this is log wood.

*The Priſoner Young called two witneſſes to his character.*

### PRISONER POWER's DEFENCE.

I am quite innocent of the matter.

*The priſoner Power called four witneſſes, who gave him a very good character.*

**BOTH GUILTY.**

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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116. **RICHARD BURTON** was indicted, for that he, on the 10th of December, about five in the morning, unlawfully did enter into a certain nurſery ground, of and belonging to one Matthew Burchel, and forty ſhrubs, called yew trees, the value of 6l. his property, from and out of the ſame, without his conſent, unlawfully, wilfully, and feloniouſly, did break, ſpoil, and carry away, againſt the ſtatute.

*A ſecond count,* For entering the ſame, and ſpoiling, taking, and carrying away, forty plants called yew trees his property.

*A third count,* For feloniouſly breaking and ſpoiling and deſtroying forty ſhrubs.

*A fourth count,* For feloniouſly breaking ſpoiling, and deſtroying forty plants.

### MATTHEW BURCHILL *ſworn.*

I live at Fulham, I was informed by one of my men, that he had found a great many of my trees cut in my nurſery, but he had not been round to ſee, I went directly and found that they had been cut for the purpoſe of ſticks, by cutting out only the middles of them, they are fan yews, as ſoon as I found that was the caſe, I took my horſe and came to London, and ſearched almoſt all the ſtick ſhops, and whip ſhops, I had been all round, and I went to Mr. Clarke's ſhop in Exeter-change, and found ſome ſticks there, which I did not look at there, but they were afterwards produced, they are now in Court, and on Sunday morning we compared the ſtumps of theſe ſticks with thoſe that remained in the ground, and they exactly matched, we have three to ſhew, we had ſeveral more, but we thought that was a ſufficient quantity; I ſaw the priſoner at Sir Sampſon Wright's, nothing paſſed there, he made no defence, he confeſſed the fact.

*Mr. Silveſter.* Before we read that confeſſion, was any thing ſaid to him, to induce him to confeſs?——Nothing in the world, from any body living.

*Mr. Garrow.* Do you know whether Mr. Clark's apprentice had ſaid any thing to him before?——No.

What is the value of theſe trees?—They are fan yews, and ſold at ſix ſhilling or ſeven ſhillings apiece, but they are worth three ſhillings a piece of an average, I think the value about ſix pounds.

*Mr. Garrow.* There were ſeveral of theſe trees cut?—Yes.

What was the age of the trees?—Some of them are twenty years old.

Does yew ever grow to timber?——It grows a very large tree.

Is it a timber tree?—No, it is not.

Upon your oath, is it not a ſhrub?——It certainly is, I will anſwer for it to be a ſhrub.

I believe it is a yew tree, do you call a yew tree that is twenty years old, a yew ſhrub?—Yes.

Would you call an oak of twenty years growth, if it was put in a ſhrubbery, a ſhrub?—No.

You would however call a yew tree if it found its way into a ſhrubbery, a ſhrub?——Yes, if it found its way into a ſhrubbery.

*Court.* I will tell you my idea, I rather think I am correct, I conceive that the deſcription of the act of parliament is meant to comprehend all poſſible caſes; firſt it diſcribes the particular ſpecies of trees that are uſually denominated timber trees, and leſt that denomination ſhould not be likely to be compleat, it ſays, any timber tree, or tree likely to become timber; by the word ſhrub, I underſtand that which is of a nature that never would grow to a timber tree; by the word plant, I underſtand that which is in its infancy, as an oak plant, a beech plant, an elm plant; if they ever would grow up to trees, they are plants; if they would not they are ſhrubs.

*Court to Proſecutor.* Were theſe trees ſpoiled by theſe ſticks being cut out?——They were.

*Mr. Garrow.* They were fan yews?—They were.

You ſay yew is not timber?——I do not know that it is.

If you had found a fan yew, in a church yard, you would call it a tree; if you found it in a ſhrubbery, you would call it a ſhrub; now, ſuppoſe by accident, you had found a yew tree upon a waſte or common, what would you call it there?—There, it might by called a plant.

Have you any fourth name for it?——I do not know but they may, they certainly are deſcribed under all theſe names, a yew tree, a yew plant, a yew ſhrub.

But not at the age of twenty years?——They are.

*Mr. Silveſter.* A ſhrub is what I underſtand, to be a tree cut down for gardening.

THOMAS HAMLIN *ſworn.*

I am a ſervant to Mr. Clark, I know the priſoner perfectly well, he came to my maſter's on Saturday morning, that this gentleman came about theſe trees, he came to ſell me ſome yew ſticks, he brought them, and laid them down in the ſhop; he ſaid, I have been waiting ſometime for you, here are ſome yew ſticks for you, if you have a mind to buy them.

What morning was this?——Saturday morning the 12th of December, I purchaſed them of him, I gave him fifteen ſhillings, this is the piece that matched, I ſaw them matched, and cut off by Mr. Burchel's gardener, they matched exactly.

Was you preſent before the Magiſtrate?—I was.

Was any thing ſaid to him, as a promiſe of favour to tell the truth?—No, all the words that I heard him ſay were, I did cut them.

*The Confeſſion read, ſigned Richard Button, it was ſigned by Sir Sampſon Wright and read over to the priſoner before he ſigned it.*

"The examination of Richard Burton,
"charged with felony, at Fulham, in the
"county of Middleſex, taken before Sir
"Sampſon Wright: who confeſſes that
"about eight in the evening, on Friday laſt,
"he went to Fulham, and laid down in a
"field till five o'clock, when he went into
"Mr. Burchel's nurſery ground, where he
"cut down with a knife, five dozen and
"upwards of yew plants, which he carried
"away, and carried them about ſeven
"the next morning, to Thomas Clark's
"ſtick ſhop, and ſold them for fifteen
"ſhillings.

*Mr. Garrow* objected that the evidence did not reach the act of parliament, and that there was no word in the act of parliament, that authorized his Lordſhip to ſay that the *cutting* part or any of the ſhrubs, was that felony deſcribed by the act of parliament.

*Court.* I ſhall leave it to the Jury, whether they are of opinion, that the plants and ſhrubs in this nurſery ground had been broke or ſpoiled, if they are, I ſhall direct them, that in point of law, that is ſufficient to ſupport the indictment.

*The Priſoner called two witneſſes who gave him a good character.*

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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117. JAMES FREWEN and ROBERT SIMMONDS were indicted for feloniouſly ſtealing, on the 8th day of November laſt, one black gelding, price 10l. the property of Watkin Felwell.

WATKIN FELWELL *ſworn.*

I loſt a horſe in the night between the 3d and 4th of November, a black horſe, I had it, I believe, between four and five months, I knew the horſe as ſoon as I ſaw him, I loſt him from my ſtable, which is diſtant from my houſe about twenty or thirty yards, in conſequence of being informed the horſe was gone, I had two advertiſements made out, and ſent one to Oxford, and the other to Reading, on the Saturday I had it cried by the common crier, at Wallingford; on Monday following I went to London on private buſineſs, not on account of the horſe, I had given it over for loſt; I went to Bow-ſtreet and requeſted to ſee the horſe, as ſoon as I ſaw it, I knew it directly, it was ſhewn me at a ſtable near to Bow-ſtreet, one of the men belonging to the office ſhewed it me, I know nothing of the priſoner of my own knowledge.

*Mr. Garrow.* Did not you know one of the priſoners before?——I underſtand there is one of them lived in the town of Wallingford, that is Simmonds, but I did dot know him.

Was you preſent at the firſt examination in Bow-ſtreet?——Yes, Sir, he ſaid, he was on Friday, and Saturday, and Sunday, at Wallingford, and he referred us to ſeveral perſons whom he was ſhaving, I went down to ſeveral perſons, and enquired of them, and they ſaid, they had been ſhaved by him on thoſe days.

Did you loſe a ſaddle and bridle?——No, Sir.

Did you find the horſe with a bridle and a ſaddle?——The people that took the the horſe up, ſaid, there was a ſaddle and bridle.

Frewen told you he found the horſe on Clapham-common?——Yes.

That he had found it with a bridle and ſaddle, and ſuſpected it had thrown its rider, and brought it to town to be owned?——I believe he did, I loſt the horſe the 4th of November, the next time I ſaw him was in Bow-ſtreet.

*Court to Carpmeal.* What ſtable was the horſe at, it was at one Froome's ſtable, in Hart-ſtreet, I brought the horſe there on the 8th of November, on a Tueſday, I brought him from a ſtable of one Mr. Weſt in White-croſs-ſtreet.

Is the horſe that Mr. Felwell ſaw the horſe that you brought from Weſt's?——Yes.

*Mr. Garrow.* As you are one of the officers, of courſe you are acquainted with Mr. Worley Walmſlay?——I never knew him tried, he informed me where the horſe was.

JOHN WEST *ſworn.*

I keep ſtables in White-croſs-ſtreet, to let out ſaddle horſes, I remember the horſe that Carpmeal took from my ſtables, on the 8th of November, the priſoner Frewen brought him to my ſtable.

When did he bring him there?——On the 4th day of November, about three in the afternoon; he aſked me if I could take care of him, and I ſaid, yes, he begged I would give him a maſh, I told him I was very buſy and begged he would aſſiſt, and he ſtaid and aſſiſted to give him a maſh, he left him there, and I was admiring the good ſhape of the horſe, and I told him I ſhould like to buy him, if he was for ſale.

What anſwer did he make to that?——He ſaid, he was not for ſale. I more than once told him, I ſhould like to give thirteen guineas for him, which I thought was his full value, he refuſed it.

Do you think that was his value?—That was more than the gentleman himſelf gave for him, as I found ſince; Frewen came there every morning.

Where was Frewen when the officer from Bow-ſtreet came?——I believe they had got him in cuſtody then.

Did he at any time ſay how he came by the horſe?—I was under ſome apprehenſions that there was ſomething of a note or money mentioned, as I told the Juſtice, but I do not diſtinctly recollect.

*Mr. Garrow.* It had a bridle and ſaddle?——Yes.

JOSEPH HALL *ſworn.*

I am ſervant to the proſecutor; about half after ſix on the 30th of November, I was at the ſtable, I locked the door, the horſe was miſſed, the next morning when I went, the door was open, and I could track the horſe round the back way about three furlongs into the road, then I loſt the track.

WORLEY WALMSLAY *ſworn.*

*Mr. Garrow.* Are you acquainted with Mr. Richard Taylor the younger?——Sir, I have ſeen him before.

Where did you ſee him laſt?——Here, I believe.

That was when you was convicted, was not it?—Yes, I was convicted, and burnt the hand.

*Court.* Then there is an end of your objection.

*Walmſlay.* On the 17th of laſt month, I ſaw Frewen up in Alderſgate-ſtreet, he told me he had got a nice horſe, I aſked him where he had him, he told me he ſtole him out of a gentleman's ſtable in the country, I deſired him to let me look at him.

*Mr. Garrow to Short-hand Writer.* Did you obſerve this witneſs when he was ſworn?——No, Sir.

*Mr. Garrow.* I beg your Lordſhip will direct this witneſs to be re-ſworn, in order that Mr. Hodgſon may ſee him ſworn, that he may be able to prove it on a future day.

(*The witneſs was re-ſworn*)

*Mr. Recorder to Walmſlay.* You was ſworn before?——Yes.

You aſked him if he would let you look at him?——Yes, and he told me if I would come in the morning I ſhould ſee him, he told me to come up to Simmons's Inn, in Alderſgate-ſtreet, which is a china ſhop, where he lodges, I went there, but he was gone out, and I went down Beech-lane, and at the corner of Beech-lane, I met him and the priſoner Robert Simmons together, to the beſt of my remembrance it was the Tueſday after, I firſt met him on the Monday, I aſked him to let me look at him, he told me he durſt not let me look at him, for Simmons was come up to give the gentleman information, or to put him in the papers; he told me Simmons had put him up where to get him, and he durſt not let me look at him.

What do you mean by put him up where to get him?—To the ſtable where he was, I underſtood him he told him where he was, and he was to take him out of it.

What that Simmons had told him?——Yes.

That was what he told you, was it?——Yes.

Then Frewen did not know where he was himſelf?——He told me not, but the other had told him, he did not know himſelf, he ſaid, 'till Simmons told him, and he told me; he went and undid the ſtable door, and took him out.

When did he ſay this had happened?——He told me he got him a night or two before, but juſtly, I cannot ſay; that Simmons had told him where he was in the country to ſteal him, and he had gone and undone the ſtable door, and taken him out, as he told me; I aſked him where the horſe was, and he told me, the horſe was down in Weſt's ſtables; we went and had ſomething to drink together, and he told me after that, he and Simmons were going down to the Pitt's Head in the Old Bailey, and I went and told Mr. Carpmeal and Jealous of it; I went to Bow-ſtreet, and gave information.

Then, though this man was afraid to ſhew you the horſe, he was not afraid to tell you he had ſtole him?——He ſaid that Simmons was come up to ſell him; that the gentleman was come to town.

*Mr. Garrow*. Was you an intimate acquaintance of Frewen's?——Not much acquainted, only drinking with him ſeveral times; he told me in Beech-lane, that Simmons was come up, to let him know, that the gentleman was come to town.

Look towards the Jury, and tell them who you are?——Yes.

Where have you been, ſince you was convicted here, what have you been doing ſince?—I have been hard at work, I ſuppoſe.

What ſort of work?—Several ſorts.

Name ſome of the honeſt work you have done?——I have been hard at work almoſt every day.

Tell me one honeſt day's work you have done?—I could tell you ſeveral, if you go to Mr. Spencer's, the horſe-dealers, he will tell you, I have been at work there moſt of my time at Spencer's ſtables until laſt fortnight, when I hurt my leg.

Which Spencer?—Robert Spencer.

—Why he has been dead this twelve months?——Then it was his ſon; I worked in the garden at Hampſtead.

Do you know any body of the name of Allen?—I do not know much about him.

I mean the man that was tried this ſeſſions?—I do not know any thing about it.

Upon your oath, did not you give information againſt John or William Allen?—No, never.

You never gave information againſt any man of the name of Allen?——No.

You did not, upon your oath, you know we have ſworn you twice, that that gentleman, Mr. Hodgſon, might prove it?——No, not as I know of, to the beſt of my knowledge.

Will you ſwear that you did not, honeſty?—Yes, I will ſwear that I did not.

You did not tell the traps that they might get him in Hertfordſhire?—No, I did not.

Did not you go down with them?—I did not.

Have you been in Hertfordſhire lately?—I have not.

Did not you go with Carpmeal to take Allen?—I did not.

Do you know any body of the name of Landon?——No.

You gave no information againſt him?—No.

Nor againſt Glover?—No.

Now ſwear that?—I do.

What do you ſay of John Henry Aickles?—I was not the cauſe of his apprehenſion.

How much blood money have you had ſince, my friend?—I never had none in my life.

You deny giving any information againſt the others?—Yes, I will.

*Court*. Did Frewen tell you what he intended to do with this horſe?—He did not tell me any thing about it, whether he was for ſale or not.

Then he ſpoke to you merely for the purpoſe of informing you, that he had ſtole the horſe?—I do not kuow for what purpoſe it was, I was to ſee him in the morning.

For what purpoſe, did you conceive, that he told you he had this horſe?—I cannot tell.

You have no idea of what reaſon he had for telling you that he had ſtolen this horſe, unleſs he wanted to diſpoſe of the horſe!—I do not know.

## PRISONER FREWEN's DEFENCE.

I was in Gracechurch-ſtreet, I heard of a coachman's place, I went to Clapham-common, after the place, there I ſaw a horſe with a bridle and ſaddle on the common and nobody near him, I ſuppoſed him to have thrown his rider, I brought him into the road, I perceived he was a little lame, he had one ſhoe on, I rode him gently to town, and brought to Spencer, I aſked him to give him a maſh, I ſtood and helped him, I left the horſe in his care.

*The priſoner Frewen called two witneſſes who gave him a very good character.*

BOTH NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

118. **ANTHONY TURNER** was indicted for feloniouſly ſtealing on the 24th of November laſt, one purſe, value 6d. and ſixteen guineas, value 16l. 16s. and one half-guinea, value 10s. 6d. three crown pieces, value 15s. and 14s. in monies numbered, the property of Thomas Holmes in his dwelling-houſe.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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# MISDEMEANORS.

119. **DANIEL LEWIS** was indicted for obtaining 10l. from John Giles by falſe pretences.

NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

120. **ANN ALLEN** and **WILLIAM JAMES** were indicted for that they, on the 22d of November, one piece of falſe and counterfeit money and coin made and counterfeited to the likeneſs and ſimilitude of a ſhilling, unlawfully, unjuſtly, and deceitfully, did utter to one Richard Holliday, knowing the ſame to be falſe and counterfeited.

BOTH NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

121. **ELIZABETH**, wife of **JAMES WATKINS** was indicted for feloniouſly receiving, on the 4th day of December laſt, one piece of ſcarlet cloth, containing 14 yards, value 14l. the property of Henry Scott, William Stenton, and James Lewis, by certain ill-diſpoſed perſons feloniouſly ſtolen, knowing the ſame to have been ſtolen.

*The priſoner's huſband being preſent at the receipt of the cloth ſhe was* ACQUITTED.

*The Trials being ended, the Court proceeded to paſs Sentence as follows.*

*Received Sentence of Death*, 14. *viz.*

John Murray otherwiſe James Murray, Charles Seymour otherwiſe Moore, Joſeph Leonard, George Wilſon otherwiſe Jackſon, George Dunſtan, Thomas Scrivenor, Thomas Harris, Charles King, Thomas Thompſon, Benjamin Rogers, John Bateman, Abraham Boyce, Michael Druitt, Thomas Shipley.

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*Received Sentence of Tranſportation for ſeven years to Africa*, 2, *viz.*

George Hooker, Thomas Bates.

*Received Sentence of Tranſportation for ſeven years, to ſuch place as his Majeſty ſhall appoint*, 31, *viz.*

William Simon Bowyer, Joſeph Horton, John Grew, John Cropper, John Barford, John Oldfield, John Williams, Thomas Oſborne, Samuel Simms, Michael Bradbury, John Price, William Snowden, John Weldon, Edward Dennis, Thomas Wilkey, James Want, John Hogan, William Francis, James Hill, James Thomas, James Smith, Charles Young, John Power, Richard Knowlan, Thomas Samuel Charles, William Foxall, Jeremiah Roſe, James Doylett, Jeremiah Peacock, John Atkinſon, William Gladman.

*To be impriſoned for twelve months in the Houſe of Correction.* 6.

Richard Cole alias Allen (fined one ſhilling) Richard Burton, Robert Parry, Jane Lloyd, Sarah Armon, Frances Johnſon alias Fielding.

*To be impriſoned for ſix months in the Houſe of Correction.* 14.

Hannah Hall, Alice Leſſon, Charles Sorrel, David Graham, William Croſs, Robert Hanſon, James Green, Peter Fitzgerald, Mary Patmore, Mary Wood, Mary Nicholls, William Slater, Ann Wright otherwiſe White, Mary Thompſon.

*To be impriſoned one month in Newgate.*

Elizabeth Aldridge.

*To be Publicly Whipped*, 3, *viz.*

James Oakes, Robert Parry, George Rawlinſon.

Sentence reſpited on Judith Phillips.

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The trial of Francis Abbot and William Hill poſtponed to the next Seſſions.

The next Seſſions will begin on Wedneſday the 11th of January.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of JANUARY, 1786, and the following Days;
Being the SECOND SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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## NUMBER II. PART I.

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; the Honourable SIR WILLIAM HENRY ASHURST, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable JOHN HEATH, Eſq; one of the Juſtices of his Majeſty's Court of Common Pleas; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

*London Jury.*

Iſaac Cullender
John Ferne
James Barrett
William Linde
Thomas Nicholls
Robert Allabie
Jabez Bloxham
Joſeph Wright
William Hulme
Thomas Jones *
Thomas Fegan
John Rodbar.

*First Middleſex Jury.*

Nathaniel Morgan
John Pearſon
Martin Robinſon
John Bickley
Edmund Smith
John Carnſhawe
Humphry Simmons
James Scarlett
Jeremiah Sinderby
James White
David Fontaine
Solomon Erwood.

*Second Middleſex Jury.*

William Halfpenny
William Newman
Francis Feather
William Baillie
Samuel Totty
Henry Roſe
John Iſaac Fanch
William Avelyn
Nicholas Lunn
Thomas Simpſon
Samuel Royly
George Marſhall.

N.B. Thomas Warren *ſerved on the Trial of* Zachariah Bevan *in the room of* Thomas Jones, *who was objected to by* Mr. Silveſter, *being one of* Mr. Bevan's *bail.*

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122. JOHN HOGAN was indicted, for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 26th day of June laſt, with force and arms, in the pariſh of St. Mary-le-bon, upon Ann Hunt,

ſpinſter, in the peace of God and our Lord the King then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and that he, with a certain large wooden inſtrument, called a houſe broom, which he in both his hands then and there had and held, her the ſaid Ann Hunt, in and upon the head of the ſaid Ann Hunt, did violently ſtrike and beat; and with a certain razor, value 6d. her the ſaid Ann Hunt, in and upon the neck and throat of the ſaid Ann Hunt, then and there, feloniouſly, wilfully, and of his malice aforethought, did violently ſtrike, penetrate, and cut, giving to the ſaid Ann Hunt, by means of the ſaid ſtriking and beating with the wooden inſtrument aforeſaid, called a houſe broom, one mortal fracture, and by means of the ſaid ſtriking, penetrating, and cutting with the ſaid razor, in and upon the neck and throat of the ſaid Ann Hunt, one mortal wound, of the length of three inches, and of the depth of one inch, of which ſaid mortal fracture and wound, ſhe the ſaid Ann Hunt for the ſpace of eight hours did languiſh, and languiſhing did live, and on the ſaid 26th day of June, ſhe the ſaid Ann Hunt, of the mortal fracture and wound aforeſaid, did die; and ſo the jurors ſay, that her the ſaid Ann Hunt, he the ſaid John Hogan did kill and murder, againſt his Majeſty's peace.

*(The caſe opened by Mr. Garrow.)*

May it pleaſe your Lordſhip, and you Gentlemen of the Jury: It becomes my duty to ſtate to you as ſhortly as poſſible, the circumſtances of this caſe. Gentlemen, you have collected from the indictment, which has been diſtinctly read to you, that the charge againſt the priſoner is that of a murder, committed by a violence almoſt unexampled; this unfortunate young woman was ſervant to Mr. Orrell, an attorney, by whoſe activity and ability which is very ſingular, the priſoner is now brought before you; the priſoner was a porter to Mr. Chapman, a cabinet maker; in April laſt he had occaſion in that capacity, to go to the houſe of Mr. Orrell with chairs; it appears ſince from the converſation of the deceaſed, that the priſoner aſked her for ſomething to drink, for ſome water or ſmall beer, this was the firſt converſation he had with her, ſhe then good naturedly gave him ſome, he thanked her, and told her he would bring her a ribbon, he accordingly brought her one, and he apologiſed that it was not quite ſo good as he wiſhed, but that on ſome other day he would bring her a better; this cauſed a degree of intimacy, and in ſhort it appears, that upon every Sunday from that time, to the time of the poor woman's death, this man conſtantly watched an opportunity of viſiting this unfortunate ſervant in the abſence of Mr. and Mrs. Orrell: on the Sunday of the death, Mr. and Mrs. Orrell having dined at home, they afterwards went out to take a walk in the fields, they were not gone very long, not quite an hour, they left the young woman at home, apparently in very good health and ſpirits, ſhe had done part of the buſineſs of the day, and was left at home to go on with the remainder; when they returned they knocked at the door, nobody anſwered; they knocked again repeatedly, and loudly, but ſtill nobody anſwering they went to church, when they came back they could not get in then, and they were quite aſtoniſhed, as the girl was a careful honeſt ſober perſon; however, Mr. Orrell went to the next door, and aſked them to let him get in over the leads, he then came and let in Mrs. Orrell, and ſhe had the misfortune firſt to go down into the kitchen, and there a ſpectacle, as dreadful as ever preſented itſelf to the human eye, appeared before her: this young woman was ſitting on the floor, reclining on the two corner walls of the kitchen; Mrs. Orrell was much affrighted, and inſtantly ran to inform her huſband; on his going down he will deſcribe the miſerable object he beheld; this unfortunate young woman had her throat cut from ear to ear, her breaſt cut in many places, one of her arms broke, and one of her fingers broke, and a dreadful fracture upon her ſcull; in ſhort, the moſt miſerable object that can be conceived: Gentlemen, the firſt ſuſpicion was that this poor woman muſt have deſtroyed herſelf, however that could not poſſibly conſiſt with all the circumſtances I have now ſtated to you, and they found in the houſe a houſe broom, which appeared to be bloody, it was ſprinkled with blood, they concluded that from that the fracture of the head had come; they found on the next day the blade of a razor which had been thrown on the fire, and in a tub in the kitchen they found one of the ſilver ſpoons, which the perſon who had committed the murder had ſtolen, but had left it there, having waſhed his hands. The poor woman was not dead, ſhe appeared to have ſome remains of ſenſe; but indeed if her ſenſe had enabled her to make any repreſentation, my Lord will tell you, you would not much rely upon it, in the ſtate in which her mind was: Mr. Orrell immediately inſiſted on an enquiry how this could poſſibly happen, and then he was for the firſt time acquainted with thoſe viſits, and it was diſcovered that a man of the complexion of the priſoner at the bar, had been ſeen in the ſtreet about the time of Mr. Orrell's leaving his houſe, he had been laying about in the ſtreet, and a milkman will deſcribe to you ſome very particular obſervations that he made upon him; but I muſt draw your attention to one: Gentlemen, in circumſtantial caſes very often, very ſmall and trifling events, as they ſeem when they ſtand alone, become a vaſt body of evidence when connected with others; the milkman obſerved that this black fellow had a large noſegay compoſed of cabbage roſes, and in the kitchen where this poor woman was found murdered was ſuch a noſegay: Gentlemen, the priſoner on this and ſome other circumſtances, was apprehended, he was examined before a magiſtrate, and he was diſcharged; he afterwards came to this bar to be tried for a felony, and he was ſentenced to be tranſported; and Mr. Orrell, whoſe attention has been awake from the moment of the murder to this time, he examined the Seſſions Paper, and he found that the evidence againſt him, was that of a pawnbroker, who received ſome of the goods that he had ſtolen; he went to that pawnbroker, and in his cuſtody he found a cloak of Mrs. Orrell's, that had been ſtolen at the time of the murder, which theſe people had received from a woman on the Monday morning after the robbery and murder, who lived with the priſoner at the bar, of courſe that woman was applied to, and the ſtory ſhe told, was that ſhe received that cloak from the priſoner on the morning after the murder, he took it from under the bed, and told her he had bought it, and was to pay for it by weekly payments; ſhe likewiſe ſaid that when he came home on the Sunday evening, after having juſt been out the ſpace of time ſufficient to have committed the murder, he deſired her to get him a kettle of water, for he wanted to waſh his coat, it was bloody, he told her he had been fighting, and ſhe waſhed it; when he was firſt apprehended there was ſome marks of blood on his waiſtcoat, the fingers of his right hand were cut: when he was before the magiſtrate, as it was ſuſpected that this poor woman had made a very ſtrong reſiſtance, and this man's fingers had been cut with a razor; he was aſked how his fingers came to be ſo cut, and he ſaid it was done by a knife in the trimming of chairs; now it turns out that the knife with which they trim the chairs muſt of neceſſity be blunt, for it is only to take off the glue; but Mr. Orrell, whoſe ingenuity upon the occaſion cannot be too much applauded, gave him a knife out of his pocket, and deſired him to ſhew him how it happened; the man took the knife in his right hand, he being a right handed man, and could not therefore cut his hand in that way, he ſaid he had had theſe wounds a fortnight, but upon the examination of the ſurgeon, it was found that theſe wounds bled afreſh, and had been very lately received: Gentlemen, theſe are a part of the circumſtances, and a part only to bring the guilt of this murder home to the priſoner at the bar: I have ſtated theſe things to you, becauſe as there is a confeſſion to be proved to you, by a perſon who knowing of the murder afterwards, had concealed it for ſome time, it is neceſſary that ſhe ſhould be confirmed by other circumſtances; if ſhe is believed, there can be no queſtion of the guilt of the priſoner: Gentlemen, to this woman the priſoner has confeſſed the murder, ſhe has loſt ſome degree of credit moſt certainly, but ſhe will be reſtored, if you find her confirmed by other witneſſes of credit and reputation. The circumſtances that will be proved before you are theſe; to ſhew that this man was acquainted with the deceaſed, and viſited her for a conſiderable length of time, in the abſence of the family, and on that very Sunday, he was ſeen in this neighbourhood; on the very day after, in the morning, the cloak ſtolen by the perſon committing the murder, together with other things, was pledged by a hand carrying it from the priſoner: Theſe are ſome of the circumſtances of the caſe; but I had rather you ſhould hear the whole caſe from the witneſſes; and if you are ſatisfied with the evidence, it is your duty, without paſſion and without prejudice, to find the priſoner guilty; but unleſs you are ſatisfied he committed the murder, however atrocious, however ſhocking it was, it certainly ought not to be charged to him; if, on the other hand, you are convinced that he is guilty, it will be very fortunate that ſociety ſhould be rid of a man ſo perfectly deſtitute of all humanity, and whoſe conduct has been the moſt barbarous that ever came before a Court of Juſtice for their enquiry.

Mr. ORRELL *ſworn*.

The unfortunate deceaſed woman was my ſervant, ſhe behaved very well, and there was nothing to impeach her character: on the 26th day of April laſt, being Sunday, I dined at home with Mrs. Orrell, between two and three o'clock in the afternoon; after dinner, about three, we walked out in the fields, near to Charlotte-ſtreet; we left the deceaſed to dine, and to do the buſineſs of the houſe, in good health and ſpirits, we left her, as we ſuppoſed, alone; we walked for about an hour, and then returned; on our return, which was about four o'clock, we knocked at the door ſeveral times, and nobody anſwered; I looked from the area acroſs the front kitchen, but could ſee nobody; we left the door, after remaining there for about ten minutes, and we walked towards the bottom of the ſtreet, and then returned, perhaps, in the ſpace of ſix or eight minutes, knocking again at the door, and not getting admiſſion, we ſuppoſed that the ſervant was gone out, or that ſhe was fallen aſleep, as ſhe had received inſtructions from her miſtreſs to put clean linen on the bed; we ſauntered about near the houſe for a few minutes longer, and then went to church, to Fitzroy chapel, the ſervice begins there about five in the afternoon, we were in the church, I think about half an hour before the ſervice began; on our return home from church, I again knocked loudly at the door, that was a little before ſeven; knocking loudly at the door, and not getting admiſſion, I was alarmed; I went to Mr. Stephenſon's, the adjoining houſe, I went through their houſe, and got over the wall to my houſe, and ſo opened the door, and let in Mrs. Orrell.

*Mr. Garrow.* Were both theſe doors in their uſual ſtate?—Yes.

Unbroken?—Yes.

*Court.* How did you open your back door?—It was on the latch, it was not bolted, Mrs. Orrell came in, and ſaid to me in the paſſage, I will go into the kitchen, and ſee what is become of the girl, ſhe went down ſtairs, and ſhrieked out immediately on getting to the bottom of the ſtairs, and ſhe ran up again, her expreſſion was, O dear! ſomething very bad has happened in the middle kitchen, I am afraid the poor girl is dead: I ran down immediately into the middle kitchen, which is at the foot of the ſtairs, but the floor was covered over with blood; the deceaſed was ſitting in the further corner reclined againſt the two walls, a moſt ſhocking ſpectacle ſhe appeared indeed; her head dreſs was laying on the floor, appearing to have been torn off her head; her gown was likewiſe on the floor, and it appeared as if it had been rolled in blood, the woman appeared to me then to be moſt exceedingly cut and mangled, and my concluſion was, that ſhe had cut her own throat.

*Court.* Did not thoſe parts of her dreſs being torn and ſeparated about, cauſe you to ſuppoſe ſomething elſe?——Not then, my Lord; I ſaw ſhe was alive, and I ſaid to her, good God! Nanny, what is it you have been doing? Finding ſhe could not articulate, though ſhe attempted it, I immediately ran up ſtairs, and beckoned to an oppoſite neighbour, who was ſitting at an oppoſite window of their houſe, Mr. Oliver, who is not here, and is indiſpoſed; I ran immediately for a ſurgeon, a Mr. Pooley, a gentleman who lives at the top of the ſtreet, and in five minutes, I brought him to my houſe, he looked at her, and ſaid, ſhe certainly cannot ſurvive, ſhe is moſt exceedingly mangled, but the kitchen being dark, we could ſcarcely ſee in what ſtate ſhe was; Mr. Pooley then took hold of the deceaſed, and I believe I gave him aſſiſtance to remove her to the middle of the kitchen, to give a better light, we then ſaw ſhe had her throat cut very much in ſeveral places, the throat and neck were cut very much, and a wound on the head over her left eye; Mr. Pooley then adviſed me immediately to get her to the Middleſex hoſpital, by reaſon that there we ſhould have more aſſiſtance to ſave her life, if poſſible; I had her removed to the hoſpital, and I ſuppoſe in twenty-five minutes from the finding, I had her placed in a bed at the hoſpital; on being examined by the ſurgeons and Mr. Pooley, we found a large fracture on the ſcull over the left eye, the eye was ſwelled and ſtood out in a manner that was ſhocking, the bones of the face and the cheek bone were broke, and ſeveral deep cuts on the left ſide of the neck, the throat and windpipe were cut in ſeveral places, ſeveral gaſhes or ſtabs were on the breaſt, particularly a large circular cut under the breaſt, the cheek and chin had ſeveral deep cuts, the left arm was broke, a compound fracture, above and below, the elbow ſhattered to pieces, the right arm was cut, and the right hand very much cut on the back of the fingers, as we then ſuppoſed by guarding her throat; the fourth finger on the right hand appeared to me to be broken, but the ſurgeon ſaid it was not, but it was a leader had ſtarted; upon finding that the woman was cut and abuſed in this manner, which appeared to be done with a ſharp inſtrument, or with a razor, it was immediately concluded ſhe could not do it herſelf, we then ſuppoſed ſome perſon had been in the houſe, and that ſhe was murdered by ſuch perſon: there is a little circumſtance I have omitted, Mr. Pooley took up from the middle of the floor, the handle of a razor, I ſaw him pick it up, it was broke, and appeared to be broke by violence, as if laid hold on by another hand, and twiſted off.

*Mr. Garrow.* Were the inſide of the girl's hands cut?—They were both inſide and outſide cut on the right hand; finding this part of the handle of the razor, we examined to find a blade to it, but did not then; I immediately returned with Mr. Pooley to the houſe, and upon coming to the houſe, I ſearched to ſee what was loſt, and the firſt thing that I miſſed was a ſilk mode cloak of Mrs. Orrell's, and which I knew ſhe hung on the back parlour door; upon further ſearch, I miſſed eight ſilver ſpoons, a large table cloth that had gone down at dinner time, and other articles that I did not miſs at firſt: Mr. Pooley with myſelf ſearched the houſe, and examined all the chimnies, under the beds, and every room and cloſet in the houſe, ſuppoſing we might meet with the murderer concealed, we did not meet with any perſon; there were ſome ſuſpicions raiſed in my mind of a mulatto man, from what I had gathered, and I immediately applied to Sir Sampſon Wright the ſame evening, and communicated to him my ſuſpicions, and we immediately went and diſtributed a printed handbill, which I have a copy of, this was on the Sunday night, a few minutes after nine; I was told of ſome ſuſpicions of the priſoner, who was a porter to Mr. Chapman, and I went to Mr. Chapman, he is a chair maker in Peter-ſtreet, Saffron-hill, from whoſe warehouſe I had purchaſed ſome chairs.

*Mr. Garrow.* Were theſe chairs brought to you after Ann Hunt came to your ſervice?—They were.

*Court.* Do you know whether theſe chairs were brought home by the priſoner?—I do not know, I endeavoured to apprehend that man that night, but I could not, but we took three houſebreakers that night; on the Tueſday morning the priſoner was apprehended, and brought to the houſe where I then was, which was at Mr. Hodgſon's in Charles-ſtreet.

*Mr. Garrow.* Now tell us what you obſerved?—Upon the man being brought to me, I looked earneſtly at him, I did not recollect him, but upon the right ſide of his waiſtcoat I obſerved two or three ſpots of blood, there were a few other marks upon the waiſtcoat, which appeared to me to have been done with ſtain from chairs, they were red, but it was eaſy to diſtinguiſh between theſe red ſtain marks, and the marks of blood; I likewiſe then obſerved that an upper ſurtout coat which he had on, had been waſhed recently, as if it had been dirtied a day or two before; I then took the man in the coach up to Charlotte-ſtreet, that thoſe who had ſaid they had ſeen him, might recognize him.

*Court.* Now before we leave this part of the caſe, will you examine the impreſſions of your own mind, whether you recollect the obſervation of the coat at the time, aroſe from what you obſerved then, or from what has occurred to your recollection ſince?——It inſtantly ſtruck me at the firſt ſight of him, at the moment I ſaw him it ſtruck me.

*Court.* You underſtand the diſtinction? ——I do, it was at that time that it ſtruck me, and I mentioned it even then to the people that were about me.

*Mr. Garrow.* Did the coat appear to be partially waſhed, or wholly ſo?—Wholly waſhed, but the ſleeves appeared lighter, but whether it was from further wear, or whether it had been more waſhed I cannot tell; I then took him down to Bow-ſtreet, I took one of the officers with me into the Borough, to enquire out from intelligence that I had, where this man's lodgings were, and with ſome difficulty I found out his lodgings.

*Mr. Garrow.* I believe you at a ſubſequent time found him in thoſe lodgings?—Yes, at a ſubſequent time, I took him but of bed with one Pugh a witneſs; when I reapprehended him, the officer and myſelf ſcrambled up to the window, got into his room and examined it, he was in the room, nothing of my property was found; not finding any thing, I returned to Bow-ſtreet; we had a long examination of the man, and could make nothing out, and were under the neceſſity of diſcharging him the next day for want of evidence; I took him up to the body, to ſee if that would have any effect upon him; that was on the Tueſday evening, the 28th of June, the day but one following the murder, the woman was dead then, ſhe died about one o'clock on Monday morning, I ſaw her dead myſelf; on the Tueſday evening I took him up to the body, and put many queſtions to him, to ſome of which he gave anſwers that were very well, and ſome that ſhewed confuſion; I requeſted him to put his hand upon her breaſt, he put his hand on, and ſhewed leſs ſenſe of horror than I ſhould ſuppoſe any innocent man could; there was one of the officers of the police there, and he burſt into tears, and could not ſtay in the room.

*Mr. Garrow.* Did the priſoner uſe any expreſſions which ſhewed his acquaintance with the deceaſed?—He looked at her, and ſaid, my dear I do know you very well, I never did you any harm in my life; I ſaid what do you mean by knowing her very well, he ſaid I do know her very well, I do remember her; I then aſked him whether he recollected that before the magiſtrate, he had ſaid that he never ſaw her but two times, when he came up with two parcels of chairs, he heſitated a little, and then anſwered yes, but I do remember her; I then obſerved in the priſoner's hearing, it was aſtoniſhing a man that had only been twice with chairs, and ſtopped a moment at the door, ſhould know her in the ſtate that ſhe was then in, ſo bruiſed and ſo lacerated, that had I not ſeen her placed on a bed at the hoſpital myſelf, I ſhould not have known her; he made very little anſwer to me then, and he gave me to underſtand, that as there was no magiſtrate there, he conſidered our queſtions as impertinent.

How did he give you to underſtand that? ——In this manner; he ſaid I do not know that I am to anſwer, I ſpeak before the magiſtrate; one of the gentlemen preſent ſaid, let me look into your hands, as I had obſerved cuts in his hands before, at the publick office the morning after the murder, this I obſerved on the examination, after I returned from the Borough.

*Court.* Tell me your firſt obſervation in the morning about the cuts?——Nothing more, than that there were cuts in the inſide of his fingers, particularly on the ſecond finger on his right hand, when the gentlemen deſired to look in his hands, he was aſked by myſelf, and by one or two of the ſurgeons that attended, how long theſe cuts had been on his hands, and by what they were cauſed, his anſwer was, that they had been ten days or a fortnight, and it had been done with a knife or a chiſſel; one of the ſurgeons upon that opened one of the wounds, which appeared to be the larger wound, and which appeared to be quite a green wound, and the blood would have dropped if he had opened it further; the ſurgeon then declared that it was quite a new wound, and not of the ſtanding the priſoner declared it to be; other queſtions were aſked him, how long he had been married to this woman who he cohabited with as his wife, and is now here; he ſaid he was married, and he was not married, that he had lived with her a year and a half, but could not tell her name.

*Mr. Garrow.* Did you aſk him where he lodged?——He ſaid near the Borough market, I aſked him the name of the ſtreet, he ſaid he did not know, he had never heard the name of the ſtreet, I then queſtioned him how long he had lodged in that place, he anſwered ſix months; I then remarked to him it was very ſtrange, that he ſhould live with a woman a year and an half and not know her name, and lodge ſix months in a ſtreet, and not know the name of the ſtreet, he made no anſwer whatever, he did not then know that I had found out his lodgings; after his examination the day following, he was diſcharged by the magiſtrate for want of evidence, I was diſſatisfied with the man's diſcharge, and I applied to Sir Sampſon Wright, I told him I was not eaſy with this man's diſcharge; Major Gilbert ſaid, then he would grant me another warrant, and he did ſo, Major Gilbert granted me a warrant, Sir Sampſon backed it; I took three of the officers belonging to Bow-ſtreet with me into the Borough, and we broke into the man's room, and I took him, and the perſon who lived with him as his wife, they were in bed, and I likewiſe took another woman of the houſe, whom I ſuſpected to know ſomething more than what ſhe was willing to declare; I carried them to Bow-ſtreet, we had an examination before Mr. Gilbert, and I produced ſome freſh evidence; the man had then declared himſelf to be a Portugueze, (I find he has ſince paſſed himſelf off for a Laſcar) a native of Madeira; Mr. Gilbert's obſervation to me in the preſence of the priſoner was, Mr. Orrell, this man is a Portugueze, to be ſure we have not evidence, what can we do, we muſt diſcharge him, you can take him at any time; I omitted a little circumſtance; at the firſt examination on the waiſtcoat, where there was the largeſt ſpot of blood upon the breaſt, it was as if it had been nipped out, ſo as to take out a great deal of it, but to ſhew that there was ſome left; he then denied having done anything to it, and that it was in the ſame ſtate as when I firſt ſaw it; after the examination of the morning he was ſent to the watch-houſe, to be brought up in the evening, after which examination I took him to the body as I have mentioned: on the ſecond examination I took him to the body; he ſaid his coat was dirty, it was waſhed between ten and eleven o'clock on the Sunday morning, and by the account of one Ann Jackſon in the priſoner's preſence, who attended to prove an alibi for him, ſhe ſaid it was waſhed about five or ſix on Sunday evening; this ſhe ſaid in the preſence of the priſoner, he having called her to prove an alibi, they both ſtated it to be waſhed by his wife, as ſhe was called, that is by Pugh, this was on the firſt examination.

*Court.* What did he ſay in reply to Ann Jackſon's contradicting him as to the time?——He made no reply to me.

Did you obſerve any thing in the kitchen?——On the Sunday evening we did not find any thing more than the handle of that razor, on the Monday morning I went into the kitchen to ſee if I could find anything there, I had ſtirred the fire in the front kitchen to light a candle to ſearch the houſe the Sunday evening, and on the Monday morning the blade of a razor I took up from under the front kitchen grate, (*the razor produced*) and it appeared to me to have the ſtain of blood upon it, notwithſtanding it had been thrown in the fire; in the afternoon there had been a good fire which had cooked the dinner in the front kitchen, and it was into that that it had been thrown: a hair broom in the ſame kitchen was ſprinkled with blood, and upon the handle were the marks of bloody fingers, which ſtill remain, though it has been in conſtant uſe ſince; in the back kitchen there was a ciſtern with eight or ten gallons of water in it, I poured it out, it was ſtained with blood, and at the bottom of it was one of the meat ſpoons that I had miſſed.

Did you find any thing elſe that appears ſince to have been material?——Nothing material.

Recollect a little?—At the latter end of December, I had information from three or four different quarters that the man was in Newgate.

*Mr. Garrow.* Do you recollect to have found any thing in the houſe, that you have ſince learned to be material?———As to the noſegay, I did not find it myſelf; when I apprehended him the ſecond time, I deſired the priſoner, and the witneſs Pugh that was in bed with him to dreſs; I endeavoured to keep them aſunder, that they might not ſpeak to each other; the priſoner had ſhoes, and there was one circumſtance which will be ſpoke to by a witneſs; I aſked him where his ſhoes were, I looked and found none that had been recently worn, excepting that pair, he ſaid they were the ſhoes he had on, on Sunday, and had worn them ever ſince; I looked at the bottom of them, which appeared to have been in water, they were ſo wet that no marks could be diſcovered; I was very careful that he ſhould put on the ſame ſhoes: an obſervation was made by the magiſtrate, in the preſence of the priſoner, that one of the ſhoes was torn from the ſtrap to the welt, and it immediately ſtruck me, he declaring theſe were the ſame ſhoes he wore on Sunday, that that was the ſhoe that had been deſcribed to me.

*Court.* Then the ſhoes he declared he had on, on the Sunday, you made him put on?——Yes, and I found no other ſhoes that had been recently worn.

*Court.* What was there on that ſhoe to your own ſight?——It was torn from the ſtrap to the welt, it was torn two or three ways, but there was a circumſtance that I obſerved to him, ſays I, have theſe ſhoes been mended John ſince you wore them on Sunday, no, ſays he, I mended them on Sunday morning as I ſat on the bed.

*Mr. Garrow.* After his diſcharge, from reading the Seſſions Papers you was induced to ſuſpect him afreſh?——Yes, I was informed he was in Newgate; I examined the newſpapers, and from them, and ſome information I had had from the Seſſions Paper, I was induced to go to Mrs. Broome's.

What did you find there?———At Mrs. Broome's they produced a black ſilk mode cloak, which was Mrs. Orrell's property, I had not a doubt of it, but Mrs. Orrell was along with me, ſhe immediately knew it, and I likewiſe; that cloak was loſt on the Sunday, the day the murder was committed; the priſoner was at that time in cuſtody, under ſentence of tranſportation, and he has not had any further examinations; I then took up the woman, and ſhe gave an account, and ſhe is here now, this is all I know of the matter.

*Court to Priſoner.* Do you wiſh to point out any queſtions to me, that you wiſh to have aſked of Mr. Orrell the witneſs?——Yes.

What ſhall I aſk him?——Aſk him what you pleaſe.

No, he has been already fully examined by me and the counſel.

*Priſoner.* Pleaſe your honor, I wants to know, that I never was in that gentleman's houſe but twice.

*Court.* He has ſaid that you have ſaid ſo.

*Mr. Orrell.* On the ſecond examination on the Saturday, I ſearched under his bed, and there I found a ſhirt, I aſked him if that was the ſhirt he had on on the Sunday, his anſwer was yes it was, he had only one ſhirt he ſaid, and an old one he had on, then he ſaid it belonged to ſomebody elſe; looking on the outſide of the wriſtband it appeared a little bloody, as if by friction againſt the ſleeve of a coat.

I think you ſay he acknowledged this to be the ſhirt he had on on Sunday?——Yes, and ſaid it was the only one he had, except an old one which he had on, I queſtioned him how it came marked in that manner, after heſitation, in two or three minutes he ſaid it was by killing vermin, at the ſame time it ſtruck me he muſt have a great number of them; I took this ſhirt with me to the office: on his firſt being brought up and examined, he ſaid he had the itch, and the conſequence of that was, that the magiſtrates ſtarted off, and he was ordered to ſtand a little further; the ſurgeons at the hoſpital were particular in examining his hands; I have got the itch gentlemen ſaid he, and I tell you of it; they were not much in fear of the itch, having the means of curing themſelves in their own hands, and they examined his hands; the Major inſiſted upon his ſtripping, come ſays he, John, ſtrip.

*Court.* Had he in fact got the itch?——I apprehend he had not, he had a cutaneous complaint, but he had not the itch.

*Court.* He might ſuppoſe that to be the itch?—I have nothing further to ſay.

## WILLIAM CHAPMAN *ſworn.*

I am a chair maker, I remember ſelling ſome chairs to Mr. Orrell, half a dozen of ſtained chairs, the priſoner carried them home, I did not take notice of the day of the month, it was on a Monday, it was in the month of April; after Mr. Orrell had them a little time, I had orders to change them; the priſoner carried them a ſecond time, and I thought then he ſtaid longer than he ſhould have ſtaid.

Do you remember any thing paſſing on the priſoner after this Sunday?——Yes, I found myſelf that he was in great agitation, that he was not able to do his buſineſs.

Did he make any application to you about leaving his buſineſs?——To my ſon, but I was not preſent.

*Mr. Garrow.* I call Mary Bruce to the converſation of the deceaſed.

*Court.* I cannot receive that, the declarations of the deceaſed are no more evidence, than the declarations of any other perſons; the only ground for receiving the declaration of dying perſons as evidence, is becauſe the obligation to ſpeak truth, on the impreſſion of the mind of a dying perſon, is preſumed to be equal to the ſanction of an oath; now the declarations of the deceaſed, after the mortal blow is given, probably made at a time when there were no apprehenſions of danger, though death afterwards enſued, I conceive not to be evidence.

## MARY BRUCE *ſworn.*

You are a neighbour of Mr. Orrell's?—I was acquainted with this young woman, I aſſiſted in cleaning the place after her death; I found a noſegay with three roſes in it, and other little flowers, this was on the Wedneſday after the Sunday when ſhe was killed; we found it in the blood; the woman that was cleaning the place called, and ſaid, Mrs. Bruce, the man had a noſegay; Oh! I ſaid, miſtreſs, take and throw it into the duſt-hole; the kitchen was all over blood; and the noſegay in the middle of it, her head dreſs and all her clothes were all over blood; they were cabbage roſes, not moſs roſes.

*Court to Priſoner.* Do you wiſh to aſk any queſtion of this witneſs?—Yes, to be ſure.

What would you aſk?—That I never was in this place.

*Court.* That ſhe does not know, and does not ſay?——Then I know nothing about it.

## ELIZABETH PROSSER *ſworn.*

I live at Mr. Kirkwall's, oppoſite Mr. Orrell's; on the Sunday before the murder, I was ſitting at the parlour window, and I ſaw a man go in, he was on the upper ſtep of the door; the maid had got the door in her hand, I did not ſee his face, I could not ſee his complection; he had long dark hair, and very dirty clothes on.

## LAWRENCE HAGDEN *ſworn.*

I am a milkman, I ſerve Mr. Orrell with milk; on the Sunday of this murder, about twenty-five minutes after two, when I came to Mr. Orrell's door with ſome milk, I called milk, and the maid came to the area door, and told me no milk; with that I took my kettles in my hand, and came along on the ſame ſide of the ſtreet where Mr. Orrell lives, about three doors nearer to the town, there lay a mulatto man on his left ſide, with his body on the ſteps, with his legs extended out on the footpath; I had a large kettle in one hand, and I lifted up my foot with intent to give him a trip; I looked at him, and I could ſee the upper leather of his ſhoe was torn by the welt, it is what you call wax leather, it was torn in this manner from the welt along the welt, and he had a noſegay of cabbage roſes in his boſom, and he had a drab coloured coat on, much inferior to this, it is what is generally called Bath coating; I took no further notice till the next morning, when I heard of the murder, two or three days after, I took no notice but I mentioned the circumſtance to the laſt witneſs, Mrs. Bruce, ſoon after, I was examined on the Saturday before the magiſtrate, the priſoner was there, I told this circumſtance, I could not poſitively ſwear it was him, he had on juſt ſuch a coat; and the ſhoe that I ſaw at the Magiſtrate's taken of this man's foot, appeared to me in my mind at that time, to be the ſhoe, though I could not ſwear poſitively to it, but the coat the priſoner had on at the Juſtice's appeared like the coat that the man had on that I ſaw on the Sunday afternoon in the ſtreet.

Was that ſhoe at the Juſtice's a wax leather ſhoe?—Yes, it was; I could not ſay whether he was the man.

*Court.* Can you ſay whether the man you ſaw at the baker's door was a different ſized man?—No, I cannot ſay poſitively to his perſon one way or the other, the man I ſaw had his hair tied, queued, and laid with his head in a doleful ſituation, I ſaw his ſide face.

*Court to Mr. Orrell.* It ſeems extraordinary, that this noſegay ſpoken of by the witneſs Bruce, ſhould not be found before Wedneſday, becauſe Mr. Pooley and you examined the houſe.—The kitchen is a back kitchen, not very light; we looked for ſome weapon, which we ſuppoſed might occaſion her death; there was blood in ſeveral places, and large cakes of blood, we did not put our hands into it, and this was found in one of thoſe cakes, for I did not think it proper to have the place cleaned till the coroner's inqueſt had been taken.

### CHARLES POOLEY *ſworn*.

I am a ſurgeon.

Was you preſent when the priſoner was examined where the dead body laid?—I was.

Did you particularly examine his hands?—I did.

Now, Sir, of what nature were theſe cuts?—The cuts appeared on the fourth finger, and the others were juſt here, whereabouts the graſp is, it appeared to me as if it had been done by ſome inſtrument that he had made uſe of.

Did they appear old or freſh cuts?—The larger cut appeared to be a recent wound.

I preſume a wound of ten days or a fortnight ſtanding, would be healed before that time?—Yes. I heard Mr. Orrell's deſcription of the ſtate of this poor woman, it was perfectly right; I have no doubt of this producing her death.

### ELIZABETH BROOME *ſworn*.

I am a pawnbroker in Park-ſtreet, in the Borough.

Do you remember Mrs. Orrell's coming to you?—Yes.

### —— IVES *ſworn*.

Where did you get this cloak which you produce now?—I found it in the poſſeſſion of the pawnbroker, it has been in my cuſtody ever ſince, it is the ſame that I found at Mrs. Broome's.

*Mr. Garrow to Mrs. Broome.* Where did you get that cloak?—Of a perſon that went by the name of Elizabeth Hogan, on the 27th of June, between eleven and twelve in the forenoon, it was on a Monday, I am ſure it was that day, I lent half a guinea upon it; it continued in my poſſeſſion till I delivered it to Mr. Ives, here is a ticket upon it which was put on then, it is in my own hand-writing, ſhe had a duplicate on it, the ticket has been on ever ſince; I am ſure this is the ſame cloak that was pledged by Elizabeth Hogan.

*(The cloak depoſed to by Mr. Orrell.)*

*Mr. Orrell.* I know it by the general wear, Mrs. Orrell wore it for twelve months, I am convinced by my general view of it that it is hers.

### Mrs. ORRELL *ſworn.*

*Mr. Garrow.* Will you take the trouble to look at that cloak?—I know the cloak to be mine by the lace and the making, as well as I ſhould know any other thing I had worn the time, I have worn it twelve months; at the time of the murder it was hanging up on the back parlour door, and a bonnet upon it, when I returned it was gone, and the bonnet that hung upon it was thrown upon the ground; I had ſeen it on that Sunday, I have not a doubt, I knew it as ſoon as I ſaw it in the pawnbroker's ſhop, before it was open.

*Court.* Had you bought it ready made, or did you make it yourſelf?—I did not make it myſelf, but I bought the lace and the mode, it was made in Fleet-ſtreet.

Is there any thing particular that will enable you to diſtinguiſh it from another cloak that had been worn twelve months by any body elſe?—I am ſure this is my cloak.

You will underſtand me, I am not aſking you theſe queſtions from the ſmalleſt doubt of the truth of what you ſay to your belief, but it is neceſſary the Jury ſhould know the grounds on which your perſuaſion is founded, now you may be conſcientiouſly perſuaded that this is your cloak, but I want to know by what you know it from another cloak of the ſame ſort and ſize, that has been worn exactly the ſame time?—I ſhould have known the cloak from a thouſand cloaks, I know the make of it in particular.

There is no particular place torn or worn, or any particular obſervation made on the cloak?—There was a tear, which I recollected immediately when I ſaw it again; after examining the cloak very minutely, I knew the cloak perfectly, and I recollected the tear as ſoon as I ſaw it again.

*Mrs. Bruce.* Mrs. Orrell was out one evening, and loſt her dog, and the dog was ſo glad to ſee her, that he dirtied her cloak, and I cleaned it with ſpirits, and there remain ſome marks of the feet on now.

*Mrs. Orrell.* I remember the dog leaping up againſt me, and it was cleaned by Mrs. Bruce.

*Mrs. Bruce.* I am poſitive this is the cloak I cleaned.

Shew us the part where you apprehend the marks are?—At the front on each ſide.

*Court to Mrs. Orrell.* From the appearance of the front of the cloak could you obſerve that it had been cleaned at all by any thing?—It is cleaned ſo trifling, and done with a little gin, which does not make any difference at all in the mode.

*Mrs. Bruce.* I knew the cloak from the firſt day it ever came home from the maker's.

*Court.* Here are marks that are perfectly viſible to me who have not a very good ſight; but they appear to me to be freſher, and of a whiter colour than would ariſe from ſtreet dirt?——The dirt was taken off, it is my cloak, I have not a doubt, I am poſitive of it.

### ELIZABETH PUGH *ſworn.*

*Court.* In the firſt place I muſt aſk you, if you are not the wife of the priſoner?——No Sir.

You are ſure of that?—Yes.

*Mr. Garrow.* How long have you been acquainted with the priſoner?—About two years.

Have you lived with him all that time?—No, Sir.

How long?——Sixteen months before he was taken up, and at that time.

Where was he on Sunday the 26th of June?——He dined about one, after dinner I went and laid down on the bed, he was ſitting in a chair, about two he went out, he ſaid, he was going to take a walk, I laid on the bed till he returned which was pretty nigh five, between four and five, I cannot poſitively ſay which, he ſtartled me by opening the door, I ſaid nothing at all to him, a little while after Mrs. Jackſon came into the room, and aſked me if I would waſh a ſhirt for her, that was on Sunday evening after his return.

How was the priſoner dreſſed on that Sunday?——With his coat that he uſually wore at his work, a whitiſh ſurtout coat, a ſort of a drab, rather a Bath drab; when the woman aſked me to waſh a ſhirt, I ſaid to him, John, blow the fire, he accordingly pulled off his great coat, it was warm weather, he threw it on the back of a chair where he ſat to blow the fire; I went on and waſhed the ſhirt, while I was waſhing, he ſaid to me, I wiſh you would let me waſh out this elbow, which had been greaſed three weeks before, by working for Mr. Chapman, I ſaid, why do you want to waſh it to day, let it alone till another day, and I will waſh it all over, it will look very odd to ſee the elbow clean and no other part, with that he put the ſleeve quite into the water, and had the bruſh and bruſhed upon the elbow, then I thought he was bruſhing the greaſe out, and I ſaid, your bruſhing will not get the greaſe out, without warm water; then I turned round and ſaw him bruſhing at the wriſt, I aſked him the reaſon, he ſaid, he had ſome ſtain of blood, that he had been fighting, and with that he took and threw it all into the water, and I took and did it all out into the ſuds, as they happened to be good, and I waſhed the coat all over, not knowing anything of the tranſaction.

Did you perceive any blood upon it?—Yes, upon the wriſt I did, but on no other part.

On which arm was it?——I cannot recollect, I look upon it to be the right arm, but I am not ſure.

Did any thing more paſs that evening?——No more at all till the next morning, the next morning he got up to go to his work as uſual, and he went in a blue jacket and his waiſtcoat ſleeves, he did not go in his coat, becauſe it was not dry; on the Monday morning he pulled a cloak from underneath the bed, and ſaid he had bought it for me, and that I was to pay for it at ſo much a week.

What ſort of a cloak was it?—A black mode cloak.

What did you do with it?——I ſaid to him, what did you buy a cloak for, I am not neceſſitated for one, I want money to pay my rent more than a cloak, and I muſt make money for it, it is of no uſe to me; ſo that morning I went, and pledged it with Mrs. Broome, in Park-ſtreet, where I frequently uſe; after this I heard the priſoner was taken up, I went out on the Tueſday morning from the Borough, and I met the landlord of the houſe, ſays he, Mrs. Hogan, ſomething has been the matter; and the landlord went with me, and enquired for him, and we found him at Bow-ſtreet; he was acquitted that time, and taken up again as Mr. Orrell has ſaid, he was again diſcharged, and ſoon after he was diſcharged the ſecond time; he has been very uneaſy at times, I frequently aſked him what made him uneaſy, he ſaid, it was for want of employ, for he did uſe to work, and I thought he had loſt his bread though innocently; I ſaid, what is the reaſon you are ſo uneaſy, he ſaid, he could not reſt; why ſays I, I hope you are not guilty; this might be a month or five weeks after the murder; I ſaid, I hope you have not been guilty of the murder, he ſaid he was very unhappy, for he had done that fact, and he was guilty of that he had been accuſed of.

What fact?——Of the murder of this woman, he did not deſcribe any thing about it, he never told me any more than what the newſpapers expreſſed, I read it one morning to him, before I knew he was guilty, I ſaid it was advertized, and I hope they will come to juſtice that did it, I told him I would go and tell of it, he ſaid, if I did, I ſhould be hanged, which deterred me from making a diſcovery, he is at the bar, now, and you may aſk him; I could not get rid of him, he has ſtaid out four or five nights together, and I never ſaw a farthing nor a halfpenny; I went away from my own apartment on the Monday; I told him, ſays I, there was ſome plate miſſing, which the paper expreſſed beſides the cloak, and he told me he had thrown the ſpoons over London-bridge; I aſked him how he could commit ſuch a thing, and he ſaid he had no intention of doing any ſuch a thing, but that he wanted to be great with her, and ſhe reſiſted.

When he told you, you would be hanged, did he tell you where he got the cloak?——He ſaid, if you tell of me, you will be hanged, he did not explain why.

Did you ever go to ſee him in priſon after he was caſt for tranſportation?—There was a young body, an acquaintance of mine, went to ſee him; he ſent for me, I went to him, and he ſaid he was going abroad, I ſaid, I hope you will not return again, if you do, you will be hanged for returning before your time; but ſays I, there is that that troubles me, I never ſhall reſt till it is divulged, O ſays he, that will not come to light; I left my own home, on the Monday before he was taken to Newgate, becauſe I could not get rid of him.

*Court to Priſoner.* Do you wiſh to aſk this witneſs any queſtions?—Yes, pleaſe your Lordſhip, aſk her, Sir, if ſhe ever ſaw me throw any ſpoons over London-bridge?

She does not ſay, that ſhe ſaw you do it, but ſhe ſays, you told her that you had done it?——I told her no, pleaſe your honour.

*Mr. Garrow.* I have done.

*Court.* Now, priſoner, you have heard the charge that has been made againſt you and the evidence that has been given, have you anything to ſay?

*Priſoner.* Yes, pleaſe your honour, I am innocent of it, and whoever takes my life away, I will never forgive them.

Have you any witneſſes?—I have plenty on the other ſide of the water, here is Mr. Howes I ſee.

Do you wiſh to call any witneſſes either to fact or to character?——Here are two gentlemen that can give me a character.

——— HOWES *ſworn.*

I have nothing to ſay about the priſoner concerning this affair, that can be of any ſervice to him, the woman took a room of me, they behaved very honeſtly.

*Court to Jury.* Gentlemen, before I ſtate the evidence to you, it is proper to take ſome notice of the circumſtances of this caſe, and the priſoner that ſtands before you, becauſe it is at all times neceſſary to juſtice, that the Court and Jury ſhould proceed to the conſideration of the evidence, that neceſſarily and immediately affects the life of the priſoner at the bar, with coolneſs and deliberation, and diveſted of every prejudice that from any circumſtance may have been raiſed in their minds: the crime in itſelf is of a horrid nature, and this crime in particular has been attended with circumſtances of unuſual violence, cruelty, and brutality; but you ſhould proceed to the conſideration of this evidence with your minds perfectly indifferent as to the queſtion, whether the priſoner has any relation with the crime or not, for the indignation that human nature neceſſarily is impreſſed with, againſt a crime of ſuch magnitude, ſhould never be transferred to the perſon that is accuſed of it, till a cool deliberation has ſatisfied you, that he is clearly guilty; you ought therefore to diveſt yourſelves, as this is a matter that has been publickly talked off, of every thing that you may have heard or read out of Court, before the priſoner was brought to the bar on this charge; you ought alſo to diveſt yourſelves of any circumſtance in which the priſoner ſtands not extremely favourable to his character, his being accuſed of a crime of a far different nature, is far from being proof that he is guilty of one of this magnitude, and above all, I am ſure you will ſuffer yourſelves to have no impreſſion from the difference of complection or country, but that you will try this man that ſtands at the bar, juſt as you would a man of your own country and complection, and whoſe character before this ſtood unimpeached; it is with that impreſſion upon your minds, that you ought to proceed to the conſideration of the evidence, and in proportion to the magnitude of the crime, ought to be the ſtrength of the evidence, upon which that accuſation is ſupported: I will, therefore, proceed to ſtate to you, the evidence that has been given, and then to point out ſome obſervations upon it: firſt, conſidered as independent of the principal witneſs, Elizabeth Pugh, and in the next place, as connected with her teſtimony; for with reſpect to her, ſhe certainly ſtands before you under circumſtances of ſome diſcredit; for if this charge againſt the priſoner is true, and founded in fact, ſhe ſtands in the ſituation of having long cohabited with this man, the badneſs of whoſe diſpoſition and character, ſhe cannot be ſuppoſed to have been wholly a ſtranger to, though ſhe might not be at all privy to the particular fact, and alſo was poſſeſſed of a knowledge of this fact a conſiderable time before ſhe made any diſcovery, and the diſcovery when made is not perfectly voluntary on her part, but brought about by a circumſtance which immediately connects herſelf with the accuſation; ſhe therefore does not ſtand in the light of a witneſs in full credit, and intitled to implicit confidence to what ſhe ſhall ſay on oath, and therefore, as far as her evidence is unſupported, it certainly ought to be received with ſome degree of caution, though ſhe does not ſtand in the light of an accomplice, and though her evidence is admiſſable, as it is of ſuch a nature that it may be received even where it is unſupported, for ſhe by no means ſtands charged as an accomplice in this fact, or as having any previous knowledge whatever with the commiſſion of it, but ſhe ſtands not in a degree of perfect credit from the circumſtances I have pointed out to you: the firſt witneſs is Mr. Orrell, &c. *(Here the learned Judge ſummed up the evidence, and then added)* The circumſtance of the cloak ariſes wholly out of the evidence of Elizabeth Pugh: let us ſee what the circumſtances are independent of her evidence, they are theſe; that the priſoner had a knowledge of the houſe of Mr. Orrell, that he had alſo a knowledge of the ſervant maid, that he affirmed that knowledge to have ariſen only from being ſent there twice in the courſe of his buſineſs by Mr. Chapman; but that upon the view of the body of the deceaſed, he expreſſed a degree of knowledge of her, more than could be accounted for on his going twice to the houſe, on that buſineſs; and that a man of the ſame complection was ſeen near the houſe of Mr. Orrell, laying in that ſtreet, a very ſhort time before this fact was committed by ſome perſon or other, that he was dreſſed in the ſame coloured coat that the priſoner appeared afterwards to have on, and had a ſhoe on torn in the ſame manner, and which the witneſs ſwears he believed was the ſame ſhoe the man that he ſaw had on; then the priſoner, when taken up, has marks of blood on his waiſtcoat, and cuts on his hands, of which cuts he aſſigns a reaſon that appears by the evidence of the ſurgeon, not to be a true one; that the coat he had on alſo had the appearance of being recently waſhed, and he acknowledges it had been recently waſhed. but ſays it was waſhed on the Sunday morning, in which he is flatly contradicted by a witneſs produced by himſelf. Gentlemen, theſe are the circumſtances which apply directly to the perſon of the priſoner, and the circumſtances of the cuts appear in this manner, when compared with the ſituation in which the deceaſed was found, becauſe from the razor being broken, the handle twiſted off, and the extreme marks of violence found on the body of the unfortunate woman, it appears extremely clear, ſhe made a conſiderable reſiſtance, and therefore there was a probability that the murderer might be cut: Gentlemen, if you believe the application of the evidence of the milkman, that lets in another ſtrong circumſtance; for if, from the circumſtance of the ſhoe and the great coat, you are clearly ſatisfied, that the priſoner was the man that was laying at the baker's door, there is then another circumſtance, that that man had a noſegay in his boſom, and that noſegay was found in the place where this horrid fact had been committed, but that circumſtance of the noſegay does not apply to the priſoner, unleſs you are ſatisfied, that the man that lay at the baker's ſteps, was the priſoner: now you are to proceed to the conſideration of the additional evidence of Elizabeth Pugh, you are to conſider how far this witneſs is either confirmed or contradicted by the other witneſſes; ſhe had a cloak in her poſſeſſion, her ſtory is this, that the priſoner went out about an hour before this fact, by the evidence of Mr. Orrell, appears to have been committed, for he ſtates, it muſt have been committed between the hours of three and four, for he went out about three, and he returned, for the firſt time, about four; Elizabeth Pugh ſtates, that the priſoner returned home about five o'clock; now the diſtance is conſiderable from the Borough to Charlotte-ſtreet, Portland-place; but it certainly is not more than the time would very eaſily permit to perform it in, it is not above an hour's walk there; firſt ſhe ſpeaks of the blood on the ſleeve of his coat, and of her waſhing it; ſhe ſays, the morning after his return, he produced this cloak, and afterwards ſhe ſpeaks of his confeſſion, that he threw away the ſpoons that were miſſing: it is ſhewn, that a perſon anſwering the deſcription of the priſoner, was in this ſtreet a little before the hour of three, it does not exactly tally with that, in point of time, becauſe he was ſeen by the milkman, about, or very near half paſt two, which is a ſhort time, ſuppoſing the witneſs to be accurate, as to the time he came from the Borough; and the circumſtance of his coat being waſhed, was agreed on all hands, that it had been recently waſhed, and waſhed by this woman, which he himſelf confeſſed, only he differed as to the time. Gentlemen, the effect of the circumſtances upon your minds, independent of the evidence of Pugh, and the degree of credit you pay to her teſtimony, reſt clearly with you, it is my duty to point it out to you, you are to decide upon it free from any paſſions, but what ariſe from a full conſideration of the evidence itſelf, if you think there has been any reaſon, under all the circumſtances, to diſbelieve the evidence of Pugh, then you will conſider the caſe, under all the circumſtances, and judge if they are ſufficient to convict the priſoner without her evidence; or if you can find in the whole caſe, any reaſonable ground of doubt, though you are not to go to conjectures and probabilities, to let a man eſcape juſtice, yet unqueſtionably, if you find any reaſonable ground of doubt, you ought to acquit the priſoner.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

*Clerk of the Arraigns.* John Hogan, hold up your hand; you ſtand convicted of the wilful murder of Anne Hunt, what have you to ſay why the Court ſhould not give you judgment to die according to law.

*Proclamation of ſilence being made, Mr. Recorder paſſed ſentence, as follows:*

John Hogan, you now ſtand in the moſt wretched ſituation, which human nature can poſſibly be reduced to; for you have been convicted upon evidence which excludes all doubt, of a crime of ſuch enormity, and attended with ſuch circumſtances, that human nature ſhrinks back with horror, at the relation of the facts that have attended it. The crime of murder does not depend on the laws or policy of this or that country, it is equally an offence in all, it is a direct offence againſt that God who is the creator alike of all mankind, and alike the governor of all nations upon earth: it is the laws of that God, and not of this particular country alone that you have violated, the voice of nature, of reaſon, and of all mankind has at all times cried out, that whoſo ſheddeth man's blood, by man ſhall his blood be ſhed; a crime ſo enormous in itſelf, receives in your caſe, the moſt dreadful aggravations, from the circumſtances of horror with which this fact has been attended; the violence and cruelty of the act, to whatever motive it is to be aſcribed, argues a diſpoſition ſavage in the extreme, whether it aroſe from avarice and the deſire of plunder, or whether from that motive

tive which you yourſelf aſſigned for it, it is almoſt equally guilty, but if it can receive any aggravation, it muſt be upon the latter ſuppoſition; for, to butcher, in that ſavage and inhuman manner, the unhappy object, who had been but a few minutes before the object of your brutal deſires and appetites, argues a degree of ſavage inhumanity and ferocity, unknown to the nature of the fierceſt beaſts, reſerved for man alone, and thank God, only for ſuch as you! Loaded with ſuch a degree of guilt on your mind, you have ſhewn a hardneſs of heart, that has enabled you to view the unhappy victim of your cruelty without emotion, a ſpectacle ſo ſhocking, that it melted into tears, even thoſe whoſe ſituation and profeſſion has neceſſarily made them acquainted with the greateſt ſcenes of horror, whilſt you, the guilty object, was the only perſon that could refrain from ſorrow at the ſight of ſuch a ſpectacle; the only circumſtance therefore, under ſuch accumulated horrors, that leaves the ſmalleſt room for hope for you, for that mercy hereafter, that the laws of the country deny you here, is that trouble and uneaſineſs of mind, that in ſome part of the evidence you appear at times to have laboured under; happy will it be for you, if that trouble and uneaſineſs is, in the ſhort time you have to live, increaſed to the utmoſt degree of horror and remorſe; for it is the utmoſt degree of horror and remorſe alone, that can wipe from the guilty conſcience the ſtains of innocent blood, and obtain that mercy from your offended God, which you cannot expect from man: it remains therefore for me, after earneſtly exhorting you to reflect on the malignity of your crime, and the horror of your ſituation, and praying that that reflection may produce ſome effect upon your guilty ſoul, to pronounce on you the dreadful ſentence of the law, which is, that you be taken from hence to the place from whence you came, and from thence be carried on Monday next, to the place of execution, there to be hanged by the neck until you are dead, and that your body ſhall afterwards be delivered to the ſurgeons, to be diſſected and anatomized; and the Lord have mercy upon your ſinful ſoul!

# THE TRIAL OF Nathaniel Goodridge, Leonard Goodridge, *and* James Evans; FOR FORGING THE WILL OF *Mr. THOMAS SAWTELL, deceaſed:*

WHO WERE TRIED AT

JUSTICE HALL *in the* OLD BAILEY,

On SATURDAY, the 14th of JANUARY, 1786.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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BEFORE the Right Honourable THOMAS WRIGHT, Lord Mayor of the City of London; the Honourable Sir William Henry Ashurst, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable John Heath, Eſq; one of the Juſtices of his Majeſty's Court of Common Pleas; James Adair, Serjeant at Law, Recorder of the ſaid City; John William Rose, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

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123. NATHANIEL GOODRIDGE, LEONARD GOODRIDGE, and JAMES EVANS were indicted, for that they, on the 14th day of December, 1782, with force and arms, feloniouſly did falſely make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain paper writing, with a ſeal thereto affixed, purporting to be the laſt will and teſtament of one Thomas Sawtell, deceaſed, and to be ſigned with the mark of him, the ſaid Thomas Sawtell, in the life time of him, the ſaid Thomas Sawtell, to wit, on the 14th of December, 1782, on the firſt ſheet thereof; and to have been ſigned, ſealed, publiſhed, and declared by the ſaid Thomas Sawtell, as and for his laſt will and teſtament; which ſaid falſe, forged, and counterfeited paper writing, purporting to be the laſt will and teſtament of the ſaid Thomas Sawtell, is to the tenor and effect following, that is to ſay, "This is the laſt will and teſtament of me Thomas Sawtell, late of Saffron-hill, in the pariſh of St. Andrew, Holborn, in the county of Middleſex, tallow-chandler, but now of Brook-ſtreet, in the ſaid pariſh of St. Andrew, Holborn, in the ſaid county of Middleſex, gentleman. Firſt, I will, order, and direct, that all my juſt debts be paid and diſcharged as ſoon as conveniently may be, after my deceaſe, by my executors hereinafter named; I give and bequeath to my ſiſter Mary Allen and her aſſigns, one annuity, or clear yearly ſum of twenty pounds, of lawful money of Great Britain, to be paid by my executors quarterly, by equal portions, the firſt payment thereof to be made within one month, next after my deceaſe. And whereas my late brother, Gilbert Sawtell, by his laſt will and teſtament in writing, bearing date the 27th day of December, in the year of our Lord, 1767, amongſt other things, gave and bequeathed to Gilbert Carr therein named, the ſum of one hundred pounds, to be paid him at the age of twenty-one, which ſaid ſum now remains in my hands, as the ſurviving executor of the laſt will and teſtament of my late brother Gilbert Sawtell, now I do hereby direct my executors hereinafter named, to pay intereſt for the ſaid ſum of one hundred pounds, from the laſt time they ſhould have paid intereſt for that ſum, until the ſaid ſum ſhall become due and payable. And whereas I have by bond ſecured the payment of twenty pounds a year to Margaret Enos, for her natural life, now in full payment and ſatisfaction of that bond, which is hereby to be cancelled, and in order to make a further proviſion for the ſaid Margaret Enos, I do hereby give to her and her aſſigns one annuity, or clear yearly ſum of fifty pounds, of lawful mo-

ney of Great Britain, payable quarterly, at the four moſt uſual feaſts or days of payment in the year, viz. Lady-day, Midſummer-day, Michaelmas-day, and Chriſtmas-day, the firſt payment thereof to be made on ſuch of the ſaid days of payment, that ſhall firſt happen, next after my deceaſe: I alſo give and bequeath to Elizabeth Goodridge, wife of Nathaniel Goodridge, of Saffron-hill, in the county of Middleſex, broker, the ſum of one hundred pounds; I alſo give and bequeath to the ſaid Elizabeth Goodridge, my gold watch, chain, and ſeals, for her natural lite, and from, and immediately after her deceaſe, I give and bequeath my ſaid gold watch, chain, and ſeals to her ſon George Haynes, I alſo give and bequeath to the ſaid George Haynes, the ſum of three hundred pounds, to be paid him by my executors, hereinafter named, at the age of twenty-one, or when my executors ſhall think moſt proper, and the intereſt thereof I will and direct ſhall be paid by my ſaid executors, for and towards his cloathing; I alſo give and bequeath unto Henry Erod Bonflabin Haynes, the ſum of three hundred pounds, to be paid him by my executors hereinafter named, when he ſhall attain the age of twenty-one, or when my ſaid executors ſhall think moſt proper, and the intereſt thereof I will and direct ſhall be paid by my ſaid executors, for and towards his maintainance and education; I give and bequeath to George Evans, of Fore-ſtreet, in the pariſh of Cripplegate, ſilver ſmith, one hundred pounds, and to George Evans, ſon of George Evans, the ſum of hundred pounds, to be paid to him by my executors hereinafter named, when he ſhall attain the age of twenty-one, or when my ſaid executors ſhall think moſt proper, and the intereſt thereof I order and direct ſhall be paid by my ſaid executors, towards his maintenance and education; I alſo give and bequeath to Elizabeth Evans, daughter of the ſaid George Evans, three hundred pounds, to be paid by my ſaid executors, when ſhe ſhall attain the age of twenty-one, or when my executors ſhall think moſt proper, and the intereſt thereof I will and direct ſhall be paid by my executors, for and towards her maintenance and education; alſo I give and bequeath to the treaſurer for the time being, of the charity ſchool of St. Ethelburga, in the city of London, the ſum of twenty-ſeven pounds, for the benefit of the ſaid charity ſchool; alſo to Meſſrs. Jonathan Price and Wentworth Ogle, executors of the laſt will and teſtament of my ſaid brother John Sawtell, deceaſed, the ſum of fifty pounds each, hoping they will uſe their endeavours to preſerve my intereſt in my late brother John's will, for the benefit of the perſon or perſons who ſhall become entitled thereto, under this my will; alſo I give and bequeath to William Hunter, of Saffron-hill aforeſaid, merchant, the ſum of three hundred pounds; alſo I give and bequeath to —— Hunter, wife of the ſaid William Hunter, the ſum of twenty pounds; alſo I give and bequeath to Elizabeth Slack, wife of Daniel Slack, of Newgate-ſtreet, London, merchant, the ſum of twenty pounds; alſo I give and bequeath to the ſaid Daniel Slack, the ſum of one hundred and fifty pounds, and ten pounds for mourning; alſo I give and bequeath to Robert Slack, of Green-walk, in the pariſh of Chriſt-church, in the county of Surry, brother of the aforeſaid Daniel Slack, the ſum of one hundred pounds, and ten pounds for mourning; I alſo give and bequeath to William Atkinſon, of Newgate-ſtreet, aforeſaid, merchant, one hundred and fifty pounds, and ten pounds for mourning; alſo I give and bequeath unto John Noble, of the city of Briſtol, gentleman, the ſum of one hundred pounds; alſo to Luke Noble, of Taunton, in the county of Somerſet, the ſum of one hundred pounds; alſo I give and bequeath to my ſervant, Elizabeth Spraggs, the ſum of three hundred pounds; and to my ſervant Edward Price, the ſum of five hundred and fifty pounds, and I give to the ſaid Edward Price, all my wearing apparel and body linen: which ſaid legacies to my ſaid ſervants, Elizabeth Spraggs and Edward Price, I direct to be paid by my executors, to ſuch of them as ſhall be living at the time of my deceaſe: all which ſaid legacies, except as aforeſaid, I hereby order and direct my executors hereinafter named, to pay within twelve months, next after my deceaſe; I give and bequeath unto my friends John Power, of Carter-lane, gentleman; James Evans, of Saffron-hill, aforeſaid, victualler; William Colton, of Holborn, aforeſaid, cheeſemonger; Edward Botham, of Charles-ſtreet, in the ſaid pariſh, bricklayer; William Cochran, and Humphrey Hall, of Peter-ſtreet, in the ſaid pariſh, butcher, each of them a mourning ring: and, as for and concerning the reſt, reſidue, and remainder of my eſtate and effects whatſoever, both real and perſonal, in poſſeſſion, reverſion, remainder, or expectancy, I give, deviſe, and bequeath the ſame to the ſaid Nathaniel Goodridge, his heirs, executors, adminiſtrators, and aſſigns for ever; and I do hereby name, conſtitute, and appoint, the ſaid Nathaniel Goodridge and Daniel Hunter, my executors. In witneſs whereof, I have to this my laſt will and teſtament, contained in two ſheets of paper, to the firſt ſheet, ſet my hand or mark, and to this ſheet, my hand or mark, and ſeal, this 14th day of December, 1782. Thomas Sawtell ⋈ his mark. Signed, ſealed, publiſhed, and declared, by the ſaid teſtator, as and for his laſt will and teſtament, in the preſence of us, who in his preſence, and at his requeſt, and in the preſence of each other, have ſigned our names, as witneſſes hereto, the words "*a mark*" being firſt twice interlined. James Evans, Leonard Goodridge, John Underwood."——With intention to defraud one Daniel Slack.

*A ſecond count.* For falſely forging and counterfeiting a will, to the ſame purport and effect exactly, with intention to defraud Mary Allen, and Mary Spence, wife of George Spence, and the ſaid George Spence, againſt the ſtatute.

## JURY.

William Halfpenny,
William Newman,
Francis Feather,
William Baillie,
Samuel Totty,
Henry Roſe,
John Iſaac Fanch,
William Avelyn,
Nicholas Lunn,
Thomas Simpſon,
Samuel Roye,
George Marſhall.

*Mr. Juſtice* HEATH *tried the Priſoners, Mr.* RECORDER *was alſo preſent.*

*Council for the Proſecution.*

SIR T. DAVENPORT,
MR. SILVESTER,
MR. FIELDING.

*Council for the Priſoners.*

THE HON. MR. ERSKINE,
MR. PIGOTT,
MR. SHEPHERD,
MR. GARROW.

*The Indictment opened by Mr. Fielding.*

*The Caſe opened by Sir Thomas Davenport, as follows:*

May it pleaſe your Lordſhip and you gentlemen of the Jury, I am councel alſo on the part of this proſecution, againſt the unfortunate priſoners now at this bar, who ſtand there for a crime which it is impoſſible for any words or any imagination, in my opinion, to aggravate; its heinouſneſs and the pernicious conſequences of it, are of ſuch a nature, that every man of common underſtanding muſt obſerve them; this matter has been of very long expectation, it is not impoſſible, it is more indeed than probable, that many reports, many ſayings, many paragraphs in news-papers, may have come to the ears and ſight of almoſt every man; I am clear if it was poſſible that any prepoſſeſſions in point of opinion (I do not ſay prejudices) ſhould find their way into your minds, you, on this occaſion, would naturally diſmiſs them, becauſe you muſt know that on this queſtion you, as men, muſt attend to the feelings of men, and with that attention which, while the lives of you fellow-ſubjects are in danger, is required from you; at the ſame time you muſt know it is your duty to yourſelves, your families, your country, and poſterity, to prevent the effects which muſt ariſe from a ſubverſion of thoſe invaluable rights, which the ſubjects of this country enjoy, for diſpoſing of their property

perty freely, and abſolutely without any controul on the part of the crown, or any interpoſition on the part of their fellow-ſubjects. The free diſpoſition of property will be totally prevented if ſchemes and manœuvres of the kind that will be laid before you ſhould obtain to gain credit before a Jury: Gentlemen, I am aware of the difficulty there will be, as well from the pain that every feeling man muſt entertain, on ſuch a ſubject as this, as from the vaſt variety of matter this cauſe has paſſed through, and the number of ſheets in which it is contained, particularly in Doctors Commons, I ſay I am aware it will be extremely difficult ſo to arrange the matter as to make it completely comprehenſive on the firſt ſtate of the caſe; I will endeavour, however, ſo to ſeparate the circumſtances attending this matter, as to make them as clear as I can to my own underſtanding, which is the beſt way of conveying them to yours, and in doing that I ſhall try likewiſe to bring ſeveral circumſtances together, ſo as to ſhew you the view in which they appear to me, in order that it may be better underſtood both by my Lord and by you. The evidence muſt in its nature take up a conſiderable length of time, it muſt conſiſt, as I ſaid before, of a great variety of matter, and it may poſſibly be ſo laid before you, and ſo put together, that it may be comprehended notwithſtanding the extent of the matter and the variety of it: Gentlemen, you all of you know, and muſt feel, that there are a thouſand caſes in which the actual fact of forgery, and the fabrication of it cannot be proved; there are others, where that impoſſibility is taken away, ſometimes by the admiſſion of accomplices themſelves; and, Gentlemen, give me leave now to obſerve, with reſpect to accomplices, that they come, as, my Lord will tell you, always under circumſtances of ſuſpicion, and are witneſſes, of whom juries always are, and always ought to be, very jealous; I mean thoſe accomplices whoſe confeſſions ariſe either from motives of perſonal fear in themſelves, or hopes of rewards from others, or of revenge or malice towards thoſe perſons with whom they were themſelves concerned; but, at the ſame time, you very well know that there is a neceſſity, which the policy of the laws of this country has admitted, of receiving their evidence in ſome caſes, and that where that neceſſity ariſes, accomplices have been admitted; they are what the law calls competent witneſſes, and their teſtimony is to be heard; but the weight it is to have, the credit that is to be given to it is, as one of the greateſt bleſſings of this land, left to the conſideration of twelve men on their oaths, to the conſideration of twelve men of credit, of reputation, and of property: It will be neceſſary therefore, by circumſtances (and I will add too, in favour of the priſoners, ſtrong circumſtances) to lay a foundation for corroborating the teſtimony of ſuch an accomplice as we ſhall produce, one who had himſelf ſo far loſt the character and the duty of a ſubject of this country, as to be concerned in the tranſaction itſelf. The circumſtances have, in the opinion of ſome of the learned Judges, always been thought moſt proper to precede the teſtimony of the accomplice, I know one in particular, I mean Mr. Juſtice Gould.

*Mr. Juſtice Heath.* That is my practice.

*Sir Thomas Davenport.* I have alſo, my Lord's authority to ſay it is his, though I have not the honour to know it in practice; but although Mr. Juſtice Gould, from his great experience and his great attention to every point of the law in that ſituation, which he has filled ſo ably, has alſo adopted that practice, yet, at the ſame time, it is not conſtant and invariable, you will ſee reaſons why it cannot be invariable, the ſtory is ſometimes of ſuch a nature that it muſt precede the circumſtances that are to corroborate it, it will be my duty, therefore to ſubmit to my Lord, for I ſhall be extremely willing to adopt any conduct he thinks right in this proſecution, having no wiſh, no deſire on this ſubject, but to do my duty to the public. Gentlemen, there are a vaſt variety of circumſtances that will very often weigh more with ſenſible minds than the moſt poſitive teſtimony of witneſſes; and of that we have had too many fatal inſtances to doubt, much leſs to deny; there have been caſes where the three witneſſes to a will, as required by the law of this country, which is to paſs real property, as diſtinguiſhed from perſonal; I ſay there have been caſes where all thoſe three witneſſes have denied the execution of the real will, where the circumſtances have ſtill eſtabliſhed that will, and all thoſe witneſſes have been puniſhed for their teſtimony; I mean the caſe of Mr. Joliff, which I am ſure his Lordſhip muſt have heard of, where all the three witneſſes to his will one after another abſolutely contradicted the circumſtances that proved it to be a true one, and they were all puniſhed for their falſe teſtimony; there have been caſes likewiſe, once or twice in my experience, where all the three witneſſes have ſupported the will, and ſwore to it with ſuch ſtrength that would hardly leave a doubt in one's mind, yet it has been proved to be totally falſe, as in the caſe of Sir James Chadwick; then, gentlemen, you will do in this and every ſuch caſe that which is natural and probable; you will attend to that, before any teſtimony of external circumſtances, before any ſaying, or things that are ſuppoſed to have paſſed at different times inconſiſtent with that probability: I ſhall, therefore, begin by ſtating to you the conduct of Mr. Sawtell, the teſtator in the real will that I ſhall lay before you, the ſuppoſed teſtator in this ſuppoſed will that has already been laid before you in the indictment, and then you will judge from that man, from his way of thinking, and from his conſtant habitual way of practice, what was his intention and deſign; he was a very induſtrious man in the trade of a tallow chandler, he had invented the ſpermaceti candle, he had taken ſo much merit to himſelf on that occaſion, that he had a ſeal with the impreſſion, I think, of a candle in a candleſtick, and the words Sperma Ceti wrote round it; he, for a conſiderable time being in buſineſs, had accumulated wealth, ariſing from his own induſtry, that had been added to, by acceſſion from his brother, more particularly than any other relation, which was ſome time about the year 1777 or 1778: In the diſpoſition of this acquired property he had made wills in an early period, and after the acquiſition from his brother of the property that is mentioned to you, he had likewiſe been in the habit of making his diſpoſition by will, and he had employed ſome attorney in whom he had confidence, and to that attorney he always imparted his wiſhes whenever he wanted to alter or re-execute his will, which, in point of law, in truth, is a new will; more additions or codicils to it may be executed as additions, but whenever it is executed over again, it is a new will to all intents and purpoſes, in law as well as in common ſenſe. Some time about the year 1780, his attorney, of the name of Falkner, died, on his death he employed a gentleman of undoubted ability and credit in his profeſſion, Mr. Mumford: in 1780, he employed Mr. Mumford to make his will, in which, as well as in the former ones, for in order to look back to former wills, and to collect the intention of the teſtator, it was neceſſary to turn back to ſuch as had been made in Mr. Falkner's life, which was done by this Mr. Mumford, in the year 1780, therefore, a will was made, the ſame executor, the ſame reſiduary legatee, in that will of 1780, that had been in the former will in the life time of Mr. Falkner: in the beginning of the year 1782, in February, Mr. Sawtell again wiſhed to alter his will, or, in other words, to make a new will, and to have his will new executed; in February, 1782, he made a will, the ſame reſiduary legatee, the ſame ſole executer, that was Mr. Thomas Slack, who had been ſo in the former wills that I ſtate to you, and continued ſo in the ſucceſſion of all the real wills that will be ſtated to you: his ſituation, in the year 1782, was this; he had a ſiſter who had lived in a courſe of life by no means agreeable to him, and indeed not fitting for her, ſhe had incurred his diſpleaſure, and had never entered into any of his wills as an object of his bounty, excepting an annuity of twenty pounds a year, that had at firſt ariſen out of a ſum of money producing nearly that intereſt, that had been left by the brother, that you will find in this will as well as this falſe will (as I now take the liberty to call it, becauſe that is the charge) that annuity remained as a proviſion for her; there was another ſiſter, what children ſhe had, and where they were, was perfectly unknown; it turns out, therefore, that a daughter of this other ſiſter had married one Spence, and gone to Jamaica, whether living or not he did not know, they are in none of the wills, neither in the real or the falſe will; Gentlemen, the teſtator had been in particular intimacy with Mr. Thomas Slack and a brother of his of the name of Robert, and ſo ſtrong was his confidence and his truſt in both of them, but particularly in Thomas, that in all the former wills he had made him his reſiduary legatee, and ſole executor; he had likewiſe, in his life time intruſted him with all his property; he had an iron cheſt in his houſe, where all his property, his bank notes, his watch, ſeals, and every thing that was of the moſt conſequence were uſually and generally kept; there were two keys to it, of which he was the keeper of one, the other Mr. Thomas Slack had, he had conſtant acceſs to and managed his affairs, his money tranſactions and every other buſineſs; he had, beſides his friends and relatives, a niece of his wife's, his wife had been dead many years, and a niece of her's that married Nathaniel Goodridge: She married one Haines before, and the manner and conduct of life of Mr. Haines was not very pleaſing to Mr. Sawtell, he became conſiderably indebted, and ſo did the widow after his death, to Mr. Sawtell, before ſhe married Nathaniel Goodridge; they married, I believe, five years before this falſe or true will was made; on the marriage he had paid the debts of Mrs. Haines, and had given Nathaniel one hundred pounds with her, who was then a carpenter and in buſineſs, for carrying on his trade as ſuch; he had, after this will in February, 1782, made an aſſignment of ſome leaſehold premiſes upon or near Saffron-hill, where he carried on his trade, and where Goodridge lived, he made an aſſignment to Goodridge, thinking it would help him in his trade, as the leaſehold premiſes had three or four years to run, thinking it would enable him the better to renew the leaſes with the landlord, he being in poſſeſſion of them: Mr. Goodridge, who had been a conſiderable time in getting this aſſignment, employs an attorney of the name of Gregory, a gentleman likewiſe, I believe, of very good character; he was the attorney who tranſacted that buſineſs of the aſſignment of the leaſe: Mr. Mumford being the attorney that he had always, from the death of Mr. Falkner, employed, Mr. Sawtell thought he had done enough for this niece of his wife's, and for her huſband; they had no children, he had done quite enough for her in this act of his bounty, beſides the portion he had given her; but whether he thought this act might create diſputes or contradictions in law, or how far this would be a revocation of his will in February, 1782, and this tranſaction paſſed in August, 1782, to prevent diſputes of that ſort is the only reaſon that can be aſſigned, as many tranſactions paſſed many papers neceſſary for him to ſign upon the occaſion, he did not know what might paſs at the time, and he made another will, which was his laſt real will and teſtament, as we mean to eſtabliſh before you on the 4th of November, 1782, after which time I believe he never did or thought of any teſtamentary act whatever; I ſay after the 4th of November, 1782; that is a material date, I will only burthen your memory with thoſe that are moſt material to your attention, and that is one of the moſt material: Mr. Mumford, who made that will, ſaw him duly execute it, and called in the witneſſes that Sawtell thought proper to have to his will; he ſealed it up in a cover, put two ſeals on that cover, the will itſelf was wrote on two ſheets of paper, a ſeal to each, and, I believe the ſignature of the teſtator; it was wrote on the outſide "The laſt will and teſtament of Thomas Sawtell." It was put into this iron cheſt, of which as I told you before, the two keys were kept in the manner I have ſtated; Mr. Slack was not preſent either at the inſtructions for making it, at the execution of it, or in any part of it, nor I believe in any of the former wills, that however may be more accurately ſtated to you by Mr. Mumford when he is examined: Gentlemen, the ſtory may now be neceſſary for me to touch upon, after having directed your attention to that material date, the date of that will, which is contended in the Commons by Nathaniel Goodridge, who was one executor, and Mr. Hunter an acquaintance of his, and alſo Mr. Sawtell's, to be the real and true laſt will and teſtament of Mr. Sawtell, and if it was, you ſee moſt clearly it would revoke all other laſt wills and teſtaments except the one he was executing, I think there he did not add the word of revocation, but in legal operation it would be a revocation: the 14th of December, 1782, is the next material date for you to recollect, it is very difficult to remember without referring to notes, and without reading them, and I came to town yeſterday, and have given this caſe all the attention I could, but if I am incorrect, I ſhall be very much obliged to any gentlemen of either ſide to inform me better, and to correct me: the 14th of December, 1782, is extremely material in this reſpect, from the 4th of November up to that 14th of December, or very near the time, ſome acts have been done, and I lay a great ſtreſs always upon what men do; I am not very old in the profeſſion, but I have had a great deal of painful experience on that head; I have always thought, that men taking different turns of mind, perhaps in company, in liquor, or in a thouſand different ways, ſomethings that they have ſaid, and ſomethings that they have not ſaid, are all very material to be noticed; yet theſe things are often miſunderſtood, and often much miſrepreſented, ſo that little attention merely to what people ſay, is to be paid: but it is very difficult indeed to forge men's hearts, you judge a man from his conduct, and not from his profeſſions, it is the moſt unerring rule that we know: Gentlemen, from the 4th of November to the 5th of December, the teſtator Mr. Sawtell, had continued all that confidence and truſt in Mr. Thomas Slack, that he had before poſſeſſed, uniformly and uninterrupted he continued this until towards the beginning of December, he found nobody elſe capable to conduct any part of his affairs nor even his walks to the Bank; and on the 5th of December, within nine days of this pretended falſe will of his, two ſolemn acts, one a general power of attorney to Thomas Slack, to manage all his affairs, the ſecond a particular power of attorney, ſuch as is called at the Bank, to receive his dividends and intereſt of his money, were executed: no acts that a man could do could be ſtronger than theſe; if you want to look at the regards of a man, look at the treaſure where the heart is generally ſuppoſed to be, thoſe whom he intruſts with that, are ſuppoſed to be the objects of every eſteem, of every affection, that he at that time ſeems to entertain: at the time of the execution of this power of attorney, on the 5th day of December, the teſtator was confined with a ſwelled knee to his bed, and had been for a conſiderable time. Gentlemen, the ſtory that is told in ſupport of this pretended, and this falſe will, is, that it was neceſſary that the execution of it ſhould be a profound ſecret, it was to be tranſacted therefore with the moſt profound ſecrecy, at night, in the ſtillneſs and the dead of night, about twelve the witneſſes were to attend, to be let in by Nathaniel Goodridge, who being as I have ſtated to you, a friend, and in that ſort of connection with Mr. Sawtell, as I have before mentioned, had obtained permiſſion to ſit up with him in turns all night, he had two ſervants at the time, a man and a maid ſervant, the maid ſervant, Elizabeth Spraggs, is unfortunately dead; the man ſervant, Edward Price, lived with him to his laſt dying moments, and was very much benefitted in the real will, as well as in the falſe one; I ſee a conſiderable legacy is left to him, as well as Elizabeth Spraggs, fifty pounds more in the falſe will than in the true will, that circumſtance ſhews the gratitude of his maſter, for his faithful ſervices: Gentlemen, this Edward Price will be produced to you; and he will tell you what is material, which is, that the very next day, (the 15th of December, the day after) that falſe will which is produced to you, with the teſtator's mark to it, dated on the 14th of December, on the ſuppoſition that he was ſo ill, and in ſo much pain, and ſo unable to write, that he was only able to make his mark, I ſhall prove to you that on the 15th of December he was out in a coach, and dined with Mr. Slack, though repreſented ſo infirm, and ſo impotent, that he could do nothing but make a mark, who never made a mark before or afterwards, inſtead of the name Thomas Sawtell, which he uſed to write: after the 15th of December, I believe he was never out, he was better and worſe in the afternoon, going to bed early indeed, I believe his liquor was brandy and water, which was his common liquor when he grew more infirm, whether it was made of equal ſtrength or greater as he found the want of it, but he was generally in the afternoon incapable of doing any ſolemn act, like that of making a will, and ſo conſcious was he of that, that he uſed to appoint ten or not exceeding twelve, knowing his own infirmities, and his turn to liquor, and the natural conſequences of it; at this hour Mr. Mumford will tell you all his appointments were made, and that he was particularly cautious in the due ſtrict punctual attention to that time: Gentlemen, he died on the 9th of February, that will be a third material date for you, the time of his death, during his illneſs, and the laſt confinement from the beginning, or if you will pleaſe to count it from the 15th of December; I do not know that he ever went out afterwards, though he might be up ſome times; during that illneſs ſo little idea had he of Nathaniel Goodridge, as the perſon to be intruſted with the execution of his will, that Price will prove to you, that his orders to him, were during his illneſs, that when at any particular time, he felt himſelf worſe than ordinary, and apprehended himſelf in more than ordinary danger, that he ſhould ſend for Mr. Slack; he once found himſelf in one of theſe ſituations, in which it would be comfortable for him to have Mr. Slack, it was between one and two o'clock in the morning, he ordered Mr. Price to go to Mr. Slack; Price who thought he had been dozing, and waking, did not go to Slack, and he went to ſleep again; about three days before he died, I think on Thurſday the 6th of February, the laſt time he ſpoke intelligibly, or ſcuſeably; he returned his thanks to Price, took him by the hand, thanked him for his long and faithful ſervices to him, wiſhed him his health to enjoy what he had left him, and hoped that Mr. Slack would be punctual in paying him; you ſee that makes it impoſſible for this man to have left another executor: On the 14th of December, and on the 6th of February, he gives theſe directions about Slack, to him they were to look for payment, he was to be ſent for, every thing was to be entruſted to him; every thing was to be done by him: theſe are the natural genuine effects of a man's real mind and will. Gentlemen, after this tranſaction, it will be proper to tell you the ſtory of Underwood. This Underwood, one of the witneſſes to the will, and the writer of the will, tells a ſtory, I think from the 18th of December, 1784; in December twelvemonth at the Public Office, in Bow-ſtreet, before Sir Sampſon Wright, upon an affidavit there made, his ſtory is, that having been concerned for a Mrs. Reeve, ſometime antecedent to the year, 1782; becauſe the tranſactions I am going to ſpeak of, happened in 1781; he had been concerned for her as a woman in poor circumſtances, and having a Chancery ſuit, he was not a man of circumſtances, and could not afford to advance, nor had he credit for the expences of that ſuit; the conſequence was, that ſhe was an acquaintance of Mrs. Nathaniel Goodridge, ſhe applied to her, and the ſtory was told to Mr. Sawtell, concerning this ſuit and the poor woman's right, and I think he was induced in 1782 to contribute five guineas towards it on the ſtory that Underwood told, that, he ſays, is the only time that he ever ſaw Mr. Sawtell to know him; he will tell you that at the execution of the will there was ſomebody in the bed, whether it was Mr. Sawtell or not, he did not know; that having ſo far a knowledge of Nathaniel Goodridge, for he had none of him before, nor of Mr. Sawtell; but as I have told you, his ſtory goes on to ſay, that about the latter end of November, and in this he will be confirmed by his wife, who was preſent at ſeveral of the tranſactions and her maid; that towards the end of November or beginning of December 1782, Nathaniel Goodridge had frequently been applying to him about getting a will from Mr. Sawtell (all that I ſay now, you will take to be his ſtory) it was intended that Underwood ſhould draw this will, ſometime paſt, he found his total inability to draw a will for a man whoſe circumſtances he knew nothing of, and whoſe fortune, where it lay, or what it conſiſted of he was a ſtranger to, he therefore ſaid it was not poſſible for him to do it: then the ſcheme was formed of getting at his will; it was known perfectly that he had made a will, and it was ſuppoſed, and perhaps known, that that will was in favour of Mr. Thomas Slack, for they knew there was a will; the thing then was to get at this will, which would inform them of all the circumſtances they wanted to know, if that could be ſo managed, and you will ſee evidently and clearly, that the firſt part of the falſe will is copied from the true will; there are ſeveral legacies charged in it, there are the two young Haynes's, who are ſons of Mrs. N. Goodridge before her marriage with him; for one of them that the teſtator had provided ſo much money to put him out apprentice, he had provided for one of theſe boys, and meant to provide for the other, they do not appear to have legacies in the true will, but in the falſe they have legacies of three hundred pounds each, Mrs. Goodridge has a gold watch; there are a family of Evans's, (not the priſoner) George Evans and his ſon, (the ſame name as the priſoner) they have three hundred pounds given to them; but the great change to be effected, (the reſt I ſuppoſe was to give a colour) but the real change was the bulk of the eſtate, the reſidue; therefore to change Nathaniel Goodridge for the reſiduary legatee and executor inſtead of Mr. Slack, who was the ſole executor and reſiduary legatee, that was the main object of the will; it was determined to get at this will, how it was I cannot tell you, nor can Underwood, but by the relation of Nathaniel Goodridge, he got ſomebody to make him a key of this cheſt, out of which he might get the real will; a ſuſpicion fell on a lockſmith in the neighbourhood, and as it is impoſſible to aſk him the queſtion, as it muſt make him an accomplice in the buſineſs, I ſhall not call him to give evidence which muſt diſcredit him; it is plain from his relation to Underwood, that he had a pick-lock key that would open and ſhut this cheſt; and on the 14th of December, which was the firſt time he ſat up with the teſtator, that night they went about eleven o'clock, and were let in by Nathaniel Goodridge, by a hem, which was a ſign by Underwood; there were the attorney, James Evans, who was a publican at the Cooper's Arms on Saffron-hill, and the brother of Nathaniel Goodridge, they were let in, they made reſearches, Nathaniel got the bunch of keys, and tried an eſcrutore, and the bureau, and theſe keys opened it, but the key of the iron cheſt happened to be in Price's cuſtody, and he being in his room, Nathaniel could not go into that room without waking Price; the truth therefore, as related by Underwood, is that they did not get at it at this time; this diſconcerted the plan conſiderably, therefore nothing could be done till this will was got at, that was to be the guide, that was to be the ſort of proceeding by which Underwood was to ſteer; accordingly they waited ſome time, and in the firſt week in January, Nathaniel ſaid he had got the key, and they got the cheſt open, the will is found, it is read, there is a pen, ink, and paper for a will, and Underwood ſat down and copied that will, and the copy of that will is ſtill exiſting, the copy of the will of the 4th of November; he next proceeded to take inſtructions from Nathaniel, how he would wiſh to vary it; now this, you will obſerve, is ſaid to be by the date of the 14th of December, and they did not get at it by this ſtory till the firſt week in January; about the 20th of January, or ſomewhere thereabouts, the firſt opportunity they had to meet after, it was agreed that Underwood ſhould go to Nathaniel's work-ſhop, where he had a little ſort of compting-houſe; they went there, and this you will ſee, when I come to ſtate the confirmation of the ſtory, was upon the 21ſt, which is as near the time as can poſſibly be gueſſed: upon the 21ſt he copied about one ſheet then, Nathaniel was with him afterwards; the next night he came again, Nathaniel was with him, and he copied the other ſheet; the other part of this will was performed, if this ſtory is true, on the 22d of January: on the 23d of January every thing was ripe for execution, and you will ſee on the 23d of January, (the will that they exhibit is not the will of the 23d of January, I will tell you the reaſon by and by) this will of the 23d of January they all of them attend, Goodridge ſits up, they are let in upon a ſignal, they go up into the teſtator's room, pulling their ſhoes off that they might not diſturb the ſervants, who did not know the faces of any of them except Nathaniel; Nathaniel being cloſe to the teſtator, who was in bed, and the others of them at the foot of the bed; Nathaniel put a pen into the hand of this Sawtell, who was then in one of the ſtates he uſually was in, or in ſleep, and made a mark to this will, they then went down into the parlour, and ſubſcribed their names to it, and the buſineſs was thought to be done: however the next day, or the day after that, within one or two days after it, before the 26th of January, which I think was on a Sunday, they met and had a conſultation at this Underwood's, and Nathaniel did not like this date of the 23d of January, for ſo that will attempted to be executed on this day was dated; why, ſays he, Slack may be able to prove him incapable on that day, it may be too late: the queſtion then was, what date to give it, and they gave it the date of the 14th of December, that being a time before he was ſo confined, as to be incapable of executing wills, that being the firſt time that Nathaniel had ſat up with him; the conſequence of which was, the ſeal, and I believe the name, that is the mark, was taken off by way of cancelling this will of the 23d of January, and a pen drawn through the 23d of January, and the 14th of December put, and then it was fixed that Underwood ſhould come on Sunday, the 26th of January, and dine at the houſe of Nathaniel, and then he ſhould write the will, and that will ſhould be then prepared; and that will of the 26th of January is the real one, exhibited here as the will of the 14th of December: when this was done, the three witneſſes ſigned their names there; they did not meet after that 26th of January, they had not the impudence and folly, as well as the wickedneſs of going to the houſe; but Nathaniel ſaid, as to the mark of the name, leave that to me; and the will now produced, with the ſuppoſed mark of the teſtator; when that mark was put there nobody but Nathaniel himſelf knows, nor how it came there; it will be for your obſervation, and it is pretty apparent on the face of this inſtrument, of the falſe will, that that mark was not put at the ſame time of the ſubſcribing the names as witneſſes, but at a different time, being written with a different ink, blacker; that is a very ſtrong mark of the truth of this ſtory. It had been in contemplation to apply to a Mr. Aſſiotti, who is ſuppoſed to be an ingenious man at that ſort of imitation, and he was to be ſhewn pieces of paper where the name of Thomas Sawtell was written, to imitate it: Gentlemen, with reſpect to the true will, which had been ſo put in a cover, they took two blank ſheets of paper, that it might appear in the ſame ſtate as when the true will was incloſed in it; they ſealed up this covering in which the true will had been incloſed with the ſame covering, and this deception ſo paſſed on Slack, that he took it to be the real will, he therefore had no ſuſpicion of the deception; there were ſome pencil marks, which were a ſort of direction how and where the name was to be wrote; however that did not take effect, Mr. Aſſiotti not being at home, nothing was done on that occaſion at all: Gentlemen, when this tranſaction, therefore, on the 26th of January, was performed, there wanted nothing but the death of this poor man to bring this falſe will to light; when he died, the parties being ſent to, they came, Mr. Nathaniel Goodridge was there, Mr. Slack, Mr. Gregory the attorney, for Nathaniel had the art, and the ingenuity, at that time to ſend for the real attorney, a man of character; Mr. Gregory, he comes, and enquiry is made whether there is any will, Nathaniel Goodridge produces this out of his pocket, Mr. Slack never dreamt of ſuch a thing; he went home, in the preſence of his partner Mr. Atkinſon opened this cover, and there he found the two ſheets of blank paper: Mr. Mumford being a man of experience and ability, he was too inquiſitive for this kind of buſineſs; he wanted the inſtructions of this will and the draught, this was a pinching part of the buſineſs, however they told him they were in Underwood's hands, and would be produced in proper time; without that, I take it for granted, Mr. Gregory would have had nothing to do with the buſineſs; upon this occaſion, the day after Mr. Sawtell's death there was another conſultation, then it was concerted that Underwood ſhould draw up pretended inſtructions, and copies ſhould be made and ſhewn to Mr. Gregory, and it was ſo, and they impoſed, as naturally they would, upon Mr. Gregory; theſe inſtructions were written at his own houſe the 16th of Febuary, the actual date when theſe inſtructions were written, that was the Sunday following the will; inſtructions for a will of a man who died on the 9th; in fact they were really, and in truth wrote the 16th, ſo this man tells the ſtory; and you will ſee, when I come ſhortly to open the corroborating circumſtances, that they appear to be true: when they came to ſhew the inſtructions, and the copies to Mr. Gregory, as he wrote the originals, as will be ſhewn to you in an incorrect way, and in a looſe way, as ſuppoſed to be taken before the man himſelf, in order to imitate that which would be the natural effect of inſtructions ſo taken; he wrote them in that way, he likewiſe made a copy of the real will of the 14th of November, when he had got this, the draught of the true [illegible] of the 14th of November, he gave it to his wife to keep, ſhe put them into her pocket; it happened very unfortunately that ſhe being very big with child, was brought to bed ſuddenly, and the papers were all ſo extremely dirtied, that they were obliged to be put into a tub of water, and that draught of the 23d of January, ſeems to me to have been burnt, for this reaſon, that it was ſo defaced that it was of no poſſible uſe, the other two will be ſhewn to you; then they wanted a date to theſe inſtructions; then Mr. N. Goodridge ſet his wits to work, let me ſee, ſays he, Mr. Sawtell was at my houſe, the 4th of November, I went with him the 9th, being Lord Mayor's day, to tallow-chandler's hall, therefore the 6th of November will be a proper day, you can ſay you met him at my houſe, and he brought the will to you; that he ſuffered you to copy that will on the 6th of November, and on the 9th, he gave you more perfect inſtructions how he would have it altered, therefore theſe are the two ſuppoſed times; then on the 9th of November were theſe inſtructions to be dated: now gentlemen, with reſpect to the circumſtances confirming this ſtory of the man, I ſhall call to you one witneſs, who will prove to you, the conſultations about the wife of this man getting Aſſiotti to write the name; I ſhall prove to you that when that failed by the journeyman of Mr. Goodridge himſelf, who was in the ſhop at the time that he came, on the 21ſt of January, with Underwood, and they were there four or five hours, Underwood writing, and the other looking over, I ſuppoſe dictating, the man taking no notice, but going about his work, making ſome rail work that wanted to be finiſhed, and which obliged him to work later than uſual; this man ſeeing a part of the writing hang out, after Underwood and Nathaniel were gone, he had the curioſity to ſee what this Underwood had been writing, and there he read the name of Sawtell, and ſaw two or three legacies; he likewiſe was at work on the 22d of January, when he was writing a further part of this will: I ſhall call to you a witneſs, that will prove to you, that Evans, one of the priſoners, applied to a gentleman of the name of Hudſon, a pewterer, a gentleman of character, as I am informed, to be a witneſs, ſuppoſing that Mr. Goodridge could not be there, however he was there. Hudſon did not chuſe to have any thing to do with it, and had nothing to do with it; that is a deciſive circumſtance, to go no further, that there was no true will on the 14th of December, it is of itſelf deciſive; therefore, if that witneſs is believed, there is an end to be ſure, of this matter. Gentlemen, I will confirm it further, on that 26th of January, I will ſhew, Underwood was writing on the 26th of January, when he was making the will that is now produced, that he was a conſiderable time, on the 26th of January, a writing, at Nathaniel Goodridge's, I will prove to you, that he ſtaid and dined there, I will prove that to you, by Goodridge's maid ſervant, that Underwood was writing, though ſhe cannot tell what, that all the witneſſes were there at that time, that Underwood ſays the three put their names to it, and that Nathaniel Goodridge undertook to get the teſtator's mark to it; there again, on the 26th of January, if there had been a will on the 14th of December; if there had not been a reaſon for altering it, why this new work; but I go further, I call to you a man of reputation on Saffron-hill, Mr. Eames, who I believe was the ſucceſſor to Mr. Sawtell in his buſineſs, when he left off, which was in 1781; I will prove to you, that on the 26th of January, Daniel Goodridge, with a good deal of concern, and in a very ſorrowful tone, came to him, and told him, at his ſhop, ſays he, Mr. Eames, Mr. Sawtell is very ill, he is confined, he has ſpoken very favourable of you, he has mentioned his intention to diſpoſe of his eſtate, and to leave me the bulk of his fortune, and to alter his will; the expreſſion is very remarkable, *and to alter his will!* alter his will! what on the 26th of January, alter his will, if it was complete on the 14th of December! it ſhewed it had not any exiſtence antecedent; ſays Mr. Eames, I am afraid nothing can be done without Ned and Betty, ſo he called the two ſervants, the man and maid; ſays Nathaniel, you are intimate in the houſe, you know them, I wiſh you could apply to them, and get them in my favour, then ſomething may be done; Mr. Eames ſaw Nathaniel Goodridge and Evans in the fore room, after what had paſſed at the ſhop, on the ſame day, and there repeating again this wiſh, that Mr. Eames would be his friend, and aſſiſt him about Ned and Betty; Evans ſays, "O! get it done, d——n it, get it done;" get what done? why it was all done if this was true: Gentlemen, this ſeems to me ſo impoſſible to reſiſt, and ſo unanſwerable, that I do not know what to add to it; if it did want further circumſtances, you would have a great number of circumſtances, that would be leſs material in a caſe like this, and particularly about money that had paſſed among them; for on the 9th of February, Nathaniel Goodridge came to the houſe of Underwood; Leonard Goodridge and Mr. Underwood were above ſtairs, in coming down, and going away, Leonard gave her five guineas, at the bottom of the ſtairs, he put five guineas in her hand and ſhook hands with her huſband, and ſaid, while the cart is going it's right to greaſe the wheels; he ſhook the huſband by the hand, and ſaid, he hoped they ſhould all ſtand true to each other; this is on the 9th of February, immediately after the death; another five guineas was given afterwards, that will be proved to you by the daughter, Suſannah Underwood, who went there in conſequence of a letter, as it had been promiſed that Evans would come there in a day or two, and though the tranſaction ſhe did not ſee, ſhe heard money on the table; this account appears likewiſe from a writing of Nathaniel himſelf, five guineas was ſuppoſed to be left in March, 1783, it is put down March, 1783; however, there is another account follows it of goods that have been had upon credit, neceſſary things, ſuch as tables, chairs, bedding, &c. to the amount of eighteen pounds, then another figure added by Underwood himſelf of five guineas more, making twenty-three pounds ſixteen ſhillings, this was to go in part of the account, and I will ſtate to you another circumſtance that ſhews that the account was kept with this view, about the 7th of April, or ſomewhere thereabouts, this matter being depending in the Commons, a caveat, as it is called, was entered by Mr. Slack, to prevent the probate and the executorſhip paſſing there to Mr. Goodridge: Evans and Underwood did not chooſe to truſt to the honour of Nathaniel Goodridge for their ſhare of this booty, and it was then propoſed that two bonds of eight hundred pounds each to pay four hundred pounds, one to Evans and the other to Underwood ſhould be given, Underwood was for taking this bond, and they ſaid, no, the matter has not been decided in the commons, though it appears to be an abſolute bond on the face of it, it is really meant to be conditional, and not to be paid till the probate is obtained, upon which the bond for Underwood is depoſited with Evans, and Evans gives an accountable receipt for that bond to Underwood, and I will prove to you the hand-writing of Evans; I do not read it to you now becauſe it will be ſufficient to be read in the courſe of the trial, it was that four hundred pounds ſhould be paid and diſcharged as ſoon as it was determined in the Commons, that is the ſubſtance of it: towards the end of the year 1783, the ſum of five guineas was paid: the bond of Nathaniel Goodridge to Evans, was frequently talked off by Underwood, and he was to deduct theſe ſums out of that bond; there were applications made to Nathaniel Goodridge over and over again about money, by Mr. Underwood ſeveral times, and there is a letter from Mr. Goodridge to Underwood where he writes thus, “I received a few lines “from a friend of yours, and wiſh I had “it in my power to help you in your diſtreſs, but you have called upon me ſo often that I have diſtreſſed myſelf, (till this tranſaction Mr. Underwood knew no more of Goodridge than I do, he goes on) “I am aſtoniſhed at your ſending to “me now, and becauſe I have not trouble “enough of my own, I muſt be teazed “with Mr. Underwood's affairs, and I “promiſed you, and I believe Mr. U. “thinks little about it, when you have “got your turns ſerved; remember the “laſt time when your turn was ſerved “it was all well, but as to promiſes they “are all forgot.” This he writes to her whom he had not written to on any other tranſaction than this buſineſs. Gentlemen, I ſhall alſo prove to you, that Mr. Underwood applied to Mr. Todd, a perſon who dealt in ſpiritous liquors, to advance him money, which Todd could not or did not chuſe to do, when he would have pledged this receipt for the bond, as a ſort of ſecurity for the money, and this long before any diſcovery had been made: now, you ſee all theſe tranſactions paſſed in the year 1783, and confirms his ſtory, they being antecedent to the 18th of December 1784, when he went before Sir Sampſon Wright, and made this voluntary confeſſion, from ſome motive that I cannot ſtate to you, no matter what; whatever therefore his character may be, he is certainly ſuch an accomplice in this iniquity, that tho' he could prove it extremely ſtrong, you would not attend much I am ſure to his ſtory, but coupled with theſe antecedent circumſtances, you will learn what the real tranſaction was, and this circumſtance as well as the others you will not forget, namely, the application for a witneſs on the 23d of January, and the application to Eames on the 26th;

all clearly ſhew that theſe things had not exiſted in the teſtator's mind; for Slack was the only perſon he had the leaſt idea of as is repreſented: I conclude, therefore, gentlemen, with ſaying that long as this narration has been, I ſhall not mind my own trouble at all, if the caſe is made plain to you, you will therefore judge where the probability is, that this man ſo circumſtanced, and in the ſituation I have ſtated him, ſhould ever make that will on the 14th of December: that is for you to try; if he had made it the 23d of January, and dated it the 14th of December; it would be equally a forgery, though the teſtator himſelf might have executed it on the 23d of January, and for this plain reaſon, the antedating it, and executing it when a man might be incapable; that would therefore have been, without all controverſy, as much a fabrication and forgery, as the preſent. Gentlemen, I will call theſe witneſſes before you, beginning with Mr. Mumford, the former attorney; as it ſeems to be my Lord's wiſh and directions, that it ſhould be ſo, to bring the circumſtances before the ſtory of Underwood; and it will be all ſo connected, and ſo ſupported, that there can be no doubt in any man's mind of the truth of Underwood's ſtory, and it can hardly then be ſaid, that a man in the ſituation of Underwood would come in this laſt ſtage and give this account, if it was not the force of truth that extorted it from him: the whole will be left to you, it will be made as ſhort as can be; if I was to call the whole train of witneſſes, it would lengthen this trial much more, for I know not how many ſcore there are, but I told you before, I paid little or no regard to declarations, but to the acts of a man; we will, therefore, in as ſhort a manner as poſſible, conſiſtent with juſtice, lay this extraordinary caſe before you.

### HENRY MUMFORD *ſworn*.

I am an attorney in Arundel-ſtreet, in the Strand, I knew Mr. Thomas Sawtell, on Saffron-hill, in the year 1780, I was recommended to him on the death of Mr. Falkner, his late attorney, he ſent to me to alter his will, that was in November 1780, I did alter his will, which was executed in due form of law.

Did he ever employ you afterwards?—He did.

How often?—With reſpect to making his will twice; in February 1782, I prepared another will for him, and another on the 4th of November, 1782, that was the laſt will, the firſt was deſtroyed, that was the will of November, 1780, and the one in February, they were deſtroyed in my preſence.

Have you the inſtructions for that will in the year 1782?—Certainly not, they were very immaterial.

*Mr. Erſkine.* You are an attorney?——Yes.

Did not you take inſtructions from the teſtator for the alterations of his will?—I certainly did, but I do not know where they are.

Did you make any draught?——Yes, that will be produced.

With reſpect to November, 1780, did you make no draught of that?——No.

Did you take down no inſtructions in writing?—I cannot remember.

You muſt tell me one way or the other, whether in November, 1780, when you made this gentleman's will, you took any inſtructions in writing?—They were merely trifling.

Will you ſwear that you never had any inſtructions or any thing in writing of the will of November, 1780?—Certainly not.

You never had?—Not to the beſt of my remembrance, I had not.

Have you ſearched for if?—A conſiderable time ago.

Have you made a recent ſearch to attend this trial?—I have not.

Then, Sir, it ſeems to me rather ſtrange that you cannot ſwear you have none ſubſequent?—I do not recollect I had any inſtructions in writing, about the will of 1780.

I aſk you, if you ever had any inſtructions in writing from the teſtator?—I verily believe I had not them in writing.

If you verily believe that, you muſt have believed it when it was ſtill more recent; did you ſearch for it, Sir?—I do not ſay I ſearched for it, I ſearched for all papers generally.

Then you mean to ſay you have not any ſuch paper that you can prove to the Court, concerning November, 1780?——No, Sir, none.

*Mr. Silveſter.* Now tell us concerning that will of 1780.——Mr. Daniel Slack was the reſiduary legatee, and the ſole executor in the will that I ſaw, which was made before that which was prepared by Mr. Falkner.

The ſecond will was in January, 1782?—Yes.

—Had you the inſtructions for that will?—No, I had not, I drew a draught of that will, I believe it is in the Commons.

*Mr. Erſkine.* This you conſider now as a draught of the will itſelf, for the inſtructions are loſt you ſay; in February, 1782, there was a draught of the will, which was taken from ſome preceding inſtructions?—Yes, from his former will.

Then when you came to make another will, in November, 1782, that very draught was altered?——Yes.

Then that which is now in the Commons, and which is now called for, is, in fact now, the draught of the will in November, 1782?—Yes, but I believe there may be ſome little inaccuracy, which I can explain.

Let me underſtand you; the draught of the will of February, 1782, when you came to make another will in November, 1782; you made it by altering the will of February, 1782?——Yes.

Then that paper in February becomes the draught of November, 1782, though it was originally the draught of February, 1782?——Certainly it is.

*Mr. Erſkine.* My Lord, I object to this being read, either as the draught of February or of November.

*Sir Thomas Davenport.* The draught of February, 1782, when you made the will in November, 1782, was, as I underſtand you, the draught upon which the alterations were made?——Yes.

Was that will read to the teſtator?—Yes.

Are the alterations for November, 1782, now viſible on the face of that draught?—I do not know that they are.

Then look and point them out?—I do not think that I can do *ſo*, but I can very near deſcribe them.

Was *th*[illegible] *in new* [illegible]*de*, read [illegible] to the teſtator, prior to his making the will in 1782?

*Mr. Erſkine.* Sir Thomas, I muſt beg your pardon, I muſt really interfere.

*Sir T. Davenport.* Was *any* draught read to the teſtator, prior to his making the will in November, 1782?—Yes, I believe there was.

Was *that* draught read to the teſtator, before he made the will of November, 1782?—I cannot anſwer that.

*Mr. Erſkine.* That would not alter my objection in the leaſt.

*Court.* The objection is this, that this being altered, and he not being able to diſtinguiſh the alterations that ſtood originally, he cannot now read it as the draught in February; now you may ſee how far you can read it as the draught of November.

*Sir T. Davenport.* Was any draught read to the teſtator before he executed the will of November, 1782?—If any draught was read, it was that; but no doubt he was made acquainted with the contents.

Do you believe any draught was read to him, in November, 1782?—I do not know whether the draught was, but the original will was, from which that is copied?——Then is this a copy of the original will?—Moſt certainly it is.

*Mr. Erſkine.* My Lord, I ſubmit this cannot be given, as evidence of a draught either in February or November.

*Court.* Certainly not, you cannot produce the draught before you ſhew that the original is deſtroyed.

## ROBERT SLACK *ſworn on the* Voire Dire.

*Court.* As this is a long trial, if the priſoners wiſh to be accommodated with chairs, they may.

*(Two chairs brought into the bar.)*

In this ſuppoſed will that Mr. Sawtell is ſuppoſed to have executed, you was ſet down for a legacy of one thouſand pounds?——I was.

You know there is a ſuit in the Commons, in which two wills [illegible] in conteſt; one the 14th of November, 1782, and another of a ſubſequent date; you are a legatee in both theſe wills?——Yes.

*Mr. Pigott.* I ſubmit, my Lord, it is enough, that he has an intereſt.

*Sir T. Davenport.* Have you a releaſe?——I have.

*Mr. Pigott.* You releaſed?——I have.

You have no expectations of receiving the money?—No, Sir.

No part of it?—No.

You have entered into no private agreement about it?—I never mentioned it to any body.

That will not do for me?—My expectations may be upon my brother, but never while he lives as I know of, my brother has no children, and there is no relation but me.

Have you no expectation of receiving from your brother, or from any other perſon on his behalf, any part of that legacy?—No, Sir; are you ſatisfied now.

Now Sir, obſerve, have you entered into no ſtipulation with any perſon about it?—I never mentioned it to any perſon, but what I ſaid was, I had given one thouſand pounds away; the proctor mentioned it to me, and I ſaid, I would do it immediately.

You made no ſtipulation at all?—Not the leaſt.

*Mr. Fielding.* This is a very uncommon examination after a releaſe.

*Mr. Pigott.* In anſwering one of my queſtions, you uſed the word expectation from your brother?—My expectations are from him as next of kin and heir at law.

*Court.* Heir at law is no objection, that does not diſqualify, an heir at law may be a witneſs, but a remainder man cannot.

(*The releaſe read by the Clerk of the Arraigns, ſigned* Robert Slack.

"Know all men by theſe preſents, that I Robert Slack, legatee in the will of Thomas Sawtell, dated the 14th of November, 1782, have remiſed, &c. to Daniel Slack, of Newgate-ſtreet, London, cotton merchant, his heirs," &c.

*Mr. Erſkine.* My Lord, that is no releaſe of this legacy; my objection is, he ſtates himſelf to be a legatee in the will of Mr. Sawtell, and then goes on to releaſe in general terms, but he does not ſpecially releaſe this legacy; now I humbly contend this legacy is no action, nor cauſe of action, it is a claim to which the executors muſt conſent, and it ought to be ſufficiently releaſed by name.

*Mr. Pigott.* My Lord, I ſay this releaſe, which is a releaſe of all debts and demands due from Daniel Slack to Robert Slack, upon the day of the execution thereof, would be no bar to a claim by a bill in equity, and there is not a doubt in law, but it is an equitable claim, upon which he may go into the Court of Chancery whenever he pleaſes, and to which this would be no bar; and I beg leave to put this queſtion, whether any man in buſineſs ever heard of a releaſe of a legacy, by filling up a common blank releaſe.

*Mr. Shepherd.* At the time that releaſe was executed, he certainly had no claim on his brother, for Daniel Slack does not appear at preſent to be the executor of that will, for there is no probate granted, the uſual way of doing buſineſs will certainly have ſome weight, nobody yet ever ſaw ſuch a releaſe without the legacy being releaſed ſpecifically, he releaſed ſomething which did not exiſt, it depends on executors having effects, it depends on the executor's aſſent; the only thing in the releaſe is ſimply, that he chooſes to call himſelf a legatee, he does not call his brother Daniel executor.

*Mr. Garrow.* My Lord, as counſel in this caſe, in the ſituation in which I ſtand, I certainly might ſpare myſelf the trouble of arguing this point, becauſe it ſeems to me to be too clear to argue; but as there is ſuch a great phalanx on the other ſide, I ſhall throw in my mite upon this queſtion; and I beg leave to obſerve, how does this man releaſe his brother? not even in the character of executor; but if he did, it is a character that does not belong to him, he is not executor, there is a litigation in the Commons, in the reſult of which we ſay it will not prove that he is ſo: My Lord, ſuppoſe the executor may renounce, the execution will then be committed to the next of kin, he is not in a ſituation to accept of that releaſe; and your Lordſhip knows there muſt be ſomebody in eſſe, capable of accepting and aſſenting to the releaſe; now, my Lord, is Mr. Slack ſuch a perſon? is he the executor of that will of Mr. Sawtell's? there is no ſuch will known to any body, which the Commons have aſſented to as a true will, and there is no probate of any ſuch will: ſuppoſe the next of kin ſhould, upon the renunciation of this gentleman, Mr. Slack, have the probate, would this be a bar as againſt the next of kin, why he would ſay, though I will not bring an action againſt my brother, yet when it is committed to other perſons, I will bring an action; would this be a bar to that action? now obſerve what does he releaſe? he releaſes all debts and claims now actually due, all claims and rights of action now veſted in him, he releaſes nothing which he at preſent poſſeſſes, and this cannot be a bar to any future intereſt he may acquire.

*Court.* There is nothing in this objection, it is ſaid this would not be a good releaſe in equity, the perſon ſtates himſelf to be a legatee, the general words are ſufficient, all ſuits in equity, quarrels, &c. My Lord Coke ſays quarrels are the ſame as querula, the moſt comprehenſive word whatever.

### SIMON ALLEN *ſworn on the* Voire Dire.

This is my hand-writing, I ſaw it executed, it is a releaſe in the Commons.

### ROBERT SLACK *ſworn in Chief.*

I knew the deceaſed Sawtell ſeven years, I have lived in intimacy with him the laſt three years, my brother was in a degree of intimacy, I do not think there was hardly a day paſſed but what they ſaw each other, particularly as Mr. Sawtell not having much to do, he came there almoſt every day, he was rather infirm and could not go out without ſomebody to attend him, he uſed to go to a particular friend to ſee the news-papers, which I uſed to read to him, I ſaw him for the laſt three years, almoſt every day.

There did ſubſiſt a great intimacy between the gentleman at the bar, Nathaniel Goodridge, and him; when he went up the hill he uſed to call and ſee Mr. Nathaniel Goodridge, I dare ſay Mr. Sawtell knew Leonard Goodridge, and was acquainted with Evans.

Where did Sawtell live at the time of his death?—In Brook-ſtreet, he removed there in January, about twelve months before his death.

Do you know any thing of the manner in which he uſed to keep his treaſure or his papers?——That was in an iron cheſt in a cloſet, cloſe to his papers, a very large cheſt, it had only one lock, I fancy it was near a yard over, it was better than three quarters, I do not know what became of that cheſt.

Your brother did not take it?——No, Sir, that I verily believe he did not.

How many ſervants had Mr. Sawtell?—He had a man and a maid ſervant.

What were their names?—Edward Price and Elizabeth Spraggs; the maid is dead, they had lived with him all the time I knew him, which was ſeven years.

Do you know the confidence that Sawtell placed in Price?——Very great indeed, he lived with him to the day of his death; ſome time previous to his death he was infirm.

Was it a cuſtom that his ſervant uſed to ſit up with him on a night?——No, Sir, not till he was very ill; I ſat up with him for about a month, till within three nights of his death.

When did he die?——He died the 9th of February, 1783.

You was ſaying ſomething of three days preceding his death?——Yes.

Did you ſet up with him the night of his death?——No, Sir, Nathaniel Goodridge

ridge did, three days before his death I might ſet up with him.

Now Mr. Slack having this iron cheſt, did you ever ſee him go to it?—Not himſelf, he could not open it.

Did it ever happen to you to perform this office for him?——Very often, two or three times a week, I looked into it the very day before his death.

Where did you get the key from then?—My brother opened it himſelf, he had the key by two powers of attorney to tranſact his buſineſs, I underſtood they were given the beginning of November.

When was it that you underſtood your brother was firſt in poſſeſſion of the key of this iron cheſt?——My brother had one key.

*Mr. Erſkine.* You are not to ſtate what your brother ſaid to you?——I am not ſaying what he ſaid to me, I ſay that for three years before Mr. Sawtell's death, Mr. Sawtell placed that confidence in him, that he let him have a key of the iron cheſt.

BENJAMIN HUTTON *ſworn on the* Voire Dire.

*(Looks at two Powers of Attorney.)*

Is that your hand?——Yes.

Did you ſee theſe two powers of attorney executed?——Yes.

*(Read, being a Letter of Attorney to receive dividends, ſigned* Thomas Sawtell to Daniel Slack, dated December 15, 1782. Witneſs, William Wilkinſon, Benjamin Hutton.

*Mr. Silveſter.* How long did you know Mr. Sawtell?——A little time before the year 1779, I cannot recollect the particular time.

Did you know Mr. Daniel Slack?——Yes.

Was there any intimacy between Mr. Sawtell and Mr. Slack?——Yes, very great.

*Mr. Fielding to Robert Slack.* Did you know the wife of Nathaniel Goodridge?—Yes, perfectly well.

What relation was ſhe to Sawtell?——I believe ſhe was his wife's niece.

Do you know of any money at any time, given to her by Mr. Sawtell?——At the time of the marriage he told me he gave her one hundred and fifty pounds, or ſomething thereabouts, he ſaid ſhe owed him at the time ſixteen years rent, he was very glad ſhe was going to be married, and forgave her the rent, for he was glad ſhe was going to be married, as he ſaid that he ſhould get rid of a plague.

When was it ſhe married?——I cannot recollect.

Do you know of any application made at any time after that, either by Nathaniel Goodridge or his wife to Mr. Sawtell for aſſiſtance, and what was Mr. Sawtell's behaviour on that occaſion?——I remember they made application for five pounds to put out the child apprentice, which I gave to Mrs. Goodridge, I know of no application of Nathaniel's only by hearſay.

Do you know any thing of a Mr. Underwood?——I have ſeen him three or four times, I knew him in the Fleet priſon, I did not know any thing of him prior to the death of Mr. Sawtell, I never heard Mr. Sawtell mention his name.

I believe you know ſomething of the making that firſt will which is ſaid to be loſt?——I knew Mr. Sawtell to make five, and I think I was at the execution of the laſt.

You remember the will before the 4th of November, the firſt of the three?——Yes, that was made, I think, the latter end of the year, 1780, in November, I was preſent and put it into the cheſt by the deſire of Mr. Sawtell.

Were you privy to the contents of that will?——I heard it read over.

*Mr. Erſkine.* Did you read it yourſelf?——No, it was read to the teſtator and executed.

Does your memory ſerve you to ſpeak of what Mr. Mumford read, purporting to be the will of Thomas Sawtell?——Daniel Slack was executor and reſiduary legatee.

*Mr. Fielding.* Was Mr. Sawtell at that time ſo infirm as not to be able to open the iron cheſt himſelf?——He could not.

Do you remember any thing of the ſecond will?——Yes, in the beginning of January, 1782, I think it was Mrs. Sawtell, that is his brother's widow, died, he had ſome money came to him, and he altered his will. That will was read over to Mr. Sawtell in my preſence, Daniel Slack was executor and reſiduary legatee.

Was there any notice taken of the Goodridges in that will?—No.

Was there any notice taken of the Goodridges in the will preceding that?—No.

Do you remember any legacy being left to Edward Price the ſervant?—Yes, five hundred pounds, in November, 1780, I think he had not ſo much.

Was there any mention about a will after this?——Yes.

When was that?——Why, I fancy the 1ſt of November.

Into what length did this converſation go?

*Mr. Erſkine.* I object to this converſation unleſs you can prove the execution of an intention.

*Court.* You may always ſhew the teſtator's kindneſs to particular perſons.——A few months before the 4th of November, before the execution of that will, Mr. Sawtell aſſigned over ſome houſes with a ſtrange attorney.

*Mr. Pigott.* Was you preſent at this, Sir?——I will tell you preſently.

No, you muſt tell me firſt?——I was preſent at the aſſignment of a policy at the Inſurance office.

For what, and to whom?——It was an aſſignment in the Fire Office.

*Court.* Did the teſtator declare his reaſon?——He did.

You muſt not ſay what you imagine to be his reaſon however well founded that may be, but what the teſtator declared to be his reaſon?——He aſſigned over theſe houſes becauſe one man never paid his rent and the other Nathaniel Goodridge lived in, the leaſes were almoſt expired, the teſtator declared the reaſon of his altering his will was, that he was affraid he had ſigned ſome paper that probably might be a will, ſays he, Nathaniel Goodridge might as well have taken my word, for I may have ſigned ſomething that might have been a will; ſays he, what does he bring ſo many papers to me to ſign for, probably I may have ſigned ſomething I ſhould not, I will alter my will, ſays he, if it be only to alter the date; I ſaw him ſign the aſſignment of the policy.

Did he write his name to the inſtrument?——Yes, he did.

At what time was this?——That was about two months or ſix weeks before the 4th of November, I cannot ſpeak to the time, it might be later or ſooner, he made the declaration about the 1ſt of November, and he deſired me to bring Mr. Mumford, and bring the will out of the iron cheſt, Mr. Mumford read the will over to him, and he ſaid, it might be juſt as it was, and to bring it to him in a day or two.

Did you ever know that Mr. Sawtell made a mark inſtead of ſigning his name?—Never, Sir, he always ſaid, Bob, where muſt I write it? and then he put his name directly, I never knew him a put mark.

The continuation of this Trial in the next Part which will be publiſhed in few Days.

THE

# TRIAL

OF

# Nathaniel Goodridge, Leonard Goodridge, *and* James Evans;

FOR

# FORGING THE WILL

OF

# *Mr. THOMAS SAWTELL, deceaſed:*

WHO WERE TRIED AT

## JUSTICE HALL *in the* OLD BAILEY,

On SATURDAY, the 14th of JANUARY, 1786.

---

TAKEN IN SHORT-HAND BY

## E. HODGSON,

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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NUMBER II. PART III.

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[PRICE SIX-PENCE.]

# *Continuation of the Trial of Nathaniel Goodridge, Leonard Goodridge, and John Evans.*

How ſoon was it that you had ſeen him write before his death?——I never ſaw him write after the 4th of November, I cannot be poſitive.

*(The two powers of attorney handed to the Jury.)*

When did Mr. Sawtell chuſe to do his buſineſs?——He was very impatient to do his buſineſs, if it was very particular, by ten o'clock in the morning.

I believe either from infirmity or habit, he was incapable of doing buſineſs after dinner?—He never choſe it, he was not incapable, but he liked to have his pint of porter after dinner.

The intimacy ſubſiſted between your brother and him to his death?——I ſaw him on Saturday night preceding his death about eight, I had no converſation with him about that, the laſt converſation I had with him, was very little for a week or ſo before his death, only ſhaking hands with him, and ſitting with him a little.

Do you believe from the ſtate of Mr. Sawtell's body, that he himſelf could have got into this iron cheſt, without the aſſiſtance of yourſelf or ſome other perſon?——For three months before his death, he was not able to lift the lid of the iron cheſt up, nor for twelve months before his death; on the 15th of December I went to his houſe, and enquired for him, he was not at home, I went there becauſe I had no idea he was capable of going out, on the 13th of December I did not ſee him.

Do you know how the will on the 4th of November was incloſed?—It was wrapped up, and ſealed with his ſeal, a candle in a candleſtick, and a circle, in which ſpermaceti was wrote.

Deſcribe the cover?—I think it was put up corner ways, I put it into the iron cheſt myſelf.

*Mr. Pigott.* Mr. Slack, did I underſtand you to ſay that the day before this poor man's death, your brother took the will out of his iron cheſt?—The day before the death of Mr. Sawtell, I ſaw it in the iron cheſt, at leaſt I thought it was there, I ſaw the cover, and had it in my hand.

Did you go to the cheſt with your brother?——My brother was at the cheſt then, I went to it and took up the paper.

Did you take that paper?——I underſtood ſo.

The day before you was at the cheſt, and ſaw that paper?——Yes.

You underſtood afterwards your brother took it out?—I did.

Who did you underſtand it from?——I never ſaw my brother till the next morning, then my brother told me that he had taken out the covers, and there was only two blank ſheets of paper.

Now, that cover which you ſuppoſed to contain the laſt will of the teſtator, your brother told you he had taken out of the cheſt, did not your brother tell you diſtinctly, that he took out that cover the day before the man died?——I think he did, I do not know whether he took it out the day before or that ſame morning.

Your brother went with you to the cheſt the day before his death?—Yes.

For what purpoſe did he go?——He had

a power of attorney to do buſineſs, I did not aſk him.

You do not know what he went for?—I do not think he went for the purpoſe of taking out the will at that time, he did not tell me, I was with him, there is a little cloſet cloſe by the parlour.

What were you both doing there?——I cannot recollect what he was doing.

What did you go to the cheſt for?——Accidentally, talking to him I went to the cheſt, and I ſaw it lay, and I took it up, and laid it down again.

Were not you preſent at Daniel Slack's examination before the Magiſtrates?—No, I was not, I was at Mancheſter, I never ſaw his examination, I never was preſent at any examination of his concerning that paper.

You have told us that for two or three months before the death of Sawtell, he was not able to lift the lid of that cheſt up?—No, Sir.

It was very large?——Yes.

It required ſome ſtrength to lift it, did not it?——Yes.

Had not Sawtell the key?——Yes.

Was there no method by which he could get at any thing in that cheſt?—I do not know, except it could come through the key-hole.

Why it is very eaſy for me to give the key to another perſon, then it does not jump through the key-hole you know; I may perhaps get at ſomething that is in the cheſt, without its getting through the key-hole to me?——Certainly, Sir.

You have been examined in the Commons, and there you have given an account of the converſation that paſſed before Sawtell, relative to the ſuppoſed will of the 14th of November, you have ſtated that the teſtator declared to you, that he had ſigned papers, and that he might have ſigned a will, and that therefore he would make another will?—Yes.

Now, I have had the curioſity to turn to your examination, and I will read it to you that I may not miſquote it, that the deponent (whom I take to be Robert Slack) thereupon remarking, that perhaps among the reſt, they might have brought Mr. Sawtell a will to ſign?—Very well, Sir.

Do I read right or not?——I do not know what my depoſition was entirely.

Do you fancy it is to be got rid of in that way; when I am ſtating this, that to day you have ſaid here upon your oath, that the teſtator in declaring his reaſons for making a will, told you, that he might have ſigned a will brought him by Nathaniel Goodridge?——We talked all about this paper, and we might both mention it, I cannot ſay whether I ſuggeſted it firſt, he was dubious and I was fearful.

All I want to fix is this, that ſo far from this man having declared that as a reaſon to you, you yourſelf was the firſt perſon that ſuggeſted it?——It certainly was the reaſon.

Now, then having ſworn in theſe two different ways, whether the ſuggeſtion of his having made a will did not proceed from you, and not from the teſtator Sawtell?—I do not know, we were talking of it a long while at the King's Arms, in Holborn.

I ſay upon your oath, Sir, who began the converſation firſt?——He ſaid probably he might have brought a will.

But I want to know who firſt ſuggeſted that circumſtance?——Then I ſay, I poſſibly might; we had a converſation of an hour and half, and who ſuggeſted it at firſt, I cannot ſay, but I know that was the reaſon.

You ſee, Sir, it is thus, that the deponent (Robert Slack) thereupon *remarking*; now, I aſk you as an honeſt man in the face of this audience, whether you did not firſt ſuggeſt to Mr. Sawtell, that they might have brought him a will; now, anſwer that as you pleaſe?——The converſation began about the Goodridges bringing ſo many papers, but whether it might or not, I cannot ſay.

*Court.* Do you believe that you did?—Probably I might.

Do you rather believe you did?——I might.

You ſaid ſomething about a ſtrange attorney who was with Sawtell, when he executed thoſe deeds you have mentioned; be ſo good as to tell me who that ſtrange attorney was?——I do not know; the attorney at the execution of the aſſignment of the policy, I believe was Mr. Gregory.

You was a witneſs to it?——I think I was.

Look at that paper, you are a witneſs to it?——Yes.

Did you take that to be a will?——No, Sir.

You ſaw Mr. Sawtell execute this?—Yes.

Was it executed when it bore date?—I think it was.

Was it read over to him by Mr. Gregory?—I think it it was.

Did not you know perfectly well, that Mr. Gregory was the attorney for the Goodridge's?—I never knew Mr. Gregory, nor never ſaw him till then, I never heard his name mentioned.

Who recommended Mr. Mumford?——I did, after Mr. Falkner's death.

You ſay Mrs. Goodridge was a niece to the wife of Mr. Sawtell?—She was.

You ſay Mr. Sawtell ſaid he was very glad to get rid of a plague?—Yes.

That year, in Auguſt 1782, he was giving them houſes?——I underſtood he was not giving them at all, he was to receive the rents before the leaſes were out, that is what he underſtood I am ſure.

Did you ever happen to hear that Mrs. Goodridge was the natural daughter of Mr. Sawtell?——I never heard that.

Never by accident?——No.

Perhaps it is an invention of mine juſt now occurred?—I never heard it.

You and your brother kept a pretty conſtant watch on Sawtell?——We were pretty conſtantly with him, if I was not with him he was very angry with me, probably once a week I might ſpend an evening with him.

Becauſe in your original examination, you ſaid, you and your brother were conſtantly with him?——I generally called upon him every day.

Now, as far as you could make it conſiſtent to your reſpective conveniences, you did look ſharp after this man?—My brother was there generally every day.

May be your brother is a pretty near relation to Mr. Sawtell?—Not that I heard of.

May be you are a relation to him?——I never underſtood that either my brother or me were relations to him.

*Mr. Fielding.* The cover that you took out of the box with your brother the day before his death, was that the cover you put into the cheſt on the 4th of November?——It was.

Had it a ſufficient mark about it, according to the beſt of your opinion, ſo as to enable you to ſay it was the ſame?—It certainly was.

Now, as to the converſation that took place between you and Mr. Sawtell, does your memory ſerve you ſufficiently to ſay, whether you was the man that firſt ſuggeſted that a will might come among the papers, or he to you?—Upon my word, the converſation laſted ſo long, I cannot ſay.

Who was it that was there upon that occaſion?—I do not know.

Was he the attorney employed by Sawtell?—No, Sir, I heard that he did Mr. Goodridge's buſineſs.

What did Sawtell ſay about the houſes?—He ſaid they were aſſigned over to Nathaniel Goodridge, for the purpoſe of his having them after Sawtell's leaſe was out, there was but a few years to come, the quarter day after Sawtell went on purpoſe to recommend Mr. Goodridge to have them.

What was the value of this aſſignment?——I do not know, I have heard it was upwards of forty pounds a year, it was not communicated to me till I ſaw Mr. Gregory that morning; Mr. Sawtell, ſaid, he was vexed I had not been there the time before, when he ſigned the other.

**JOHN SHAW** *ſworn in Chief.*

I belong to the Prerogative-office, in Doctors Commons, I produce the will which the priſoner brought, I do not know who produced it there, I bring it from the regiſter.

**SAMUEL FENTON** *ſworn.*

I am an aſſiſtant to Mr. Jenner, who is the Proctor concerned for the perſons named in this will.

Look at that?—This purports to be the will which was brought into Mr. Jenner's office, on the 10th of February, by Nathaniel Goodridge and William Hunter, the executors, who were attended by Mr. Gregory their attorney, they came into Mr. Jenner's office to prove this will.

Is that the ſame will?——Yes, I know it by the Jurata.

Were they all preſent?—Yes, Nathaniel Goodridge, one of the priſoners attended as executor, whether his hand delivered it, I cannot ſay.

Were they ſworn, Sir?——I ſee I have wrote the Jurata, and it appears by the ſignature of the Surrogate, but I do not remember whether I attended them.

Did you read it to them?——No.

Did you ſee him ſign it?—I do not recollect that.

You know the Surrogate's hand writing?—Yes.

Is that it?—Yes.

*Mr. Silveſter.* Now, I produce that paper.

*Mr. Erſkine.* What is it?—The will produced by Nathaniel Goodridge.

*Mr. Erſkine.* I apprehend it is premature upon an indictment for forgery to read the very inſtrument, upon which the indictment proceeds, unleſs they can eſtabliſh ſome fact or other, which fixes the priſoner with it.

*Court.* Laſt night we did it, we called a man who received a bill from the priſoner, then you may call a man to ſay it is not his hand writing.

*Mr. Erſkine.* This is the very will that is charged as the forgery on this indictment I apprehend that before you can read this will, you muſt ſhew by ſome ſort of evidence fit to go to the Jury, that they are the forgers of the will.

*Court.* No, their producing the will, lays the burthen upon them to ſhew it is not a forgery; ſuppoſe it does not bear the reſemblance of the teſtator's hand writing, how can it be ſeen unleſs it is read.

*Mr. Erſkine.* I ſubmit, my Lord, that you are not to taint the minds of the Jury with hearing the inſtrument read, unleſs you ſhew that the thing is in fact forged, no matter by whom; my objection is, you ſhould not read this till you have given proper cauſe to the Jury and the Court, to believe this is a forged inſtrument.

*Court.* How does the reading it convey a prejudice that it is forged, it conveys a contrary idea; they admit upon the face of it, it is a good will, then they avoid it by ſaying, though it does appear to you upon the face of it, yet we take take upon ourſelves to prove it is a bad will.

*Mr. Erſkine.* Suppoſe an action was brought on any inſtrument, the authority of it muſt be proved before it is read, the jit of this indictment is the point of authority.

*Court.* Here is an inſtrument coming from the hands of one of the priſoners, it is read to ſhew, not that it is not the will, but I ſhall take it as it appears to be, till it is ſhewn to the contrary.

*Mr. Erſkine.* Then we have no objection.

*(The will read as in the indictment, and examined by the record.)*

**EDWARD PRICE** *ſworn.*

*Sir T. Davenport* Was you ſervant to Mr. Sawtell?——Yes.

How long?——About thirteen or fourteen years.

Did you live with him at the time of his death?——Yes.

Do you remember when that happened, on what day?——The 9th of February, 1783.

Was you in the houſe with him to his death?—Yes.

What other ſervants had he?—A maid ſervant, Elizabeth Spraggs, ſhe is dead; I know the priſoners James Evans and Nathaniel Goodridge.

Did you ſee them at any time at your maſter's houſe, both or either of them, in the December before he died?—Mr. Nathaniel Goodridge uſed to be there often.

Did he ſet up at nights with the priſoner after you and your fellow ſervant went to bed?——Yes, Sir, many nights.

Do you happen to remember the firſt?—the 14th of December, 1782.

Was your late maſter at home or did he go out on the 15th of December?——The next day he went to Newgate-ſtreet and dined there.

Did you go with him?—Yes.

At that time was he able to write?——That I cannot tell.

But by his ſtate of health I mean?——I ſuppoſe he could, he could handle a knife and fork.

On this 14th of December, do you happen to remember what time he went to bed?——I put him to bed, but I cannot tell the time.

I do not aſk you as to a quarter of an hour or half an hour?——He generally uſed to go to bed, at that time, about nine, ſometimes ſooner, ſometimes later.

Did you that night ſee anybody or hear anybody in the houſe?——No, nobody but what I left, I left Mr. Goodridge to ſet up with him.

You remember an iron cheſt that your maſter had?——Yes.

Do you remember what keys there were to it?—The key of the iron cheſt was by itſelf.

Was there more than one key do you know?——There were two, Mr. Slack of Newgate-ſtreet had the one, and the other was in my maſter's pocket.

Do you happen to remember where that key that was at home was on the 14th of December?——Yes.

Where was it then?—On the 14th of December, before anybody came into the houſe, I took care of all the keys out of my maſter's pocket, and put them in my own pockets, and I put my breeches under my head all that night; the next morning Mr. Slack came, and I deſired him to take care that every thing was clear, for I had done with every thing, I told him Mr. Goodridge had ſet up the night before and then I had nothing to do but to take care of my maſter.

Then during his illneſs and at any time before his death, do you remember his ſaying any thing to you if he was taken ill, worſe than ordinary, what you was to do?—Yes.

What was that?——When anything rendered him ill, or incapable of his own buſineſs, I was to go to Mr. Slack, of Newgate-ſtreet, for he was the man that took care of his property.

Now in what ſtage of his illneſs had you received theſe inſtructions from him?——I had theſe inſtructions for eight or nine years, ever ſince Mr. Slack was executor always; I do not recollect that he gave me any orders to fetch Mr. Slack in any part of his illneſs.

Do you remember any particular day or night that he ſo ſent or ordered you?—I do not recollect.

Do you remember any thing that he ſaid about Mr. Slack or about yourſelf?—He always told me Mr. Slack was to pay me my legacy.

Now, do you remember any time before his death that he ſaid any thing particular to you?——Yes, I remember three days before he died, I went to him, and he opened his eyes and looked at me, and aſked me how I did, and I made him anſwer very well, I hoped he was the ſame, or I wiſhed he was better, or ſomething of that kind, and he deſired me to pray for him for he was not for this world, and he hoped Mr. Slack would pay me what he had left me; that was all he ſaid, it was the laſt ſenſible word he ſpoke to me, that was on Thurſday, the 6th of February, he died on the Sunday after that.

Now, during the time that you lived

there, do you remember who had acceſs to his money and all the valuables that were in this iron cheſt beſides himſelf?——Nobody beſides himſelf, but Mr. Slack, or ſomebody by his directions.

Could he himſelf open that iron cheſt within a month or two of his death?—I do not think he could open it ſince the iron cheſt was in his poſſeſſion.

How long had he had it?—The brother died in 1777, then directly after that the iron cheſt came into his houſe.

Now, when he did go to it he took people always to aſſiſt him?—When he went to the iron cheſt he always called one of the men to help him, I have helped him many times.

Has Robert Slack ever?—Robert Slack has many times, he had the management of his buſineſs the laſt year.

Do you remember whether Daniel Slack uſed to go to the iron cheſt?——Very frequently.

Do you remember Nathaniel Goodridge ever going with him to the iron cheſt, or having any thing to do with a key of it by his order or direction?—Yes.

When?—Once or twice.

Then he knew there was an iron cheſt?—Yes.

You have mentioned that he had told you within three days, of his death that Mr. Slack was to pay you your legacy; did he at any time during his illneſs, or at any other time, tell you that Mr. Nathaniel Goodridge was to pay you the legacy?

*Mr. Erſkine.* That is a ſtrange way of examining your own witneſs, you ſhould aſk him what he ſaid, not put words in his mouth.

Did you ever ſee Underwood at your maſter's?—Never, the firſt time I ſaw him was at Bow-ſtreet, about a twelve-month after his death, it was at the examination.

Do you know Leonard Goodridge?—I have ſeen him ſince my maſter's death, he never was at my maſter's houſe that I know of.

Did you ever ſee Evans there?——Yes, many times.

Have you ever ſeen your maſter write?—Yes, many times.

Did you ever ſee him in his life make a mark inſtead of writing his name?—No, never in my life.

### FISHER DODSON *ſworn.*

### *Examined by Mr. Silveſter.*

I am a carpenter, I know the priſoners, the two Goodridge's are undertakers.

What is Evans?—He was a publican.

Was you employed by either of the two undertakers, and when?—Yes, I was employed by Nathaniel Goodridge.

In what capacity?—As a carpenter.

When was you ſo employed?——In the year 1782.

Do you know a man of the name of Underwood?—Yes.

What is he?—I always took him to be a lawyer or ſomething in that way.

Did you at any time ſee him together with either of the Goodridges?——Yes, Sir, I have.

When?—I ſaw Mr. Underwood with Nathaniel Goodridge about a fortnight before the death of Mr. Sawtell.

Where did you ſee him?——At Mr. Goodridge's ſhop in Fleet-ſtreet.

What did you ſee this man employed about in the preſence of the Goodridge's?—He was employed in writing.

Who was there beſides Nathaniel?——Only Nathaniel and Mr. Underwood, he was there, I think, about three hours.

Had you any opportunity of ſeeing what he was writing?—Not that evening.

When did you leave work that day?——about nine.

When did you return?—I did not return to the ſhop any more that night, I came the next morning to my work.

About what hour?—At the uſual time, about ſix o'clock.

Did you go into the compting-houſe?—Yes.

What did you obſerve?——I obſerved a writing, which I thought Mr. Underwood had been writing the night before.

Where was that writing?—In the writing deſk.

Had you the curioſity to read it?—Yes.

What was it?—Why it ſeemed to me to reſpect a will of Mr. Sawtell's.

What do you mean by ſeeming to reſpect a will of Mr. Sawtell's?—There was the name of Sawtell there.

Did you make any other obſervations?—Yes, Sir, I read ſome legacies that were in the will.

Can you recollect any of them?—Yes, there was to Mrs. Goodridge a gold watch, chain, and ſeals, and after her death to her ſon George Haynes.

Do you recollect any other?——Yes, there was three hundred pounds left to Henry Haynes, and three hundred pounds to George Haynes.

Was it complete?——There were ſome more legacies which I cannot remember.

What other obſervations did you make?—No more than that, I do not remember any more.

Was it a complete will, or only part of a will?——No, Sir, I think it was not a whole will, I think it was three parts of the will, down ſuch a ſheet as that.

Was it wrote on the other ſide?—No, Sir, I think there was none on the other ſide, but to the beſt of my remembrance, it was three parts of the way down, I think it was about a fortnight before Mr. Sawtell's death, I am not certain to a day or two.

Which way was it written?——Down ways of the paper.

Was there one or two ſheets at that time?——I think, to the beſt of my knowledge, there was but one.

Now, how ſoon after you had ſeen this paper and made theſe obſervations upon it did you ſee Underwood again?—The next day in the evening.

Where did you ſee him?—In the ſame place, he was there when I left work, and he might have been there for an hour or two before I left work.

Was either of the Goodridges there at that time?——No, Sir, neither of them at that time when I left my work.

Did any thing particular happen before the death of Mr. Sawtell?—Nothing that I can remember.

When you heard of the death of Sawtell, what paſſed then?—On the morning that Mr. Sawtell died, I was in bed, and I was called up and ſent to Mr. Gregory's, at Wax-Chandler's-Hall, with a parcel ſealed up.

Who ſent you?—Nathaniel Goodridge, after I came home I was ſent over, by Mrs. Goodridge to Mr. Underwood's houſe with a note to acquaint Mr. Underwood of Mr. Sawtell's death, that was the ſame morning I had been to Mr. Gregory's.

Do you know Mr. Goodridge's hand-writing?—I would not wiſh to ſwear to it.

Have you ſeen his hand-writing?—Yes.

Did you ever ſee him write?—Yes.

Look at this.—I think this to be the hand-writing of Nathaniel Goodridge.

What do you think of the firſt?—This here I think to be Mr. Goodridge's hand-writing.

Do you believe it to be Mr. Goodridge's hand-writing or not?—Yes.

Have you ſeen him write often?—Yes.

*Mr. Garrow,* Mr. Dodſon, you told my friend juſt now you would not wiſh to to ſwear his hand-writing?—I would not wiſh to do a wrong thing.

Then you take that to be a wrong thing to ſwear to his hand-writing?—No, Sir, I ſaid I would not venture to ſwear to his hand-writing.

Having ſaid you was ſo well acquainted with it that you would not wiſh to ſwear it?—I think I could.

Do you mean to ſwear you believe it to be his writing?—I believe it to be his hand-writing.

How long is it ſince you left the ſervice of Mr. Goodridge?—I believe it is upwards of a year and a half.

You have been examined in the Commons?—Yes.

Was you examined before Mr. Underwood was examined in Bow-ſtreet?—No, Sir.

No, I thought not; you was examined for the firſt time in Auguſt, 1785?——It is a twelve month ago ſince I was firſt fetched up.

Was this an open deſk that was in the compting-houſe?—It was a deſk with a ſingle flap, there was a lock and key, it was not locked.

So this writing was left open in the deſk for all the people to read?—There was nobody had any buſineſs in the compting-houſe except me and Mr. Goodridge.

What more buſineſs had you there than Mr. Hill?—He had no buſineſs to ſet down the things.

You was in the conſtant habit of going to this deſk?—Yes.

And ſo Mr. Goodridge knew that this was your duty; ſo this paper you have been examined to was left quite open in this deſk, where you went to ſet down things?—Yes.

Upon the death of Sawtell you heard there was a will in favour of the Goodridges?—No, Sir, I never heard any thing of the kind.

Why, do you mean to ſwear, my man, that you had not heard that?—I have heard as thus, that they took Mr. Sawtell to be a relation to Mrs. Goodridge, and Mrs. Goodridge always called him her uncle.

After Sawtell's death did you not hear there was a will made in their favour?—Yes.

You did not tell anybody that you had ſeen this will of Mr. Sawtell?—Not till after Elizabeth Nicklin went away from Mr. Goodridge's, when ſhe went away Mrs. Goodridge had her box ſearched, and ſhe told me of it, and I ſaid to Nicklin if I had thought that Mr. Goodridge would have ſerved you ſo ill, I would have divulged the ſecret, as I took it to be a ſecret.

Did not you add this little ſentence to it, if ever I have an opportunity of doing for him I will not loſe that opportunity?——That I never ſaid to any body.

Do you know a man of the name of Haſwell?—Very well.

Will you ſwear you never ſaid that to him?—Yes, I will.

Hill was your brother journeyman?—We were about a job that night that was to go to James Evans's, it was a partition to part off a watchmaker's ſhop, to make two places to work inſtead of one.

Do you recollect ſome buſineſs you was doing for Mrs. Cloſe?——That was done afterwards.

Was it a week or a fortnight?——It might be more or leſs.

Was it within the compaſs of a month?—I think it was done within the compaſs of a month, I think it was before Mr. Sawtell's death.

About how long after Underwood came to Goodridge's ſhop?—I think it was juſt about that time.

It was putting up ſome ſtairs in Gutter-lane?—Yes.

Was Underwood writing all the time?—I do not know, I was not in the ſhop all the time; he was writing every time I went into the compting-houſe.

Who was Miſs Nicklin?—A fellow ſervant of mine at Mr. Goodridge's.

She was diſcharged, and her box ſearched?——She was not diſcharged, ſhe diſcharged herſelf.

I believe Mr. Goodridge was uncivil enough to ſearch her box?—Yes, ſhe came down to me and told me that, I was at Walton upon Thames, at my father's, I told her, that if ſo be I had known Mr. Goodridge would have uſed her ſo ill as he did, I would have divulged the ſecret.

Now, what ſecret was it?——When I ſaw this will of Mr. Sawtell's I thought it was an improper place to make a will in.

How long was this after the will had been made as you ſay that ſhe came to you?——A week.

I take it for granted you turned yourſelf off Mr. Dodſon, did not you?——I might have worked longer if I choſe, for he offered to raiſe my wages.

Why, after you told Miſs Nicklin this ſecret, you kept it ſtill a ſecret?——Yes, I never opened my mouth to Hill about it.

To nobody but Nicklin, did Nicklin tell any body about it?—No, that ſhe did not, I am very clear.

How did the gentlemen find out what you know, do you know that?——Why. Mr. Underwood, Sir, ſent for me, at leaſt he got people to ſend for me, when he was taken.

Did you ever tell Underwood that you had looked in the deſk?—No Sir, Underwood or ſomebody told Goodridge when he turned me away, that he had done the worſt thing in the world.

How came Underwood to ſay that?——I do not know.

Did Hill and you drink together that evening?——Yes.

*Mr. Silveſter.* You went into the room ſeveral times, while Underwood was buſy a writing?——Yes.

*(The two papers read.)*

| " Mr. Underwood debtor to Nathaniel Goodridge, 1782. | £. | s. | d. |
|---|---|---|---|
| No particular date, lent him | 5 | 5 | 0 |
| 1783. March 6th. | | | |
| To a Bath ſtove - - | 1 | 18 | 0 |
| To ſix beech died chairs | 1 | 11 | 6 |
| To a mahogany round table | 1 | 4 | 0 |
| To a ſteel bowed fender - | 0 | 12 | 0 |
| To a bedſtead - - | 0 | 7 | 6 |
| To a bed and bolſter – – | 1 | 16 | 0 |
| To a pair of holland ſheets, &c. | | | |
| The ſum total is | 23 | 16 | 0 |

*Another paper read, ſigned Nathaniel Goodridge, addreſſed to Mrs. Underwood.*

" I received ſome few lines from a friend of yours, and I wiſh I had it in my power to help you in your diſtreſs, but you have called on me ſo often, that I have diſtreſſed myſelf, and I am aſtoniſhed at you to ſend to me now, and becauſe I have not trouble enough of my own, I muſt be teazed with Mr. Underwood's affairs; and as to promiſes, you, I believe, and Mr. V. thinks but very little about, when you have got your turn ſerved; for remember laſt time, that when your turn was ſerved, it was all well, but as to the promiſes, was all forgot.

Saffron-hill, Wedneſday, 2 o'clock, Nath. Goodridge."
1784.

## JOHN HUDSON *ſworn.*

*(Examined by Mr. Fielding.)*

I knew the deceaſed Mr. Sawtell, ten or eleven years before his death and up to his death.

Did you know of any intimacies ſubſiſting between him and Mr. Slack?——Yes.

Of what nature were they?——Every day Mr. Sawtell went to Mr. Slack's houſe, almoſt.

Do you know either of the priſoners?—Yes.

Which of them?—Two of them.

Did Evans ever make any application, and when, relative to the will of Mr. Sawtell?—Mr. Evans in January, 1783, came to my houſe in the afternoon, and aſked me if I was engaged for the evening, I told him no, he then aſked me if I would come to his houſe that night, about eleven, or between eleven and twelve; there would be an attorney at his houſe, with ſome few friends, that would go with me from thence to Mr. Sawtell's houſe in Brook-ſtreet, to be witneſs to his will.

This you ſay was in January?——In January.

Do you know what part of January?—About the 23d, I aſked him in whoſe favor the will was made, he ſaid in Mr. Goodridge's.

Which of the Goodridges?——He did not mention any chriſtian name.

Did you know the Goodridges before?——I knew Nathaniel; then I aſked him if it would come to the ears of Mr. Slack, in Newgate-ſtreet, if I was to be a witneſs to the will; and he ſaid, he believed in courſe of time it would, and I was to have a ſuit of cloaths or a ring, if I would go, and be witneſs to the will; when I found it was not in favor of Mr. Slack, I told him I hoped he would excuſe me, he left me in the afternoon, about three, four, or five, I cannot particularly ſpeak to the hour, but it was after dinner.

Did you ſee Evans at any time afterwards, and reſume the converſation?——I met him a few days afterwards, and aſked him if he had got a witneſs, and he ſaid, yes, the buſineſs was done, nothing elſe paſſed.

*Mr. Erſkine.* You are a friend of Mr. Slack's?——Yes.

I believe Mr. Evans knew perfectly well, you were a friend of Mr. Slack's?——No doubt of it.

Mr. Evans did not wiſh that Mr. Slack ſhould know any thing about this will making, as he ſaid it muſt come to his ears in time; did you gather from that, that this was to be ſecret buſineſs, and that Evans did not wiſh Mr. Slack ſhould know it?—I took it to be ſo.

And therefore he came to you, who was a friend of Slack's, about a thing that Slack was not to know; is not that a very odd thing, that a man, out of five or ſix hundred thouſand people, ſhould fix upon you, who he might be ſure would go and tell him?——Evans deſired me to keep it a ſecret; I was as much a friend to Evans as to Slack.

So your evidence appears to day; had Mr. Evans no friends, think you, that were not friends to Slack?——I do not know.

I aſk you this plain queſtion, if you wanted to do a thing you meant to keep a ſecret from me, would you go and pitch upon a particular friend of mine, above all others, to tell it to in preference to any ſtrangers; would you now?—I do not know whether I ſhould or not.

Look at the Jury, and tell me whether, as a man of ſenſe, and a man who has not loſt his reaſon, would you, if you wanted to injure me in any ſuch a way, that I ſhould not be able to correct it, would you pitch upon a particular friend of mine, upon one of theſe gentlemen here; would you be guilty of ſuch an abſurdity?——No, not at all, there is no abſurdity in it.

Would you do ſo, would you conduct yourſelf in that way?—I cannot tell you any more.

But I will make you; would you do ſo, as a man that is not in bedlam; is Mr. Evans a fool; was Mr. Evans in his right ſenſes; is he a prudent, diſcreet man?——I ſuppoſe ſo.

Why ſhould you think he is a greater fool than you?—I do not know; I am very happy I acted in the manner I did in the buſineſs.

When might it firſt occur to you, that this was a material circumſtance; did not you go to Mr. Slack directly, and ſay to him, I would have you be on your guard, things are not going on well here, I have refuſed a ſuit of cloaths and a ring; did you tell Slack that?—No, Sir.

Then you are not ſo good a friend to him as you deſcribed: when might it firſt occur to you, to tell any body that you was intereſted about it?—It was ſome months before Mr. Slack knew that I knew any thing about it.

When you was ſworn in the commons, you ſaid, you lived with him on the moſt friendly and intimate footing imaginable?——What kept this in my breaſt, was the intimacy with the priſoner; he is a relation of my wife's.

How long was it before you met him in the ſtreet afterwards?——I cannot ſpeak to the time in this buſineſs.

*Mr. Fielding.* Had you any greater degree of friendſhip or intimacy with Mr. Slack than you had with Evans?—No.

The 23d of January was but a ſhort time before Mr. Sawtell's death?—No.

Do you know in what condition Mr. Sawtell happened to be in at the time of this application?——I cannot ſay, I never was at the houſe, any more than what I have heard, Mr. Robert Slack came to me eight or ten months after.

## CHARLES EAMES *ſworn.*

### *Examined by Sir T. Davenport.*

I live at Saffron-hill; I am a tallow-chandler, I ſucceeded Mr. Sawtell, I know Nathaniel Goodridge, I remember Nathaniel's applying to me about Sawtell's will:

on the 26th of January 1783, Nathaniel Goodridge came to my houſe, about ten in the morning, he had a ſhilling's worth of candles; I aſked him how Mr. Sawtell did, and he ſaid he had been ſitting up that night with him, and he was much as uſual; that he had been making all over to him that night by promiſes, that he was diſpoſed to alter his will in his favour, and deſired him to get his attorney for that purpoſe; but it muſt be done privately, as Mr. Slack and Atkinſon were frequently backwards and forwards; he ſaid he did not know any body that had a greater influence with Ned and Betty than I had, they were the ſervants of Mr. Sawtell, and begged I would go for that purpoſe, and ſpeak to them, if they could be entruſted with it, there was opportunity enough, I informed him that I was going to Greenwich that day, and ſhould not ſee them, he preſſed me once or twice, I told him I ſhould be ſorry if I ſhould be the inſtrument of depriving Ned and Betty of what I knew Mr. Sawtell had deſigned for them, as Mr. Sawtell had frequently informed me that he had left them ſomething handſome, he ſaid whatever their legacy was, it ſhould be doubled, and I ſhould have ſomething handſome, I ſaid d—n their money I will have nothing to do with it: whether I aſked him to drink, or whether he aſked me to drink, I cannot ſay, but upon that we went to the houſe of James Evans, and then had a pint of purl in the bar, and nearly the ſame converſation was repeated in the preſence of me, Goodridge, and Evans, and on Goodridge ſaying, that Sawtell was diſpoſed to to alter his will, Evans ſaid, get it done, get it done.

Upon that occaſion did any thing more paſs, or did you part?—I made anſwer that if Mr. Sawtell was in his ſenſes, and diſpoſed to alter his will, he might do it without the aſſiſtance of Ned, Betty, or me; I left them and went to Greenwich; on the Tueſday following, Mrs. Goodridge, Nathaniel's wife, met about fifty doors from my own houſe.

*Court.* That is no evidence, the priſoner was not there?—No.

Did you know Underwood at that time?—No, I never ſaw him till I ſaw him at Hicks's Hall, a year ago.

Did you ever know Mr. Sawtell in any part of his life time, make a mark inſtead of writing his name?—Never in my life.

*Mr. Pigott.* Mr. Eames, I take this to be the third time that you have given an account upon oath of theſe tranſactions?—It is.

You were firſt examined in the Commons on the 26th of April 1784?—I was.

You were examined on the behalf of the Slack's?——Certainly.

You were examined for the ſecond time on the 9th of Auguſt 1785, ſixteen months afterwards, is that true?—I believe it is, I cannot recollect the dates.

Do you happen to know that Mr. Underwood gave his information, and was committed upon it?—Yes.

Was Underwood in cuſtody when you was firſt examined in April 1784?—No.

Was not you preſent at Underwood's examination?——No.

You heard when he was committed?—Yes.

Was it after you were firſt examined?—Yes.

Was you or was you not in Bow-ſtreet, when Underwood was examined?——No.

Now Mr. Eames, this converſation which you have proved to day, namely between Mr. Goodridge and you, did you on the firſt examination in the Commons, ſay one word about that converſation?—I did not.

Is there one word of what you have ſworn to day in your firſt examination?—No.

Not one word?——No.

Were you ſworn, Mr. Eames, to ſwear the whole truth?—Yes.

*Court.* Are not they examined to interrogatories there?

*Sir Thomas.* That is the whole.

*Mr. Pigott.* The ſecond time you was examined was after Underwood was in cuſtody?——I believe it was.

When did you for the firſt time diſcloſe all this you have been telling to day?—I diſcloſed it at Doctors Commons, and to other people the day it was ſpoken.

Who ſubpœned you to come into the Commons?—Mr. Slack.

Did nobody aſk you what you could prove?—I never was aſked, to my knowledge, one word by the parties concerned.

Now, obſerve, you ſtand here in a public Court of Juſtice, before a great number of your fellow ſubjects; how do you reconcile to the character and conduct of an honeſt man, to have known that tranſaction, and not diſcovered it?——It was a matter that hung much upon my ſpirits, and as ſuch I could not form a reſolution to declare it; the examiner at Doctors Commons did not aſk me a word about it, it was a matter that I thought would lead to a criminal buſineſs, and I was afraid to utter it at firſt, but when there was a criminal buſineſs about it, I knew it muſt come forward, and I diſcovered it to Mr. Boucher, of Spital-fields.

Why muſt it come forward if you did not diſcloſe it?—I had diſcloſed it to Mr. Boucher; give me leave to inform you, that is with reluctance that I now ſtand here, and if I had not been ſubpœned, I ſhould not have ſtood here.

Between the two examinations, did you tell any perſon, no matter whom, that you had diſcloſed all you knew, upon your oath?—No, I never did.

Pray, do you know any man of the name of Lawrence Green?——Yes, I do.

Now, you never happened to tell him what I ſay?——He muſt know that I told him all that I knew after the death of Mr. Sawtell, within a few days after the death of Mr. Sawtell, I did tell Mr. Green the very thing.

Did you never ſay to Mr. Green, I have been examined at the Commons, and there I diſcloſed all I knew of the matter?—No.

You never did?—I do not know to my knowledge that I did.

Will you ſwear that you did not, look at the Jury, and either affirm or deny as you chuſe?—I never told Lawrence Green, I had ſaid all I knew in Doctors Commons.

Do you know a man of the name of Pollard?—Yes.

Mr. Slack is a friend of yours?——No, he is a great enemy.

Did you ever ſay to Pollard, that you wiſhed for Mr. Slack to get the day?——I never did.

You never ſaid that if Mr. Slack got the day, you ſhould get an hundred pounds?—I never did, Mr. Slack is no friend of mine, nor ever was.

You do not deal together?—Yes, I do.

What, conſiderably?—Not very conſiderably, I deal with him for cotton.

How does it happen, that in this great City of London, you chuſe to deal with a man that is your enemy?—You may make as much of that as you pleaſe.

This is one of the new phenomena of this cauſe, I want to have it underſtood, you ſay, Daniel Slack is an enemy of yours?—I ſay, he is no friend of mine.

Yet you deal with him?——Yes.

Why do you chuſe to deal with him?—I never left him, I dealt with him all along, it is my pleaſure, I chuſe to deal with him.

Did you owe Mr. Sawtell any money?—I owed him a hundred pounds, I am not aſhamed to own it.

You have not paid that to any body?—No.

You never happened to have any converſation by accident (for if you converſe with an enemy, you know it can only be by accident) about this hundred?——No, never, no never, ſpoke to him on the ſubject; nor to Pollard nor any one man in the world on that account.

### ELIZABETH NICKLIN *ſworn*.

I was ſervant to Nathaniel Goodridge, I went there in Auguſt, 1782, and remained there till July 1784.

How came you to quit the ſervice?——Becauſe I did not like to ſtay after my miſtreſs died; I ſaw Underwood and the two Goodridges in the dining room, at Mr. Goodridge's houſe, writing, about a fortnight before Mr. Sawtell's death, I do not remember ſeeing them after his death, I cannot ſay how often before; there was Mr.

Evans came in the courſe of the day, and went into the room.

Was that the time when Evans and Goodridge were there, that this man Underwood was buſy writing?——Yes.

After the death of Mr. Sawtell, do you recollect Underwood's coming to the houſe?——I do not.

Did you hear any converſation about the will, from either of the priſoners?——No.

Do you recollect what day of the week it was?——It was of a Sunday.

*Mr. Sheppard.* Was you examined at the Commons?—Yes.

Did you ſay any thing about Leonard Goodridge being in the houſe, you ſwore that you could not anſwer any further to the articles than you did, and then you did not ſay that Leonard Goodridge was there, do you mean now to ſwear that Leonard Goodridge was there?—Yes.

You went away in conſequence of your miſtreſs's being dead?—Yes.

Your box was ſearched, I believe, you did not leave the family with any other reaſon, but becauſe your miſtreſs was dead?—No.

When did your miſtreſs die?—In May.

How came you to go to Mr. Dodſon?—I meant to live in that part, I had no place then; I left the family in July, about a fortnight after Dobſon left the family, I had lived in that part of the country, and I went down to ſee an acquaintance.

Your box was ſearched?——Yes.

I believe you was a little angry about it?—Yes, I was.

Did you mention it to any body?—Yes.

Who to?——To my friends that were in town.

Did you mention it to nobody elſe?—No, Sir, not before I went down.

Who did you mention it to afterwards?——I cannot recollect.

Do you remember mentioning it to Mr. Dobſon?——Yes, after I went down.

Did you ever ſay to any body that you would certainly be revenged on your maſter for it?—No, Sir, never.

What did Dobſon ſay when you told him of your box being ſearched?——He did not ſay any thing, only it was a very wrong thing.

Did not he ſay that he was very angry, that he would be up with Mr. Goodridge for it, that he would be revenged for it?——That was all he ſaid, that I recollect, he never ſaid any thing about being revenged.

Did he ſay what he would have done, if he had known it before?——No, Sir, not that I recollect.

Did he ſay to you that he would have divulged their ſecret, if he had known they would have uſed you ſo ill?——He did not ſay any thing to me then of it.

How long do you think it was before you went into ſervice?—I cannot ſay.

How long do you think?—I had no place to go to, or elſe I ſhould have gone ſooner, I went to Walton to ſee an acquaintance, I lived at Weybridge, I went to ſee an acquaintance of mine in Surry.

How came you to go to Wilton at all?—On purpoſe to ſee them, I went to ſee a fellow ſervant.

Upon your oath was there any body at Walton beſides Dodſon that you went to ſee?—No, Sir.

Now, did not you live under his protection when you was at Walton?—No, Sir.

Did not you lodge at the ſame houſe with him?—No, not where he lodged, I lodged at a public houſe there ſix weeks as near as I can gueſs.

Where were your friends?——My acquaintance I had was a fellow ſervant of mine, that I lived with at Chertſey.

Where was you between the time that you quitted Mr. Goodridge, and went into ſervice again?—I was at Chertſey.

What was the name of the houſe that you lodged at, at Walton?——At one Mr. Clarke's I lodged when I firſt went down at Chertſey, Dodſon came to me at Chertſey, I ſent nobody to him to tell him I was there.

How came he to gueſs?—He knew I was coming to that part to ſee my fellow ſervant I told him I ſhould go down in that part.

How was it you did not go into place, are you married ?—Yes.

Who is your huſband ?—Fiſher Dodſon.

How long have you been married ?——I cannot ſay to the day.

About what time was it, and where ?—I have no right to anſwer you to that.

*Court.* There is no harm in your anſwering to that.

Now, upon your oath, where were you married to Dodſon, in what church ?——I have no right to tell you that.

*Mr. Sheppard.* His Lordſhip has juſt told you you muſt ?—No, Sir, I ſhall not.

Now after you have been telling that ſtory, do you refuſe anſwering that queſtion before the Jury, and do you expect credit if you do.

*Court.* You muſt anſwer that, where was you married ?——I did not come upon that ſubject.

That does not ſignify, you muſt anſwer that queſtion ?

*Mr. Garrow.* Let Dodſon go out of Court till ſhe has anſwered that queſtion ?—

*Court.* You muſt anſwer ?—No, Sir, I have no right to anſwer.

Yes, you muſt, you are under the obligation to anſwer ?—Not to that ſubject.

Yes, you are.

*Court.* Do you mean to ſtand to it that you are married ?—Yes.

Then you muſt anſwer it, there can be no harm in anſwering, if you do not anſwer, the conſequence is, I muſt commit you to priſon ?——That is not what I came upon.

*Mr. Fielding.* My Lord tells you that you muſt anſwer, if you are not married confeſs it.

*Court.* You muſt ſay when you was married and where.

*Mr. Recorder.* If it is not true that you are married, the ſooner you retract it the better.

*Court.* Were you married in a church ?—I ſhall not anſwer to that, for I did not come upon that ſubject.

Are you apprehenſive of bringing upon yourſelf any penalty or puniſhment by anſwering ?—Not that I know of.

Then there can be no reaſon for your not anſwering, if you do not anſwer I ſhall commit you preſently, if you are not married and you have haſtily ſaid that which is not true, you are at liberty to retract it again ; are ou married ?——No, Sir.

*Mr. Sheppard.* Then I am ſure I will not aſk you another queſtion.

### BENJAMIN JOHNSON *ſworn.*

Do you know Evans ?——Yes.

Did you ever ſee him write, look at that paper and tell us whether you believed that to be his hand-writing ?—I cannot pretend to ſay, it is a good deal like it.

Do you believe it to be his ?——I do, but I cannot be ſure, I ſhould ſuppoſe it to be his, I would not make oath of it.

*Mr. Garrow.* You ſay you would not ſwear to it ?—No, I would not.

Who are you ?——My name is Benjamin Johnſon, I am a carpenter in Talbot-court.

Are not you a tenant of Mr. Evans's ?—No, I was.

Had you never any words with Mr. Evans ?——None but what I was brought to.

Did not he charge you with defrauding him of a quarter's rent ?—He did.

And I believe he ſummoned you to the Court of Conſcience ?——He did, I was examined in the Commons.

You ſaid there that you was very much irritated at the treatment of Evans, and that you did not doubt but you expreſſed great reſentment, is that true ?—No.

I will read it to you, "a difference of words happened between him and the ſaid James Evans, and by ſuch his treatment the reſpondent was irritated, and doubts not but he expreſſed great reſentment of his treatment to him."—I did ſwear that, it is true that we had words, he certainly uſed me very ill, I know it now, he recovered the taxes.

You ſtill know that he uſed you very ill ?—Certainly.

You was examined after Mr. Underwood was in cuſtody ?——I know nothing of Mr.

Underwood, I cannot ſay any thing about his affairs.

You was not examined till the 3d of September?—I believe not.

That was after Mr. Underwood was in cuſtody?—It was.

Who applied to you to be examined in the Commons?——Mr. Slack ſent ſome young man with his compliments and would be very glad I would attend there.

Who applied to you to know if you could prove Evans's hand-writing?—The very ſame perſon.

Did you ſee him ſign this receipt for rent that you have been talking about?—Yes, I never ſaw this will till I was examined in the Commons.

You knew at that time that Evans was in cuſtody as having been concerned in forgery?—Yes.

You knew that this piece of paper was to be produced in evidence againſt him?—Yes, when it came there, not before.

You thought it was material to go there?—Yes.

Then how comes it you ſwore this in the Commons that you did not know or was not aware that the paper you then proved would materially affect him?——I did not know till then, I ſwore to the beſt of my knowledge, I ſhould ſuppoſe it was his hand-writing, I ſhould ſuppoſe within myſelf, by the manner of the writing, it was his.

When you knew it was to be uſed againſt him in a criminal proſecution, how came you to dare to ſwear that you was not aware it would materially injure him; did you read the receipt that was given to you?—I only looked at the name.

ALEXANDER SCOTT *ſworn.*

I know Evans.

Is that his hand-writing?—So far as the letter I, and the E, and the ſcrawl at the bottom, I know no further, he has ſigned bills for me for fires, when fires happened about the neighbourhood, I am engine keeper of St. Andrews.

*Court.* Do you believe the whole or do you diſbelieve it?——I will not take upon myſelf to ſay the whole of it; I believe it is as far as the I and the E, and the ſcrawl.

What do you mean to ſay that one half of it is his writing and the other half not?—If I had his hand-writing in my poſſeſſion I would not ſwear to it.

What is your belief?—My belief, if I was to go ſo far as to ſpeak the truth is, that it is his.

*Mr. Erſkine.* Mr. Scott, if I underſtand you right, you ſay this, that you have not acquaintance enough with this perſon's hand-writing to take upon you to ſwear in ſuch a caſe as this, that that is his hand-writing, and though it may look like it, you have not a firm belief in his hand-writing?—God forbid.

*Mr. Erſkine.* My Lord, in the moſt trumpery civil action in the Court of King's Bench, this would not do.

*Court.* How often have you ſeen him write?—I have ſeen him write very often.

Are you acquainted with his hand-writing?—No further than what I ſee here, I verily believe that to be his hand-writing, but I will not ſwear it.

You have ſeen him write?—Yes.

Are you, by ſeeing him write, acquainted with his hand-writing?—Yes, I perfectly believe it.

*Mr. Erſkine.* My Lord, I never yet in my life, in a capital caſe, heard a man permitted to ſay that he has a firm belief of his hand-writing.

Do you think this a capital caſe, and do you know you are examining upon your oath, and will you take upon yourſelf, in the preſence of God and your country, to ſay you believe that is his hand-writing?—I really believe it is.

Then how came you to diſtinguiſh between the letters I and E and all the reſt of the letters?——I ſee they are all joined together.

You ſaid that as far as the letters I and E you thought they looked like it?——In regard to the letter E, he always made the head of the E larger than the bottom.

How long is it ſince you ſaw him write?——Eight years ago.

You have not ſeen this writing which I hold in my hand now ſince you ſaid you could not take upon you to ſay it was the hand-writing, but that the I and the E were, and that you partly believed it; now ſince you made uſe of that expreſſion you never have ſeen the paper, for I have had it in my hand ever ſince, how came you to ſwear to the contrary now?——There is the top of the letter I, he always uſed to make it ſmaller, I do partly believe it, and I do believe it from my ſoul; if my child was gone to ſea for twenty-eight years I ſhould know him again.

What are you, Sir; I believe you are the man that declared war with the King of France?——That is not the queſtion.

Are you the man?——I am.

How long did you ſtay in Newgate on that buſineſs?—Not at all.

What gaol was it then?—I was two days in the Compter but very well maintained.

You are a thief-taker, are not you, Sir?—Aye, if I ſaw any man pick your pocket I would take him.

You are ſo much a thief-taker, that you ſeem to have caught yourſelf to day?——No, I think not.

*Read, ſigned* James Evans, the 7th of April, 1783.

"Received of Mr. John Underwood a bond, bearing date the ſame day, of Mr. Nathaniel Goodridge to John Underwood for four hundred pounds, and which bond I hereby promiſe to deliver to the ſaid John Underwood as ſoon as the ſaid Mr. Nathaniel Goodridge ſhall have adminiſtration granted to him from the will of Mr. Thomas Sawtell, deceaſed.

### JOHN TODD *ſworn.*

Do you know John Underwood?—I do.

Look at the receipt and tell us whether you ever ſaw it in the hands of Underwood.

*Mr. Pigott.* I object to this, becauſe it is a tranſaction between the witneſs and Underwood, neither of the priſoners being preſent or a party.

*Court.* The objection to this evidence is merely to lay a foundation to introduce Underwood, firſt of all it has been proved to you that Underwood wrote this.

*Mr. Garrow.* My Lord, this evidence cannot at all be received, I ſay the Court will not do that which is palpably, groſsly wrong on the face of it, if they cannot examine into what he has ſaid, can they examine into what he does? he is ſo bad a witneſs, he is ſo little to be credited, that no act of his, no converſation of his, no teſtimony of his, even on his oath, can be ſo received as to go to the Jury, they bring this man to ſhew that this paper was at one time in the hands of Underwood; it would be good evidence. if *he* was to be tried, ſuppoſe in a burglary, if any of the priſoners pledge any thing, it is evidence againſt them: Though there is no doubt about his guilt, the only queſtion is, whether he ſingly is guilty, or whether he with other perſons is guilty, and not the priſoners: he is a man who cannot be received unleſs moſt ſtrongly confirmed; if ſuch a witneſs were permitted to lay his head together with any other perſon with whom he might adviſe, to have theſe things and ſhew them all about the town, ſo as to get rid of his own examination, there would be an end of the boaſted liberties of the country; I never recollect any ſuch evidence has been received yet.

*Court.* It has been proved by other witneſſes that this is the hand-writing of Evans, the only queſtion is whether this may be received, now I think it is admiſſible evidence.

*Mr. Recorder.* I am moſt clearly of opinion with the learned Judge that this evidence is admiſſible, the objection is not pointed to the witneſs, the evidence is this, a paper has been produced in Court, which, by ſome evidence admiſſible, no doubt but upon the credit of which the Jury are hereafter to decide, is proved to be in the hand-writing of one of the priſoners, then the other evidence is to ſhew that the paper was at ſuch a time in ſuch a place, and that is to be ſhewn by the evidence of a witneſs ſtanding unimpeached.

Did you at any time, and when, ſee that paper in the hands of Underwood?—I ſaw the paper in Underwood's hands at the time he was committed to the Fleet, I ſaw this in the poſſeſſion of Mrs. Underwood and him together, in September, 1784.

*Mr. Pigott.* How happened it that Underwood was in the Fleet Priſon?——I do not know what for, but he was committed by my Lord Chancellor.

Did you never hear Underwood ſay what it was for?——I cannot ſay, I dare ſay he would not open his mind to me on the occaſion.

Was not it about perjury?——I never meddle with any thing that does not immediately concern me, I do not know.

You recollect you have ſeen a paper in the hands of Mr. Underwood, the paper ſubſcribed by the name of Evans?——I do.

Did you read it?——I did, and to the beſt of my knowledge it is the ſame paper, I do not ſpeak poſitively.

In your examination in the Commons you ſaid thus, "This deponent did not then peruſe *the whole* of the ſaid writing, but to the beſt of his preſent recollection did obſerve the name of Evans thereto ſubſcribed." I have aſked whether you read the whole of that paper purporting to be a receipt from Evans to Underwood, and you ſay you did; now I ſay that previous to this, you were examined in the Commons, and you ſaid, that the deponent did not then peruſe the whole of the ſaid writing, but to the beſt of his preſent recollection did obſerve the name of Evans thereto ſubſcribed, but did not obſerve what his chriſtian name was to it; now obſerve, you firſt deny poſitively that you peruſed the whole, then you add that to the beſt of your recollection you ſaw the name of Evans thereto ſubſcribed, but did not obſerve what his chriſtian name was; is it true what I have been reading, is your evidence in the Commons?—It is.

*Sir T. Davenport.* Did you or did you not read enough of it, ſo as to be ſure it is the ſame?—Yes.

*Mr. Pigott.* What do you happen to know of this Mr. Underwood?——Some years ago a perſon of the name of Evans turned ſwindler in India, and gave my brother a draught drawn on one John Underwood, Eſq. at laſt I found this ſame John Underwood, I found him to be the ſon of Dr. Underwood of the Borough, a man of the moſt unblemiſhed character; I ſaw the young man at that time in very low circumſtances, when I urged him to uſe his induſtry to get my money, which he did on the ſwindler's coming to London, this led me to a little kind of reſpect for him.

But what I want to know is the general character of this Mr Underwood?——I think it very indifferent, very indifferent indeed.

You do not happen to know how he got into the Fleet?——Not abſolutely, but I heard it was by the commitment of the Lord Chancellor.

Now, from Underwood's general character, would you believe him upon his oath in a Court of Juſtice?——Why, I do not know, after what has happened I ſhould heſitate very much.

After what has happened you ſay you ſhould heſitate very much?——Yes, I ſhould.

### JOHN UNDERWOOD *ſworn on the Voire Dire.*

*Examined by Mr. Erſkine.*

Mr. Underwood, I ſhall trouble you with a very few queſtions before your examinamination; firſt, I ſhall be obliged to you if you will tell me whether that is your hand-writing or no? (*ſhews him the inſtructions he produced to Mr. Gregory.*)——This is my hand-writing.

You are a ſubſcribing witneſs to this will which you now come to invalidate.

*Sir T. Davenport.* That is no queſtion on the Voire Dire, on the Voire Dire the only queſtion is, whether he has ſuch an intereſt as totally rejects his evidence.

*Court.* You may attack a witneſs two different ways.

*Mr. Erſkine.* I conceive the rule of Voire Dire is this, that before a witneſs is examined in chief, he ſhall be aſked ſuch queſtions as the Court ſhall think proper, I am bound to take every thing that he ſays to be true under the Voire Dire, I am entitled to aſk that man any one queſtion which I think fit, to which he ſhall think fit to anſwer, and when I have got all theſe anſwers, I ſay, that upon theſe facts diſcloſed by the witneſs himſelf, and taking them to be true, he is not by the law of England a competent witneſs.

*Court.* Go on.

*Mr. Erſkine.* I aſk you whether you are not a ſubſcribing witneſs to the authenticity and truth of that will?—I am ſubſcribing witneſs to the authenticity, but not to the truth.

*Jury.* Then you come to tell us a lye?

*Mr. Erſkine.* It is vaſtly beyond my conception to underſtand you, whether or no you did not mean to atteſt that that was ſuch a will?—I cannot ſay that I did as an attorney.

Did you ſign this will, "Signed, ſealed, publiſhed, and declared by the within-named teſtator, as and for his laſt will and teſtament, in the preſence of us who in his preſence, and in the preſence of each other, and at his requeſt, have ſigned our names as witneſſes hereto?—Before it was ſigned or ſealed I ſubſcribed my name.

Then, Sir, you thought proper to ſubſcribe your name as a witneſs before the will was ſealed and before it was executed?——When the truth of the buſineſs comes out, you will know the whole of it.

When ſhall we know that truth comes from you?—When the whole of the buſineſs is related.

Are you acquainted with Mr. Gregory?—I am.

As there are ſo many perſons preſent, I may venture to truſt you with a bit of paper, though I ſhall want it back again; perhaps that is your hand-writing?——It is.

Then I think you delivered this paper which I am now about to read to you, to Mr. Gregory. (*Reads.*) "On or about Auguſt, 1781, I firſt ſaw Mr. Sawtell, I was ſent for to Mr. Sawtell's ſeveral times, to the houſe of Mr. Goodridge, about Mrs. Reeves, and on my informing him of the hardſhip of the caſe, Mr. Sawtell advanced five guineas. On the 6th of November, 1782, I accidentally called at Mr. Goodridge's, and there I ſaw Mr. Sawtell, and, after ſome time, he aſked if I was not the attorney who had Mrs. Reeve's cauſe, which being anſwered in the affirmative, he, after ſome time, ſaid he had made his will, but was very unhappy or diſſatisfied, or words to that effect, and then applied to me for that purpoſe, but ſaid it muſt be done with ſecreſy, and ſeemed determined, and deſired they would leave the room; they accordingly did, he then produced a will he had made two days before, and deſired I would immediately copy it, which I did, I returned the ſame to him again, and then took his inſtructions, when I had done, he deſired I would meet him again on the Lord Mayor's day, and after making ſome immaterial alterations, Mr. Goodridge and he went, I think to Tallow-Chandler's Hall, but firſt deſiring I would not bring the will to his houſe till he ſent to me, but on the 14th of December Mr. Goodridge came to me, and deſired me to attend him at Mr. Sawtell's houſe, at a quarter after ten at night, we all went up ſtairs into Mr. Sawtell's bed-room, who was awake, and ſaid I am glad you are come; I accordingly proceeded to read the will, with which he ſeemed perfectly ſatisfied, and ſaid it would be very troubleſome in the ſituation he was to write his name, I told him his mark would do as well; then he executed the will, and, applying himſelf to Mr. Goodridge, ſaid, God bleſs you, take care of what I have done for you, or words to that purpoſe; we all went away." This which I have been reading to the Court and Jury, you have acknowledged to be your hand-writing and delivered as ſuch ſolemnly to Mr. Gregory?——I did.

The will was conteſted in the Commons?——Yes.

You gave him this account under your own hand?——I did, I believe, before the will was proved.

Did not you at a ſubſequent time give that paper to Mr. Gregory?——I did.

Now, look Sir further at this paper, and tell me upon your oath (if that makes any difference) whether you did not give that as a copy of the inſtructions which you took down from Mr. Sawtell's mouth to make his will?——I did.

*Reads*, "As far as concerning the reſt of my eſtate and effects of what nature or kind ſoever, I leave to the ſaid Nathaniel Goodridge, &c. for ever."

You told Mr. Gregory, I believe, that there was ſome alterations which the deceaſed Mr. Sawtell had ſuggeſted to you at the time of taking the inſtructions; this is a whimſical ſituation I am in; to be obliged to take what you ſay for truth; this you gave as a copy of the inſtructions which you took down from old Sawtell for his will?——I did.

You was afterwards examined in Doctors Commons, and you gave a very long and circumſtantial account of that buſineſs, upon your oath; you poſitively ſwore, you was then ſolemnly ſworn upon the goſpel to ſpeak the truth?——Not a doubt of it.

*Reads*, "And is ſo aſſured in his conſcience, and firmly believes that there was not the leaſt force, fraud, impoſition, perſuaſion, artifice, device or contrivance, uſed or practiſed by any perſon whatever, to prevail upon or induce the deceaſed to make that will, but the deceaſed appeared to the deponent to be in his perfect ſenſes, and capable of knowing what he did, the witneſs never ſaw him after the execution of the will, and knows nothing of his manner of living." Here then you did declare that this was a true valid will made by yourſelf, and that you ſaw it executed, did you ſwear that or did you not?——I did ſwear it.

I believe you was croſs examined on forty five croſs-interrogatories in that Court?——I was.

Perſiſted to give this full account of it?——I did.

And Mr. Underwood, are you come here in the character of a witneſs, to tell my Lord and the Jury that every thing you depoſed to before, was abſolutely falſe, and without any foundation?——I came here as a criminal.

That is no anſwer to my queſtion, you do not come ſo, I wiſh you was at the other end of the Court?——I certainly have entered into a baſe combination with the priſoners, I can only ſay this, I have done a wrong thing, and that I am ſorry for it.

How are we to know that you are not doing a wrong thing to day, then you come here to falſify your atteſtation to Mr. Gregory?——I am a criminal in the buſineſs, and I come here to make all the reparation I can.

Are you come here to falſify, upon your oath, that which you ſwore in the Commons, and that which you delivered to Mr. Gregory?——A man that does wrong, has a right to do right.

Do you, aye or no?——I am come to do right.

Do you come to falſify every thing you have heretofore ſworn?——Not a doubt of it but I am.

All of it!——Yes, all that I have done on account of this will.

The concluſion of this Trial in the next Part which will be publiſhed in few Days.

THE

# TRIAL

OF

# Nathaniel Goodridge, Leonard Goodridge, *and* James Evans;

FOR

# FORGING THE WILL

OF

# *Mr. THOMAS SAWTELL, deceaſed:*

WHO WERE TRIED AT

JUSTICE HALL *in the* OLD BAILEY,

On SATURDAY, the 14th of JANUARY, 1786.

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TAKEN IN SHORT-HAND BY

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# *Continuation of the Trial of Nathaniel Goodridge, Leonard Goodridge, and John Evans.*

*Mr. Erſkine.* My Lord, I feel myſelf in a ſituation ſo perfectly new, not becauſe I am inexperienced in the hiſtory of judicatures, not becauſe I am inexperienced in the hiſtory of civilized ſociety; but becauſe I am unacquainted with any caſe like this, and therefore, if I ſhould not be able to give all the aſſiſtance to my clients, which in humanity and juſtice I owe them, I hope I ſhall ſtand excuſed; I am ſo aſtoniſhed at what I hear and ſee, as not to be able to recollect the language in which I addreſs your Lordſhip; I muſt make three objections to the competency of this witneſs, and I make them after croſs-examination, on the Voire Dire, that I may have an opportunity of taking them collectively, and not ſeparately: the three objections I make to his evidence, are theſe: firſt, that he appears on his own confeſſion, and upon the ſtatement of the counſel for the proſecution with reſpect to him, to be an accomplice in this crime, with which the priſoners are charged; and I mean to contend before your Lordſhip, that there is not a ſufficient foundation laid in evidence, ſuch as would induce your Lordſhip to leave the guilt or innocence of the perſons to be decided by the evidence of ſuch a witneſs; and that your Lordſhip cannot conſiſtent with your conduct, receive this witneſs after the foundation you have laid down: I think that if even Mr. Underwood ſtood under none of the circumſtances which are ſtated, that ſimply he is an accomplice; my ſecond objection, which I beg to be added to the other, is, that he is a ſubſcribing witneſs, which is one of the moſt ſolemn and deliberate acts, that any man can do to ſociety; he is, upon his own confeſſion, a ſubſcribing witneſs to that will; that he ſays under that atteſtation, he ſaw the teſtator execute, and he has confirmed the truth of that atteſtation to Mr. Gregory in the moſt ſolemn manner, that no fraud, impoſition, or device whatever was uſed in obtaining that will, and now in order that the priſoners may be taken away from the face of the earth, this man is to contradict the whole of his former evidence; there is a third character in which he ſtands, he has atteſted upon his oath in the Commons, as to his ſubſcribing of this will, he ſtands as an informer, he ſtands convicted of perjury, on his own confeſſion, and there is no judgment of record required againſt him; you have previouſly ſaid, as a guide to the rules that we are to govern ourſelves by at the bar, that you expect an antecedent foundation to be laid before an accomplice is admitted; the meaning of that is evidently this, an accomplice ſhall not be called before the foundation is laid for his evidence, for firſt, it operates as a ſnare to the Jury; ſecondly, it waſtes the time of a Court of Juſtice, and no Judge would ſay to a Jury, you are to pay no reſpect to this man, unleſs he is corroborated by other circumſtances: the crimes with which the priſoners at the bar are charged, are ſimply theſe; that they have forged or cauſed to be forged, the will in queſtion; it is not for the uttering and publiſhing, but for the act of forging; and I beg leave to ſay no evidence has been yet given to impute that crime to the priſoners: it appears that Mr. Slack was not connected with the teſtator, Mr. Sawtell, in blood; and by every witneſs it appears that Mrs. Goodridge was his wife's niece, and it appears that he was extremely intimate with him, and he aſſigned him leaſe-hold premiſes and dined with him: my Lord, preſumptions do not weigh in criminal caſes, thoſe which are of great avail in civil caſes, are of no avail in criminal; but, ſays a very experienced lawyer, there is ſuch a ſuperior preſumption in chriſtian charity, that the preſumption is much ſtronger in the innocence of priſoners than any preſumption that can ariſe of their guilt, until the contrary is proved; if I am to examine the evidence, what does it amount to, that Mr. Slack is a ſtranger, and that Mrs. Goodridge is a relation, that Mr. Slack is a friend, and Goodridge another; now, ſuppoſe they had got at the reſiduum, and that the legacies did not ſwallow up the whole, God forbid probabilities are to put men on their defence, charged with the perpetration of a criminal offence, but that is not the caſe: as to Mr. Price in his evidence he has laid no antecedent foundation for the evidence of an accomplice; Mr. Price has proved nothing, and Price ſays this, that for ſome time before his death, this Nathaniel Goodridge had ſet up with the teſtator, and attended him in his ſickneſs; it ſeems to me the ſtrongeſt reaſon in the world, why a man is not to be neglected by the ſick man in his will, for there is no object that can operate on the heart of a good and benevolent man, like the man who chuſes to ſit in a dark loathſome chamber with a ſick man, rather than go out into the open air, and a man muſt have a great friendſhip for another, when he chuſes to truſt him in an office like that of ſitting up all night with him, ſo that Price ſtates things that may lead your Lordſhip to believe that he was the perſon who by his own choice he took to; and Price alſo ſays, that he remembers his going once or twice to the iron cheſt.

*Mr. Recorder.* I know ſome of the firſt criminal lawyers receive the evidence of the accomplice firſt, that is no ways contrary to law, it is a matter of diſcretion; but I conceive the principle of law is, that accomplices in all caſes are admiſſible witneſſes, but witneſſes ſo diſcredited that unleſs there are ſome circumſtances proved by witneſſes deſerving of credit, to confirm their teſtimony, it ſhall not even be left to the Jury, whether they will or will not believe them: with reſpect to this man, I muſt ſay, that from what has come out from the Voire Dire, he ſtands by no means in the light of a common accomplice, the objection to him is an objection to credit, a man's coming to unſwear what he has ſworn before, if he were not an accomplice it would be a much greater objection to his credit, and no Court or Jury can rely at all on his teſtimony, beyond what is proved by other witneſſes.

*Mr. Erſkine.* My Lord, this man ſtands in a ſituation ſo very different from a common accomplice, ſo contaminated with guilt, that I venture to ſay he cannot be believed; why is he to be believed? The only reaſon why a witneſs can be competent, and is to be received, is, that the Jury are to ſuppoſe, that the man comes under the ſanctions and ſolemnities of religion, that he is influenced, not only by the fear of that puniſhment which the law can inflict upon him here, but ſtands much more in awe of that greater puniſhment, which it is in the power of the Supreme Being to inflict upon him in a future ſtate: Why cannot a man convicted of perjury be examined as a witneſs? Becauſe he has ſhewn that he pays no regard to the ſolemnities of religion, and though liars may often ſpeak the truth, the life, the fame, and the property of any individual muſt not depend on the teſtimony of any man that is not fit to be believed; and though to be ſure it would not be once in a hundred times, that you could get a gentleman of ſo ſteady a countenance, as Mr. Underwood, to tell you all this is falſe, becauſe he is the firſt man alive that ever did ſo; I cannot bring ſuch another inſtance, there were many inſtances on the reſtoration of King Charles the Second, of perſons who had been found guilty of perjury, and the evidence came viva voce to prove their perjury, the Judges ſaid, if they could get the beſt evidence they would.

*Court.* What caſes were thoſe.

*Mr. Erſkine.* I did not bring down my books with me, but in our day a witneſs never can be permitted to ſay one thing upon on his oath, and then be permitted to tell a Court and Jury that the whole of that was perjury, becauſe there is no degree of competency due to him; does your Lordſhip wiſh to have ſuch a witneſs examined? can you tell the Jury that ſuch a man is to be believed? Why he might be indicted upon his own examination; for if a man ſwears to two contrary propoſitions which are not true, you may indict him upon that; and would it not be a hard thing, that thoſe three men at the bar ſhould ſuffer death on the evidence of ſuch a witneſs as Mr. Underwood: I cannot conceive any thing more diſtreſſing to your Lordſhip ſitting as a Judge, than that ſuch a man as this ſhould be examined, that the time ſhould be conſumed, and that a ſnare ſhould be laid for the conſciences of the Jury, only that you ſhould let them looſe on that ſnare; but I am ſure that the Jury have too much good ſenſe, too much humanity, and too much chriſtian charity to condemn any man upon ſuch evidence: if I have offered any thing that does not meet with the opinion of the Court, I am ſorry, I am ſure I ſtand in a caſe pefectly new, it is no wonder I do not know better in ſuch a caſe.

*Mr. Pigott.* My Lord, if the ſituation in which your Lordſhip now ſtands, was a ſituation in which a Judge ever before found himſelf, I think I ſhould have diſcretion enough not to repeat any thing that Mr. Erſkine has ſaid; but I think that from the firſt moment that juriſprudence has been known, and from the firſt crime in the world down to this time, there never was ſuch a cauſe as this in a Court of Juſtice; there never was a witneſs offered to a Court under ſuch circumſtances, and therefore, I do aſſure your Lordſhip, that with the utmoſt reſpect to the deciſion of your Lordſhip, I ſpeak of the accomplice Underwood. It is of great importance to every citizen in the world, I do not ſay of this free country only, but I ſay on the face of the earth, that, that witneſs ſhould be rejected as incompetent; for if he was to be received, unleſs God Almighty was to make a new revelation of his will, I proteſt I do not ſee how any man's property can be ſafe, if a witneſs comes into a Court of Juſtice, uttering the firſt word, he ſays, I did, (not in ſome other time, not in ſome other caſe, not in ſome other period, I did) commit perjury, but upon this very ſubject, upon this ſubject whether this was a valid will or not, I delivered the copy of the draught to the attorney, and after all I depoſed deliberately making my ſolemn appeal to God for what I ſaid, and I ſtood a croſs examination of forty-five interrogatories, which were calculated to draw forth what I now call the truth of the caſe; but all I depoſed was falſe. My Lord, there is no crime ſo great as high treaſon, yet if there exiſted perſons baſe and wicked enough to conſpire againſt that life, precious as it is in the eye of the law, and a witneſs had been called who could prove that crime of high treaſon, if that witneſs at any other time had been convicted of perjury, though he ſhould have committed it in the earlieſt period of his life, though he ſhould have lived half the life of man in the courſe of amendment and repentance, though he ſhould be received in all ſocieties with reſpect, yet he cannot be received as a witneſs; why? becauſe he has once ſhewn, that in one inſtance, he has diſregarded the ſanction of a ſolemn appeal to God! if that man, John Underwood, whom it is this moment my miſfortune to ſee, had perjured himſelf a hundred thouſand times over upon all the ſubjects on which he had ever depoſed in a Court of Juſtice, would he ſtand (I aſk any man in conſcience, and in reaſon, and in common ſenſe) would he then ſtand in ſuch a predicament as he does in this very caſe; he ſays, in that way I did depoſe, now the very firſt word he utters is, it is all falſe! Now, my Lord, upon what principle is it that a perjured man is unworthy of credit? why, becauſe he has ſworn falſely, not upon the ſubject that relates to this queſtion, but upon *any* ſubject whatever; he has once ſworn falſely, and what has once happened may happen again: conſider, my Lord, the predicament in which this man ſtands, he is one of the three witneſſes to this will, and has alſo been called upon by proceſs, therefore I am ſure it is a caſe totally new, for if any of your Lordſhips are of opinion that any thing like this has been decided upon any principle that reaches it, then I am perfectly content to ſay that my time has been miſpent; this caſe is perfectly new, and I humbly ſubmit it would be, of all ſituations, the moſt ſingular for the Jury, and ſingular for your Lordſhip to tell the Jury, to receive that man's teſtimony; but God forbid that ſuch teſtimony ſhould be received, if it ſhould, I am ſure that any twelve men picked out of the cells of Newgate would not ſentence three of their fellow creatures to death upon the evidence of ſuch a man.

*Mr. Sheppard.* My Lord, I ſhall confine myſelf entirely to this queſtion, whether Mr. Underwood can be a competent witneſs, and, my Lord, the evidence by which competent or not competent is to be tried, is this, whether it is poſſible that any man, on any occaſion, can give any credit to the witneſs that is to be ſworn; that I take to be the diſtinction between competence and credit: if there is any thing which can lead the Jury to heſitate whether they ſhall believe him or no, then it becomes a queſtion of credit; but if every body would cry out it is impoſſible to believe his evidence, it then ſtrikes me it is as impoſſible to take his evidence, as if there was a record of perjury: When a man is convicted of perjury, no man can give credit to him however probable the ſtory he tells may be, however, confirmed otherwiſe, ſtill the man himſelf, in that ſituation, deſerves not the ſmalleſt degree of credit; now can any man who has heard Underwood confeſſing that he firſt atteſted to this will, and afterwards upon mature deliberation he depoſed in the moſt ſolemn way that the whole was true; and now he comes here into Court and admits he has perjured himſelf; can any man who has heard all this doubt whether he can be convicted of this perjury or no? he ſtands to all the world a perjured man; does not he ſtand as infamous as if he was upon record? If there was the ſmalleſt circumſtance in his ſituation which could induce a Jury to doubt whether he was perjured or not, it might go to the Jury; but he is not competent, as, upon his credit, not the ſmalleſt diſcretion can be exerciſed.

*Mr. Garrow.* I take the liberty of troubling your Lordſhip with one word on this queſtion, and I ſay, that ſuch a monſter of profligacy, ſo unlike any thing God ever made, as Mr. John Underwood, who ſtands now before your Lordſhip, never appeared in a Court of Juſtice before; and ought to go forth to the world with a title made for Mr. John Underwood alone: You have it proved by witneſſes called on the part of the proſecution, that Mr. John Underwood is not to be believed upon his oath; the Jury have heard from Mr. John Underwood that he has not only given under his own hand, ſitting in his cloſet, a full account of this will of Mr. Sawtell, and inſtructed the proctor to form interrogatories to ſupport it; but he goes through every minute circumſtance, and is confirmed by other witneſſes, yet he does not ſtop there; for Mr. Underwood in the poſſeſſion of this ſecret, goes about it, knowing it to be a ſecret, he is employed as a ſolicitor, the ſuit is going on to judgment, the probate is about to be granted, and then Mr. John Underwood, urged by neceſſities which his own profligacy have brought upon him, Mr. Underwood in the Fleet, to which the Lord Chancellor had committed him; this Mr. Underwood applies to theſe parties to adminiſter to the neceſſities he has involved himſelf in; they refuſe it, and then for the firſt time Mr. Underwood ſays, now I will negative every ſyllable of that proof I have given under the ſanction of an oath; now I will go before a magiſtrate and negative all I have ſworn! now he ſays, I have done very wrong, and I come to day to make all the reſtoration I can, now for the firſt time in my life I come to do an honeſt act; ſuppoſe it poſſible (but to ſuppoſe it is to inſult your Lordſhip and the Jury) ſuppoſe the evidence that ſhould be given ſhould induce the Jury to find the priſoners guilty, where is the aſſurance that to-morrow he will not ſay, now for the firſt time I feel ſome compunction; now I am going to make reſtitution, the firſt depoſition I made was the true one, do ſomething to ſave me from damnation if you can? how can the Jury depend on the teſtimony he has to give them? how are they to believe the truth of that which he told in the Commons or his preſent ſtory, which is confirmed by no witneſſes but thoſe infamous witneſſes which have been ſet up ſince Mr. Underwood went before the Juſtice? My Lord, do, for God's ſake, conſider to what extent a determination to receive ſuch evidence may go: It was my misfortune once or twice to be a ſubſcribing witneſs to a will, but if I had the misfortune to atteſt another will, how do I know that that man who, if he was alſo a witneſs to the ſame will, might not go and ſay, this is a fabrication from the beginning to the end, I will call witneſſes, I will produce ſome opinions too of Mr. Garrow, and I will go and indict that man at the Old Bailey, I will convict him for not having aſſiſted me in my neceſſities: My Lord, I am ſuppoſing a man who had only lent his ſignature, who ſhould in the firſt inſtance come and ſay he was not a witneſs to the true will, is there any body whoſe property is derived under teſtaments would be ſecure, if a ſubſcribing witneſs to the ſame will can be permitted to falſify his own ſignature, to ſay I know that is my own hand-writing, and I know the thing is a fabrication from the beginning to the end: My Lord, perſons convicted of felony are incompetent witneſſes, but they are meritorious men compared to this witneſs, yet you cannot receive theſe men, however ſincere their repentance may be, however conformable their lives may have been ſince to the ſtricteſt rules of propriety and virtue: My Lord, is that the caſe of Mr. John Underwood, who comes here to ſwear that he has been perjured though whole volumes of depoſitions? My Lord, permit me to ſay, where there is a verdict only for the crime of perjury there may be a doubt; a late caſe, which made a conſiderable noiſe and was attended with very powerful arguments, ſeemed to ſatisfy ſome perſons that thoſe who had penned certain affidavits, had not employed all the correctneſs they might, and it is ſtill in ſome men's minds a doubt whether that man was fairly and ſtrictly convicted: Is it ſo here? Have you any doubt whether he was guilty? have you any doubt whether he was corrupt, have you any doubt whether he was wilfully perjured? when he ſtates now that he did that on the moſt mature deliberation, and added new forgery to forgery, and on the moſt mature deliberation ſat down to make new minutes of inſtructions, as if they were old ones, and thus adding guilt upon guilt; Mr. Underwood, it is ſaid, cannot be convicted of perjury by confronting his two depoſitions, I am very ſorry to hear it, I am bound to believe it, the danger to ſociety becomes infinitely ſtronger, becauſe Mr. Underwood having heard that, and knowing the tendency of his depoſition to day, is to go all the length of it; he is not like a witneſs coming into Court ſwearing as the woman did this day, firſt that ſhe was married and then that ſhe was not; I ſay he comes here to night to perjure himſelf, I can demonſtrate that; I aſſume that this will, which is now the ſubject matter of this indictment is a true will, that it was executed under the circumſtances deſcribed in the Commons, I am ſuppoſing (and I beg pardon again for the ſuppoſition, which is an inſult to your Lordſhip) how can there be any evidence offered to the Jury to confirm that teſtimony which was given in the Commons, to contradict that which he ſhould give to night? there may be caſes of perſons being bought off by wicked perſons: the argument was preſſed by my friends that preceded me with all the ability that can be, and I conteſt that, in this caſe, Mr. Underwood cannot be received as a witneſs: I wiſh I could aſk the Jury if they have nothing before them, it is a ſheer queſtion of competency, and it no longer can be pretended to be a queſtion of credit; the queſtion of credit can no be ſupported againſt a man who ſtands here, I repeat, it as a monſter of human deformity.

*Court*. I think there is ſufficient ground to admit the accomplice generally, when the atteſting witneſſes are called, they are conſtantly croſs-examined; it is admitted that in caſes of wills atteſting witneſſes may ſpeak to the ſanity of the teſtator: put the caſe of dureſs, ſuppoſe a man makes a bond, a ſubſcribing witneſs is called, ſuppoſe a man puts a piſtol to his breaſt and to the witneſs's breaſt, ſhould it be ſaid that that matter ſhould not be unravelled? as to the other caſe, whether the witneſs is competent to be received, or whether his ſwearing differently in the Commons to what he has done, is an objection to his credit, I have always underſtood that the incompetency of a witneſs is founded on a diſability of law which can only go to the record, the other only goes to his credit.

*Mr. Recorder*. However painful it may be to be obliged to hear the evidence of a man ſtanding in the ſituation of Underwood, I cannot help entirely concurring in the opinion of the learned Judge as to his competency; this matter has been ably and ingeniouſly argued, and it would tend very much to confound the diſtinctions between credit and competency, if thoſe diſtinctions were not maintained: can any man ſay that a man confeſſing himſelf guilty of every enormity that can diſgrace human nature, is intitled to any degree of credit? and yet I am clearly of opinion that ſuch a man would be competent; the queſtion of credit is a queſtion that always reſts with the Jury, that of competency always reſts with the Court; the objections to credit are infinite, as infinite as reaſon, philoſophy and the workings of human nature can ſuggeſt; the objections to competency are few, and clearly defined by law, they are abſolute diſability of the perſon to give evidence, that he is a perſon convicted of perjury; I conceive it has been miſtaken that the teſtimony of that witneſs is rejected, becauſe when he is examined the Jury ought not to believe him, that is not the reaſon; the reaſon is, that he has been convicted of a crime to which the law affixes a diſability to give evidence, therefore the man who is convicted of perjury, or any other crime to which diſabilities are anexed, though many of them if examined would deſerve the protection, and the credit of the Jury, for inſtance, a man convicted of a rape under particular circumſtances, might be entitled to belief upon his oath, if it were not for ſuch conviction; the perjured man is not rejected becauſe he cannot be believed, but from his ſituation: now, no relationſhip however near and dear, diſqualifies a perſon from giving evidence, except that of huſband and wife alone, and that ariſes from their being in conſideration of law one and the ſame perſon, they are not either of them permitted to give evidence for or againſt the other, but father for a child, or child for a parent, may give evidence; you cannot weigh the degree of intereſt, but any intereſt however ſmall, diſqualifies the party from being examined as a witneſs at all; becauſe men ſhould not be expoſed to the temptation of giving evidence: the objections to credit and competence are perfectly diſtinct in their nature, the objection in this caſe is an objection to credit merely, and the Court may be bound by the rule of law to hear ſuch a witneſs, though they may not believe him, for he may be under circumſtances in which no man alive ought to give the ſmalleſt belief to his oath, that is for the Jury to conſider; but I am of opinion he is a competent witneſs if offered to the Court.

## JOHN UNDERWOOD *ſworn*.

Was you ever in your life on any occaſion employed by Mr. Sawtell?——Never.

By whom was you employed in the preſent tranſaction?—A Mrs. Reeve came to my houſe, a perſon whom I had formerly a Chancery ſuit for, and who was a very diſtreſſed perſon, the ſuit was commenced in 1776, I had had her in my houſe a year or a year and a half, I aſked her for ſome caſh, ſhe ſaid, ſhe had a friend, a Mr. Sawtell, who lived on Saffron-hill, a tallow-chandler, and that ſhe would apply to Mrs. Goodridge, who was his niece; this was in May 1781, I was deſired to attend at Mr. Goodridge's houſe on Saffron-hill, to inform Mr. Sawtell of the caſe of this old woman, Mr. Sawtell ſome how or other anſwered me very ſhort, and I went away affronted, and never ſaw him afterwards, but a few days after Nathaniel Goodridge brought five guineas to a Mr. Wolf, in whoſe houſe I lodged, that was the firſt time I ever ſaw Mr. Nathaniel Goodridge; at length he became rather intereſted in the old woman's buſineſs, and attended me from time to time, and I think to the beſt of my recollection. I carried on the proſecution in Chancery for a twelve month, at length Mr. Goodridge was diſſatisfied with my proceeding in Chancery, and he employed a Mr. Lucas, an attorney of New Inn, to ſuperintend the buſineſs, and I gave him up all the papers; I never heard any further of Mr. Goodridge, till ſometime in the latter end of October 1782, when Mrs. Reeve came over to my houſe, informing Mrs. Underwood that Mrs. Goodridge had ſome gowns to diſpoſe of, Mrs. Underwood attended, and purchaſed theſe ſilk gowns for five guineas; about the latter end of November or the beginning of December, Mrs. Reeve came to my houſe, and deſired me to attend Mr. Goodridge, on Saffron hill, and I attended in conſequence thereof; and I met him at Mr. Evans's houſe, and Mr. Evans and Mr. Goodridge took me into a parlour in that houſe, and after ſome converſation of the buſineſs of Mrs. Reeves, Mr. Evans opened his mind in the following manner. "You know old Mr. Sawtell, who advanced you the money on that buſineſs, he is ill, he has made his will, but has not mentioned either Goodridge or his family in it, and he has made a will, and has left it all to thoſe d—d raſcals the Slacks, who are no relations to him, and it is a pity ſo much money ſhould be loſt:" Evans ſaid, "Old Mr. Sawtell often comes to my houſe to ſpend an evening, and if you will draw a will, I can get him to ſign it, as if he was a witneſs of mine, as he has done before, and if you will call in occaſionally when he is here, and will draw up ſuch a will, we will give you a hundred pounds;" and he immediately went up ſtairs, and brought down his will which Mr. Sawtell witneſſed, to ſhew me Mr. Sawtell had done it; he then deſired me to call occaſionally, and leave my addreſs in caſe he ſhould come, they did not know then where I lived, I did call ſeveral times, but Mr. Sawtell had not been out from home; at length Mr. Nathaniel Goodridge came to my chambers in Lions Inn, and informed me that the old man grew worſe, and that ſome other expedient ſhould be thought of, and he deſired me again to call at the houſe of Mr. Evans; I did call, and upon a converſation between Mr. Nathaniel Goodridge and Mr. James Evans, they ſaid, it would be no harm to forge a will, if it could be done, as it would be giving the property where it ought to go; after a deal of converſation, I accidentally mentioned the name of a Mr. Aſſiotti, who was very clever in drawing of names or any thing of that kind, he was very clever in drawing models, and they told me if I could prevail on Mr. Aſſiotti to draw the hand of Sawtell, they would give him twenty pounds, I told them it would be to no uſe to draw a will, without I could aſcertain the property of the deceaſed, and after a long conſultation thereon, it was agreed that Mr. Nathaniel Goodridge ſhould get to ſit up with Mr. Sawtell, to get a ſight of his will; on the 15th day of December, he came to me and told me he ſhould ſit up with Mr. Sawtell the proceeding night, and that if I would attend the 16th, he would let me in with Mr. Evans, and I was to attend on Mr. Evans for that purpoſe; I accordingly attended at the houſe of Mr. Evans about eight at night, he told me Mr. Goodridge ſat up, and I was to wait there till twelve o'clock; at twelve I and Evans went to the houſe of the deceaſed in Brook-ſtreet, Evans gave a hem, which was the ſignal agreed on between Mr. Goodridge and him, and the door was ſoftly opened by Mr. Nathaniel Goodridge, he introduced us into a parlour, and afterwards went up ſtairs to the deceaſed; in a little time he came down again, and ſaid, Mr. Sawtell was awake, and he could not poſſeſs himſelf of the keys, Evans went away, and left me there; about two in the morning Nathaniel

Goodridge brought down the keys of a bureau which ſtood in the parlour, he opened the deſk and looked for a key of the iron cheſt, wherein he thought the will muſt be depoſited, but he could not find the will there, nor in all the drawers of the bureau; accordingly he gave over the ſearch, and informed me he would ſeek it ſome other time, as he thought Mr. Slack muſt have the key; about a week or ten days after, I called at the houſe of Mr. Evans, who informed me that they had got a man to make a key to the iron cheſt, as they could not find it, and that he expected it would be completed in two or three days, or a few days: in the firſt week in January 1783, Mr. Goodridge came to my chambers again, and informed me the key was complete, and deſired I would attend at the houſe of Mr. Evans again, which I did, and there I ſaw Mr. Goodridge, who ſaid, he was to ſit up with Mr. Sawtell that night, and Mr. Evans deſired me to call again a little before twelve, I went home after that, and called at the houſe of Mr. Evans, Evans and me went together, and were let into the houſe of Mr. Sawtell as before, we went into the ſide parlour, Nathaniel Goodridge there produced the key of an iron cheſt, which was rough and newly made, and in a cloſet in the parlour there was an iron cheſt, which was opened by this key, and he took thereout a paper ſealed up and wrote upon "Mr. Sawtell's will," which was opened, I believe we had all a hand in it, wherefrom I took a copy, at that time, which copy was examined by Evans and myſelf.

*Mr. Erſkine, (holding up Underwood's affidavit.)* Did you take it at Sawtell's houſe?—I am aware of that affidavit, Mr. Erſkine; I then went to the houſe of Mr. Evans, and from thence home.

Where is that copy which you then took?——I believe it is in the hands of the Proctor, it is in being.

Was a copy of that copy delivered in?—Yes.

Look at that?——This is a copy I took in the houſe of Mr Sawtell, I was then to draw a whole draught, and to attend on Mr. Aſſiotti, whom I have before mentioned, to ſee if I could not get him to write the hand writing of Mr. Sawtell, and in purſuance thereof, Nathaniel Goodridge brought me two bits of paper, with the name Thomas Sawtell wrote thereon, and alſo brought over to my houſe an impreſſion of a ſeal, a candle and candleſtick, with the words, Sperma Ceti, wrote round, which were the ſame, as was the ſeal to the will; I went to the houſe of Mr. Aſſiotti, in Long-acre, I ſaw his wife, we had ſome words about family affairs, and I went away; and was then determined to have nothing more to do with the buſineſs: Mr. Goodridge attended me from time to time, and when I told him I would have nothing more to do with the buſineſs, he was quite at a ſtand; he told me, if I would go through it, he would give me a thouſand pounds, I then ſent Mrs. Underwood to Mr. Aſſiotti, and ſhe did not ſee him, ſhe came home, and I was fully determined not to meddle further in the buſineſs at all; Goodridge came to me again, and when I informed him of my intention of having nothing to do with it, he was ſpeechleſs for near half a minute, he then ſaid, will the old man's mark do? and I ſaid yes, and he aſked me to ſtay in the chambers 'till the afternoon, and then he brought Mr. Evans to me, and it was agreed, that he ſhould get the old man to make his mark to the will; I went home with him to Mr. Evans's houſe, and there took inſtructions for all the legacies that were to be in the will.

Who gave inſtructions?—Mr. Nathaniel Goodridge and Mr. Evans, ſometimes together, and ſometimes ſeparate.

What time did they give you the inſtructions?—In the afternoon, Mr. Goodridge then deſired I would attend at his workſhop, to engroſs that will, for he had a compting-houſe in the workſhip, and he deſired me to do it, for the old man was very ill, I attended accordingly, and engroſſed one ſheet of that will, and left the copy and one ſheet engroſſed in a deſk in the compting-houſe, and on the enſuing night I completed it, and I think, as near as I can, a night or two afterwards I was to have attended the execution of the will, and to call at his houſe; I did ſo, and then for the firſt time I ſaw Leonard Goodridge.

What time was this?——It was on the 23d of January as near as I can recollect, I went with Mr. Leonard Goodridge and Mr. Evans to Mr. Sawtell's houſe, in Brook-ſtreet, where we were again let in by Nathaniel Goodridge as before, he went firſt of all to the iron cheſt and took thereout a gold watch, to which was appending a ſeal with which the will was ſealed, he then went up ſtairs himſelf, and he came down ſtairs again, and deſired us to pull off our ſhoes and follow him, but only to ſtand juſt at the feet of the bed and make no noiſe; old Mr. Sawtell lay in bed in a ſtate of inſenſibility to all appearance, and Nathaniel Goodridge took him by the hand and put a pen into his hand and made him make two marks, one oppoſite the ſeal and the other at the bottom of the firſt ſheet of paper; we then went down ſtairs and witneſſed the will, and it was agreed the other will ſhould be taken out and burnt and deſtroyed; the other will was then taken out and deſtroyed, and two ſheets of paper were inſtituted in the room thereof; I then went away, and as near as I can remember, it was the enſuing morning that Nathaniel Goodridge came over to me, and ſaid, ſays he, the will that we have executed will not do, I aſked him the reaſon, why, he ſaid, it is of too early a date, it was dated the 23d of January, the day of the ſuppoſed execution; and, ſays he, you muſt come over to my houſe on Sunday and engroſs another will, dated the 14th of December, this was the 26th of January, exactly a fortnight before the old man died; I accordingly attended at Mr. Goodridge's houſe, and engroſſed ſuch freſh will, and Leonard Goodridge and myſelf and Evans witneſſed the ſame, he undertaking to get the old man to put his mark and put the ſeal; this was in Nathaniel Goodridge's dining-room, then I left them: This is the will I wrote on the 26th of January, and witneſſed as I have told you; in a fortnight afterwards I received a note from Mrs. Goodridge ſignifying that Mr. Sawtell was dead, and deſiring I would ſtay at home and ſomebody would call upon me, I went out to have my hair dreſſed in the afternoon, and I was ſent for home, and I ſaw Leonard Goodridge, and he aſked me to go out with him, I went out with him to the public-houſe, and he ſaid, now the old man is dead I hope we ſhall ſtick true to one another.

What day was that?——The 9th of February.

What time of the day?——About four in the afternoon.

And where?——At my own houſe; we went out of my houſe to the public-houſe; I came home with Leonard Goodridge and he, and I, and Mrs. Underwood went up ſtairs, he gave Mrs. Underwood five guineas, and ſaid to her, it is good to greaſe the wheels while the cart is going; I juſt ſpoke two or three words to him and went away, he came over again in a little while, and deſired I would go over with him to Evans's, I went and ſaw all the parties, Mr. Leonard Goodridge, Mr. Nathaniel Goodridge, and Mr. James Evans; Mr. Goodridge told me I muſt go to Mr. Gregory, for he was the party concerned, and we agreed among ourſelves how we ſhould make up a caſe to ſpeak to Mr. Gregory thereon: and I went to Mr. Gregory's houſe, and told him the whole of the caſe as agreed between us; Mr. Gregory deſired I would bring over the papers, and make a memorandum of all I had told him in writing; and, agreeable to ſeveral meetings we had had, I drew pretended inſtructions for the will of Mr. Sawtell, at my own houſe, and we examined the inſtructions with the draught to ſee that it was all fairly tranſcribed, I then left theſe ſuppoſed inſtructions and the draught of the will with Mr. Gregory, theſe are they: Mr. Gregory alſo deſired him to bring him a copy of the real will, of the 4th of November, of Mr. Sawtell's, and afterwards I went to Doctors Commons, where I gave this unfortunate teſtimony; about the 2d or 3d of April, Mr. Evans came to the public-houſe in Queen-ſtreet, in my neighbourhood, and ſent for me, I lived then in America-ſtreet, he ſaid to me, I think, Underwood, it is very proper we ſhould be ſecured for this buſineſs; ſays I, what do you think of it Mr. Evans, ſays he, I think we cannot have leſs than one thouſand pounds, and we ought to have ſecurity; I ſaid we muſt have a bond if we have any ſecurity at all, we can have no other; he told me to come over to Mr. Goodridge's, and he would back it; I came to Mr. Evans's, and Mr. Goodridge was ſent for, I opened the buſineſs, at length Mr. Goodridge agreed we ſhould have each a bond for four hundred pounds; accordingly on the 7th of April, I went over with two blank bonds to Mr. Evans's houſe, which I filled up for four hundred pounds each, and they were executed, I witneſſed Evans's, and Evans mine; after they were ſo executed, Goodridge ſaid he ſhould not like to have his bonds expoſed, and propoſed for Evans to keep both, and propoſed that they ſhould be ſealed up till the probate of the will was obtained; and as a ſecurity to myſelf I wrote a memorandum or undertaking, whereby Mr. Evans undertook to deliver me up a bond as ſoon as the probate was ſigned; this is the receipt Mr. Evans gave me for my bond, after which we had ſeveral meetings, I had at leaſt, and Mr. Gregory once or twice, at the houſe of Mr. Jenner, and I gave the evidence that has been ſtated in the Commons in ſupport of that will.

What became of all theſe papers afterwards?—Thoſe papers that were executed on the 7th of April, the receipt for the bond and the undertaking I gave to Mrs. Underwood as ſoon as I brought them home, to put by, and ſhe unfortunately put them in her pocket, and ſhe kept them in her pocket till ſhe was brought to bed, and they were ſpoiled as they appear now; the receipt I gave to her on the 7th of April, the moment I came home, and I never had it in my cuſtody till November was twelvemonth, then I gave it up.

Are theſe the two ſheets that were in the cover?——They are, there are two pencil marks, under the ſeals, this is the cover that contained the true will.

*Mr. Erſkine.* After what I have ſaid of you, Sir, and more eſpecially of what you have ſaid of yourſelf, you may be very ſure that I ſhall not waſte many words upon you, and I hope it will be the laſt time I ſhall ever ſpeak to you; you know very well theſe unfortunate gentlemen at the bar have no opportunity of contradicting this buſineſs; how comes it you ſwore to the truth of this will before?——It is an unfortunate circumſtance that ever I became acquainted with the priſoners at the bar.

How do you think, as you did not ſwear the truth then, that the Jury can tell whether you ſwear the truth now?——That is to be left to the opinion of the Jury.

I believe you was in very great diſtreſs about the time this new light began to ſhine upon your mind?——I was in diſtreſs, I have a large family.

That is an excuſe that ſome other people have made in this country you know, you applied to Mr. Goodridge?——I did.

You wanted money?—I did.

But as for Mr. Slack, you never had any promiſes of money from him?——No, never.

Nor any expectation?——I cannot ſay that.

Then you have ſome expectation?——I had no expectation at all at the time I ſaid the information, the expectations which I had from Mr. Slack, were, they promiſed me they would go to my father and ſee what they could do for me.

Why you had an expectation of an advantage?—They told me if I would come along and tell the truth, they would do all they could with my father to ſerve me.

Nothing at all ſaid about money?—No, nor I never ſaid ſo to any body.

Do you happen to know a perſon by the name of Jacques?—I never heard of ſuch a man.

Perhaps there is no ſuch man living, you ſhall know preſently?——With all my heart.

You never ſaid that Slack offered you a thouſand pounds?—Never in my life.

And that God knew that you had not a ſhilling, and you hoped he would direct you for the beſt?——I never ſaid ſo, as to God directing me for the beſt, I wrote a letter to Mr. Leonard Goodridge, which may be produced.

Then you never did ſay to a perſon of the name of Jacques that Mr. Slack had offered you a thouſand pounds, in order that you may ſwear for him, and that you hoped God would direct you for the beſt, you never ſaid ſo to Mr. Jacques?——No, nor any thing to that effect.

Might you be at Mr. Goodridge's houſe about the 24th of November?—I was.

Do not you know that Mr. Jacques lived in that houſe of Leonard Goodridge's at that time?——I do not know that, I never did ſay that, nor any thing like it, I never ſaid I was expoſed to temptations by Mr. Slack.

Was there not a promiſe from Mr. Slack and ſeveral other gentlemen that they would go to your father and get things ſet right if you would come in and ſwear this?——No, if I would do the thing that was right.

What was that?——To let the right owner have the property.

What converſation had you with Mr. Slack and other gentlemen?——No promiſes of pecuniary aſſiſtance whatever, they promiſed if I would come forward and do what was right, they would ſpeak to my father.

I think you ſay that this receipt for the bond you firſt wrote over on the 6th of April, when Mr. Goodridge was ſent for and came, what time of the day was it?——I believe it was in the afternoon, it was the day before the bonds were executed, and the bonds were executed on the 7th of April.

Goodridge came over to Evans's houſe on the 6th of April, and you ſaw Evans and Goodridge at Evans's houſe, was it in the afternoon or forenoon?——I cannot ſay which.

What time was the bond executed?——It was as ſoon as the candles were lighted.

Now ſuppoſe it ſhould turn out that it ſhould be utterly impoſſible that a ſyllable of this ſhould be true?——I cannot think that.

You ſhall ſee in a minute, you was examined before Dr. Ducarell?—I was.

Now here is a third depoſition that contradicts both theſe, here is your affidavit before Dr. Ducarell has no reference to either, you have been pleaſed to ſay to night that the old will was copied at Sawtell's?—Yes, that I poſitively ſwear.

Did you always ſwear that now, even when you got into the right path, and was to do what was right under thoſe promiſes?—I am perfectly aware of what you have got in your hand.

But I am not perfectly aware of what you have got in your head; you have ſaid juſt now to the Jury, you poſitively ſwore that you are poſitively ſure that the old will was copied at Sawtell's, now this was when you began to be a good boy; mind, your affidavit runs thus, "and that he this deponent afterwards, by the expreſs deſire of Evans and Goodridge, went to the ſaid Evans's, on or about the 22d of January, 1783, when the ſaid will of Thomas Sawtell was produced in favour of Slack and Atkinſon?"—I did not take it at Evans's houſe.

How came you to ſwear it then; mind, before you took that depoſition in the Commons, you made affidavit before Dr. Ducarell?—I did.

In this affidavit, which was the firſt you ſwore after theſe promiſes of Mr. Slack, you ſay that the old will was copied at the houſe of Evans, when you came into the Commons you ſwore the contrary, and now to night you confirm the contradiction of this?——I will give the Court an account of the reaſon why this affidavit was made, there was then no notice taken of this being a forgery, and ſo this was made becauſe

I did not think they would be ſo fool-hardy to have appeared here on ſuch an affair as this, I did not criminate ſo much as I ſhould.

I know that you are in a truly ridiculous light?——It poſitively was copied at Sawtell's houſe.

And you ſwore the contrary twice over on both ſides of the queſtion?—Mr. Slack nor none of the parties knew the criminality of the buſineſs till I ſurrendered at Bow-ſtreet.

You appeared perſonally, *(Reads)* "John Underwood of New George-ſtreet, in the pariſh of Chriſt-Church, in the county of Surry (he calls himſelf a gentleman!) maketh oath that he is the writer of the two ſheets of paper, and was firſt conſulted upon, in the houſe of the ſaid Evans on Saffron-hill, and aſked if he this deponent would draw a will, &c. that afterwards, by the expreſs deſire of Evans and Goodridge, he went to the ſaid Evans's houſe in and about the 22d of January, 1783, when the ſaid will in favour of Slack and Atkinſon was produced by this deponent;" now, obſerve Mr. Underwood, you, who did not want to criminate theſe men, charge them with a direct and palpable forgery, "and this deponent, upon his oath, ſaith that he never received any inſtructions from the deceaſed:" Why do you mean to ſay there is no crimination here againſt theſe men?——I mean to ſay that when I drew that affidavit I was in hopes they would have given up the matter, I certainly had given up the matter.

Then was that your reaſon, becauſe you thought they would give it up upon your affidavit, did you, therefore, wilfully give it up upon your own affidavit, and did you draw it falſely inſtead of truly?——There was nobody knew it was a forgery till I went to Bow-ſtreet; I did not want to prove the deſtroying the will to criminate ſo much as that: On the 7th of April, as ſoon as I went home I gave the receipt for the bond to my wife, I am poſitive ſure of that.

Now, as this is not true, is all the reſt a lye?—I cannot think that; and ſhe kept it till ſome time in November.

*(Reads.)* "That accordingly the ſaid bonds were reſpectively ſealed up and given to the ſaid James Evans, who gave a receipt, and deponent ſays the ſaid undertaking remained in his cuſtody till about the latter end of November laſt, when he delivered up the ſame.——The examiner miſunderſtood me.

Was it read to you?—Yes.

Did you ſign it?—I did.

*Mr. Silveſter.* Did you ſhew Mr. Gregory the draught with the ſeals torn off?—I had it in my hands.

*Court.* Do you mean the will dated the 23d of January?—Yes.

Did Mr. Gregory examine thoſe papers?——I read them over, and he had the inſtructions.

Then Mr. Gregory muſt have ſeen this cancelled will?——He muſt ſee it.

*Mr. Silveſter.* What were the promiſes that were made?——That if I would come forward and do the thing that was right they would take care I ſhould not be hurt, and they would take care to do every thing that they could with my father to reſtore me to his favour.

This affidavit that has been talked of by Mr. Erſkine, was that made prior to your going to Bow-ſtreet?——Three weeks or or a month before.

Had the priſoners then been charged with the forgery?—No.

Did any body know of it?—No.

Where were theſe receipts and papers kept?—They were kept in a drawer in my houſe.

*The receipt and the inſtructions read to the Jury.*

*The inſtructions for the will read.*

"No. 1. Inſtructions for Mr. Thomas Sawtell's will, 1782; Mary Allen, my ſiſter, the ſum of twenty pounds yearly and quarterly payments; Gilbert Sawtell, by his laſt will and teſtament."

*Mr. Mumford.* This was the cover in which was incloſed the real will, it was in the iron cheſt, there is no ſubſtantial difference in the legacies, here is a recital of twenty pounds a year, I am in doubt whether it was not twenty-two pounds a year, the reſidue is the ſame, only given to Goodridge inſtead of Slack.

Were the former wills correſpondent?—The ſame legatees and the ſame executor, this draught has a legacy to Mr. Falkner, I never altered it, I only made it a new will by re-executing it.

*The will read as ſet forth in the indictment.*

Is there any mention of any legacies to the Goodridges in any of the former wills? Certainly not.

Was Daniel Slack preſent at either of theſe conſultations?——No, I ſhould not know him if I was to ſee him.

At the times, had you any particular way of doing buſineſs, or any particular hour of doing buſineſs?——He deſired me to be there by ten in the morning.

*Mr. Pigott.* Robert Slack is the brother of Daniel Slack, he has no children, perhaps it might ſo happen by accident or otherwiſe, that Robert Slack was preſent, though Daniel was not?—He was preſent certainly.

Was he a witneſs to any of them?—No, Sir.

*Sir T. Davenport.* Did this man take any part at all?—Certainly not, he was at his houſe, and at his buſineſs.

Did he live at Sawtell's?—He was principally there, he was very frequently there, he had the conduct and management of the old gentleman's concerns in ſome meaſure, he uſed to attend him backwards and forwards to different places.

## THOMAS NORTHOLDER *ſworn.*

Mr. Robert Slack fetched me as a witneſs to a will of Mr. Thomas Sawtell's, he ſent for me, and ſaid he muſt trouble me once more, I had witneſſed a will of his.

Was he in perfect poſſeſſion of his mind at that time?——Yes, as much as I have known him for twenty years.

*Mr. Sheppard.* Do you ſerve Mr. Robert Slack with meat?—No, Sir.

Mr. Robert Slack fetched you, I think you ſay?—Yes.

## JOSEPH BAKER *ſworn.*

Do you remember at any time witneſſing a will of Mr. Sawtell?—Yes.

What did he ſay?—When I came he deſired me to ſet down, he wanted me to witneſs his will, I was not there five minutes before the execution was over.

*Mr. Garrow.* Who applied to you?—Young Mr. Slack, he came for me by order of Mr. Sawtell.

## ANN UNDERWOOD *ſworn.*

When was you firſt acquainted with any of the priſoners at the bar?—My firſt acquaintance with Nathaniel Goodridge was the beginning of November, 1782.

What occaſioned your knowing them?—The occaſion of my knowing them was, a perſon recommended me to buy ſome things of Mrs. Goodridge, the wife of Nathaniel Goodridge, ſhe had ſome things to ſell for Mr. Evans.

What were the things?——Gowns and petticoats, my huſband was out twice, once till two in the morning.

Did you buy any?—Yes, Sir.

Do you recollect to what amount?——Yes, Sir, five pounds.

Do you remember Mr. Goodridge's, either one or the other, coming to your huſband?—I think, as near as I can recollect, it was about the firſt week in January, 1783.

Do you recollect whether at any time your huſband being out till late?—Yes, Sir, he was out till four in the morning; Mr. Nathaniel Goodridge came to our houſe, I think, the firſt week in January, and the converſation with him I overheard; I was not immediately let into the light of it, but they wanted me to go to Mr. Aſſiott to get him to write the name of Thomas Sawtell on two ſheets of paper.

Are theſe the papers or not *(ſhewing them to her)* have you any reaſon independent of what Mr. Underwood told you for knowing theſe ſheets?—Yes, here is a pencil mark under one of theſe ſheets.

Are theſe the ſame papers that you obſerved when Nathaniel was there?—Yes.

Aſte

After he was gone you obſerved a pencil mark?——Yes.

Did you hear at any time while Nathaniel was there, what purpoſe theſe papers were for, or what mark?—Yes, Affiotti was to write the name, and Mr. Underwood, or ſomebody was to fill up the will.

Did that paſs while Nathaniel was there?—Yes, about a day or two after Nathaniel came.

What did paſs, or did any thing paſs concerning the purpoſe of that viſit, while Nathaniel was there?—The ſecond time Nathaniel brought two ſeals, and we were to get a ſeal engraved from that impreſſion, which was in red wax, I was to have got them done; and the third time in January, I recollect my huſband was invited by Nathaniel to dinner, he came about Friday and aſked for Mr. Underwood to dine with him on the Sunday, I think that was the 26th.

Did he mention the purpoſe for which he was to dine with him, or any thing that was to be done?——The purpoſe of his dining there was in order to take a copy of the will, becauſe they thought it was of too late a date, in order to antedate it.

Who ſaid that?——Nathaniel Goodridge.

What was the date of that will?——I think the 23d of January.

Did he give any reaſon why it muſt be an earlier date?—No, my huſband dined out on that Sunday, but I do not know where he was; a journeyman of Mr. Nathaniel Goodridge's brought the intelligence that Mr. Sawtell was dead; Leonard Goodridge was at our houſe that day; the firſt time Nathaniel came, and young Goodridge, Leonard Goodridge, came after, whom I did not know, and they went out together for a little while, when they came back he gave me five guineas, and ſaid, while the cart was going it was fit to greaſe the wheels, going down ſtairs he ſhook Underwood by the hand, and hoped they would all ſtand true to each other; on the Monday following Mr. Goodridge came over to our houſe again, and I heard him ſay that Mr. Underwood was to go to Mr. Gregory, his attorney, and take all the papers, and that it was proper there ſhould be ſome inſtructions, and Mr. Underwood drew ſome papers on the table, I ſet by him while he wrote the inſtructions which he was to carry to Mr. Gregory; Mr. Underwood wrote ſome inſtructions on a ſheet of paper, I ſhould know them.

Are theſe they?—(*looks at them.*) Theſe are the inſtructions, a copy of theſe were taken ſoon after the latter end of February.

Was that paper the paper that was carried to Mr. Gregory?——That remained with me, there was left in my cuſtody, by Mr. Underwood, a receipt for the bond, and the copies of two wills.

This is one, what became of the other?——The other was burnt becauſe it was ſo much ſpoiled, I had theſe papers the 7th of April, at night, 1783, the firſt time I had it.

Did you happen to ſee Evans whilſt you had that paper or that receipt, did any thing paſs?—Yes.

Relate what that was?——In the month of June, 1783, I was obliged to go to the Fleet; I went to Mr. Nathaniel Goodridge's houſe, and there was Mr. Nathaniel Goodridge and Mr. Evans at ſupper, I aſked them if they would let Mr. Underwood have any money, I ſaid I had the receipt for the bond in my pocket, and it was very odd they would not let me have ſome money or give me the bond, they ſaid it did not matter, it was only a conditional one.

Which of them ſaid that?—I think it was Evans.

Did you make any anſwer, or did any thing more paſs?—I ſaid, that Mr. Underwood ſaid he would arreſt Mr. Evans for the bond, then I went away; Mr. Evans advanced five guineas more in October following.

Did he accompany that advance of the money with any thing ſaid?——He ſaid it was not in his power to advance any more.

Did you keep that receipt and thoſe other papers?——Yes, I kept them till

November, till they went into the Commons.

*Mr. Erſkine.* You live with your huſband?—Yes.

And have done conſtantly, I take it for granted?—At all times, when I could, when he was in confinement, I was as much with him as could be.

How much was you in this ſcene of wickedneſs?——I knew he was doing a wrong thing.

You did, you knew from the beginning to the end, that there was a wicked contrivance to defraud Mr. Slack, and you was quite happy and contented at all this?——Not very contented, I was affraid to divulge it; on Sunday the 16th, Mr. Underwood wrote the inſtructions on a ſheet of paper.

You think yourſelf bound to obey your huſband more than you are to obey God or any other man?——Yes.

Then perhaps that operates a little upon your mind to day?——Yes.

It would not have been very pleaſing to your huſband if you was to give the lie to every thing he ſaid, you would have a battle at night?——No, I do not think that, I wiſh always to go with my huſband, and would not tell an untruth.

How came you not to tell about this forged will?——I was not aſked.

What was the greaſing of your cart wheels, did not your huſband at the time he gave information about this will, ſay, whether he was not reduced to the very loweſt diſtreſs in the world?—He wanted money to carry on his buſineſs.

Was not he reduced to extreme poverty, almoſt in great diſtreſs, it ſurpriſes me that you ſhould be ſo glib about the dates of theſe wills, the 23d of December, and the 14th of November, had not you theſe circumſtances from your huſband?——No, Sir, they are circumſtances that I was intimate with, I knew the 23d of January from other circumſtances.

How came you to be ſo certain about the day that the will was dated?——Leonard Goodridge I ſaw on the 9th of February at our houſe, I am poſitive ſure of it, it was in the afternoon about four o'clock, or between four and five.

Am I to rely upon you for the truth of theſe circumſtances?——Yes.

Have you any doubt about it?——No, Sir, I ſaw Leonard Goodridge between four and five, on the 9th of February, the day that Sawtell died, at Underwood's, between four and five in the afternoon.

I think it was at ſupper you ſaw theſe people, and that you ſaid that it was very hard that you could not get either money or bond?——Yes.

You ſaid your huſband would arreſt them?—Yes.

Are you ſure you ſaid nothing more than that?——I do not know that I did.

You did not threaten them with any thing further?—Not that I know of.

You did not make uſe of any threatening expreſſions to them, as if you thought they were connected with ſome villainous buſineſs?——That was all that paſſed.

You have been examined before?——In the Commons.

Now let us ſee (*reads*) "and that ſhe had the receipt in her pocket, upon which ſhe threatened them, that if they would not relieve her huſband, they muſt abide by the conſequences?—I ſwore that at the Commons, I have ſaid ſo to Nathaniel a many times, I heard my huſband ſay there was likely to be an oppoſition.

You have had many converſations with your huſband about all this buſineſs?——No, I have not, I do not like to mention it.

You have taken him you know, for better for worſe, and change as he changes.

*Sir Thomas.* By the conſequence you meant an arreſt?——Yes.

*Mr. Erſkine.* If I underſtand you right, you ſaid, a pencil mark was put by your huſband at the place where Affiotti was to write the name of Sawtell?—Yes.

Now look for the place?——This is the place.

(*Points out the outer marginal part of the outer margin.*)

Your huſband is grown very fat, who maintains him?—I believe Mr. Slack's attorney has paid for the bills.

You are very well fed and very well taken care of?——We are not in want of any thing.

That pencil mark is made in the place where Affiotti was to write Mr. Sawtell's name?——Yes.

Was it made before the ſeal was put on?—Yes.

### SUSAN UNDERWOOD *ſworn.*

*Mr. Fielding.* How old are you?——Seventeen, I know Nathaniel Goodridge.

Was you ever ſent with a letter by your father to him?——Yes, I think it was about the month of September, I cannot ſay whether it was September or October, it was in the year 1783.

*Mr. Pigott.* Did you ever read the contents of that letter?—No.

*Mr. Fielding.* What paſſed between Mr. Nathaniel Goodridge and you?——His wife was in company with him at breakfaſt, ſhe ſaid, money was exceedingly ſcarce, and they did not know how they ſhould get it; Mrs. Goodridge ſaid, ſhe ſuppoſed I knew the contents of the letter, I ſaid, I knew the greateſt part of it.

Did they give you any money?—They gave my father money, I was in an adjoining room, I heard the money.

Did you ſee them deliver the money to you father?——No, Sir, I did not liſten to the converſation, but I heard the chinking of money, I ſaw my father give ſome to my mother.

Did any thing more paſs between you and Nathaniel Goodridge than what you have related.

*Mr. Pigott.* Your father had a law ſuit for Mrs. Reeves?——No, Sir, that affair was over.

Was not that application for money that Mrs. Reeves owed your father for that law ſuit?——Not to my knowledge, my father in that letter threatened to arreſt Mrs. Reeve, if Nathaniel Goodridge did not ſend the money.

*Mr. Fielding.* Did you know the contents of the letter?—Yes.

How far?——That he was in want of money, and that he deſired them to ſend ſome, and if they did not, he would arreſt Mrs. Reeves.

### THOMAS PULLEN *ſworn.*

I live with Mr. Bogg the proctor, I know there is a ſuit in which he is concerned for Mrs. Edith Spence, his next of kin, I know very little of the matter.

*Court to Nathaniel Goodridge.* Have you any thing to ſay in your defence?—I leave it to my counſel, my Lord.

*Court to Leonard Goodridge.* Have you any thing to ſay?—I leave it to my counſel, my Lord.

*Court to James Evans.* Have you any thing to ſay?—No, my Lord.

*Mr. Erſkine.* On the part of the priſoners, your Lordſhip and the Jury very very well know, that it is out of our power to make any obſervations on the evidence, therefore I am perſuaded you will give me leave to ſtate to your Lordſhip, what I call my witneſſes to.

*Court.* No.

*Mr. Erſkine.* I never yet heard the objection made in my life.

*Sir T. Davenport.* I am very much affraid of a ſpeech.

*Mr. Erſkine.* I wiſhed that the Court and Jury might have underſtood what I call my witneſſes to, but as I muſt not explain it, you Gentlemen of the Jury muſt pick out the defence as you can, you muſt hear it, and pick it out as you can; but, however, I may aſk you whether you have the dates of the 6th and 7th of April, and the 9th of February, when this bond was ſaid to be executed, upon the 6th of April it was ſettled that it ſhould be done on the 7th of April, and after the candles were lighted, on the 7th, the bonds were executed, and the receipt was given; on the 9th of February, Leonard Goodridge is ſtated by Underwood and his wife to have ſaid that the wheels ſhould be greaſed.

THOMAS POLLARD *ſworn.*

Are you acquainted with the priſoner Leonard Goodridge?—Yes.

What are you?—A ſtone-maſon.

Where do you live?—In Clerkenwell-cloſe; I have heard a good deal about Leonard Goodridge, on the 9th of February 1783 in the afternoon, which was the day that Sawtell died.

Now, do you happen to know where Leonard Goodridge was on that day, from what time to what time?—I was invited to dine with Leonard Goodridge on Sunday the 9th day of February, and I went to his houſe a little before two, and we dined at half after two, and I drank tea, and ſtaid there till paſt ten o'clock; I do not know that he ever was out of my company.

Can you take upon you to ſay, that he remained at his own houſe during the time that you was there?——He never was out of the houſe, I dare ſay, I can take upon myſelf to ſay he never was in his yard, I cannot ſay, but he never was in the ſtreet.

Who dined there beſides?—There was one Mr. Collier, Mrs. Collier, and Mr. Collier's wife ſiſter.

Then you are ſure of the day?—Yes, I am ſure, I have a book in my pocket that will give you a good ſatisfaction about it.

When was the entry made?—The next morning, I have made entries for twenty years.

Let us ſee what you have got in it (*Reads*) dined at Goodridges?—I poſitively do ſay it, that on Sunday the 9th of February, I dined at Mr. Goodridge's, with Mr. and Mrs. Collier, and I do not think he was out once.

Do you recollect going on the 6th of April any where?—Yes, I do, very well.

Where did you go on the 6th of April?—I went to Barnet, beyond the twelve mile ſtone, Mr. Evans the priſoner went with me, I breakfaſted at Mr. Evans's houſe, about eight on Sunday morning the 6th of April, as I went with him to Barnet, we went to Hendon, and dined by Finchley church, and ſlept at the Mitre, at Barnet; I was employed to meaſure a piece of ground, and tell the value of it, for him to make a purchaſe off.

At what time did you ſet out to return to London?——We dined on Finchley-common, and we came to London between ten and eleven at night.

You are ſure you did not get to town till that time?——Yes, we went to his houſe, we walked all the way, and I ſtaid till near twelve at night on the 7th.

Now, I will tell you a thing that will ſurpriſe you a little; it has been ſaid here to day that Mr. Evans executed a bond on that day at his own houſe?——I can ſay nothing to that, I know he was along with me from Sunday morning eight o'clock, till Monday night twelve o'clock.

Have you any more doubt about what you have been telling the Jury, than you have of your own exiſtence?——No, Sir, it is as true as I ſtand here.

*Jury.* Have you that in your diary?—Yes.

Now, Mr. Pollard, where was this ground you was meaſuring?—The ground belongs to Mr. Emmery, I am poſitive ſure I was in company with Mr. Evans from eight o'clock on Sunday morning, till near twelve on Monday night.

Did you meet any body coming to town or ſee any body?—No, not that I knew, but there was a man overtook us ſomewhere on this ſide Finchley-common, he was a ſtranger to me, but the man ſpoke to Mr. Evans, and he came along with us.

*Sir T. Davenport.* As you are ſo very regular, can you tell the day you committed the firſt act of bankruptcy?——I cannot tell you, I never was a bankrupt in my days.

No commiſſion?—No, Sir.

Never any taken out?—No, Sir.

Do you remember the day your creditors met in order to make a compoſition?——I ſuppoſe I may.

When was the day you made a compoſition with your creditors?——I never made a compoſition with my creditors in my life.

Did you ever meet them?——Yes, it was in the year 1781, I ſuppoſe.

In what month in 1781?——It might be ſomewhere in November or December; I was arreſted ſeveral times, and I called my creditors together, and great part of them are paid, and all the money I owe in England, is not above eighty or ninety pounds.

Will you be correct to the month you met your creditors to compound with them?—I cannot.

Have you no memorandum of that?—I ſuppoſe I may at home.

Have you or have you not, have you your books for 1781?—Yes, I will ſhew you ſomething about it; on the 13th day of December 1781, I was arreſted by a Dr. Bull, for eighteen pounds ſeven ſhillings, and this Doctor I gave him ſome money, I paid him the remainder ſince, I I have no entry of the compounding, for the lawyers run away with all the caſh.

Will you ſhew me in this book any entry of your dining at any other place beſides this time?—I do not know that I can, but you may ſee by the complection of my countenance that I am not to be brow beat; I am a man that do not dine very often at a private houſe.

Now I will give you the whole year of 1781 to find me another entry except that.

*Mr. Erſkine.* You made that entry about the 6th or 7th of April, on the ſpot?——I made it in the field on the ſpot.

*Sir T. Davenport.* It was very material to enter this dinner, you can tell exactly what you had for dinner at Goodridge's?—We had a haunch of mutton, and boiled beef, and there was a pye, I believe it was a damſon pye, I am not ſure.

How many minutes walk is it from that place to Underwood's houſe?——I do not know where Underwood lived, it is in the Borough, it would take an hour and a half to walk there and back.

When was you firſt called upon, and did firſt diſcloſe this matter?—I ſuppoſe it may be four or five months ago.

Who applied to you?—Leonard Goodridge aſked if I could tell the time that I dined at his houſe, he did not tell me the time, I told him by eight or nine o'clock I was merry.

Have you been frequently in the priſon to ſee them?—I ſuppoſe I have been there forty times, I am intimate with them all, and if you was there I would go to ſee you.

Why did you enter that dinner?——My reaſon is this, I had ſome buſineſs to do with Goodridge, I have no entry about any other dinner, there is another entry in that book of dining with him on Tueſday the 7th of January.

Had not ſomething paſſed on the 7th of January about a will?—I never heard any converſation about any thing being done about a will.

*Mr. Erſkine.* I obſerve, on the 7th of January you loſt a ſhilling at cards, and on the 9th of February, you gave a ſhilling to the ſervant.

### THOMAS COLLIER *ſworn.*

I dined at Mr. Leonard Goodridge's on Sunday, while Mr. Sawtell lay dead.

Was any body expected to come there to dinner?—Yes.

Who was expected?—Nathaniel Goodridge did not dine there.

Did Pollard dine there?—I do not recollect that circumſtance.

What time did you dine?——About half paſt one, I ſtaid there till ſeven.

During that time was Leonard Goodridge abſent from his own houſe for any time?—I do not recollect.

*Mr. Silveſter.* When was it?——It was on Sunday, I was told that Mr. Sawtell died that morning; I made no memorandum, I do not recollect Pollard there, my wife was there, ſhe is not here.

### JOHN JAQUES *ſworn.*

I lived ſervant with Nathaniel Goodridge, in 1784; I am a carpenter, I worked with him.

Do you remember in 1784, Underwood's coming to him?—Yes, it was the 24th of November.

Did you hear any converſation between

Underwood and Leonard Goodridge, when he came?——Yes.

What was it?—Mr. Underwood came to Mr. Goodridges's houſe about eight in the morning, he aſked if Goodridge was at home, I ſaid, yes, Underwood was in the kitchen, Goodridge came down and aſked Underwood how he did, Underwood ſaid, he did not know how he did, for it was a ſad thing to be tempted; he had been with Mr. Slack the night before, and he had offered him a thouſand pounds to do what he could on his ſide, and on his behalf; he hoped God would direct him for the beſt, for he would not ſtarve, nor his family, even at the hazard of his life; Mr. Goodridge made anſwer, and ſaid, he would have nothing to do with him or Mr. Slack either.

*Mr. Fielding.* You have known Leonard Goodridge ſometime, I take it for granted?—Yes.

Where may you live now?—No. 219, St. John's-ſtreet, the laſt perſon I worked with was Mr. Cox; I never made any depoſitions in the Commons.

You never have been ſent for?——No.

When was it you was deſired to come here?——The firſt ſeſſion after they were indicted.

Where was Leonard Goodridge at this time?——He was in the work-ſhop, I was going out, and Underwood was at the door, I opened the door for him; I was in the kitchen when he came, where there was ſome ſpikes and nails, they were in the kitchen then.

Underwood made uſe of this declaration in your preſence and hearing?——Yes.

## PHILIP HUMPHRIES *ſworn.*

I am acquainted with Evans, I formerly kept a public houſe in St. John's-ſtreet; I remember ſeeing Evans on the 7th of April 1783, about ſeven in the evening, I was on this ſide the dirt-houſe, between that and Highgate, there was a gentleman with him, but I do not know who he was, we walked together.

What time did you come to town?——It might be very nigh nine, we came home a little before eleven: I know the day, becauſe I went to ſee a perſon, I never parted from them till I came to town.

## SAMUEL HILL *ſworn.*

I was a fellow ſervant at Goodridge's with Dodſon.

Do you recollect when you came to London?——I was not in London till November 1783, I was at work at Mrs. Cloſes's, in Gutter-lane, I was making ſome ſtairs; I quitted Mr. Cox of Iſlington, to go to Mr. Goodridge's.

Did you go immediately there?—I did this job for Mrs. Cloſe, in Gutter-lane, in the month of November, 1783.

*Mr. Silveſter.* When did you begin to make memorandums?—I ſet that down.

Do you mean to ſwear that Dodſon worked there in 1783?——Yes, Fiſher Dodſon and me both worked together at Mrs. Cloſe's.

Have you any memorandum of the time?——Here is a memorandum I made as far as this, I had been at work at Mr. Jaques, and drew up a memorandum.

How will that prove that you was at work at Mrs. Cloſes's?——It was within the ſix or eight weeks that I worked for him.

Do you recollect a maid ſervant by the name of Nicklin?——I heard of her, and may have ſeen her, I never ſpoke to her that I know of.

Do not you remember an attorney in the back ſhop?——There was, I remember now, we came out of the ſhop together, and went and drank together, that was abou November 1783.

I ſuppoſe you told Mr. Goodridge wha you knew, when you heard of this?—No

Did not you declare that you kept ou of the way for fear of being met by th proſecutor?—No, Sir, I never was affrai of meeting any perſon.

Did you ever ſay you kept out of th way?——No,

Was not you applied to by the proſec tor to come here?——I had a ſubpœena come here.

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Was not you applied to by the proſecution for to come here?——I was no further applied to than being ſupœned, I never declared to anybody that I kept out of the way for fear of being brought here on the part of the proſecution.

How came you to come here to prove this was on November, and not in January?——I cannot prove it any otherwiſe than in November, becauſe it was in November.

*Mr. Erſkine.* Had you ever been in Goodridge's ſervice before you went to Cox's?——No, I never was in his ſhop, the beginning of 1783, I did not know my way to the ſhop.

When you ſaw this man writing in the ſhop, it was in November 1783, and Sawtell had been dead nine months then?——Yes.

## ——— COX *ſworn.*

I am a carpenter, I employ men, I keep an account of the men I employ; I know Hill the laſt witneſs, I employed him, he came to work for me on the 21ſt of October 1783, he came on the Tueſday and left me on the Saturday night.

*Mr. Silveſter.* Do you know where he came from?——He was at work for Jaques.

Who was Jaques ſervant to?——Jaques was ſervant formerly to Goodridge.

Which of the Goodridges?——To Leonard Goodridge.

## SUSANNAH CLOSE *ſworn.*

Do you recollect employing Mr. Nathaniel Goodridge to do any buſineſs for you as a carpenter?——Yes.

What was it?——To make a pair of cellar ſtairs.

Do you recollect at what time that was?——In November 1783.

You are perfectly ſure it was in November 1783?—Quite ſure.

Are you ſure it was not in January 1783?——No, Sir, it was in November, I recollect the time, I expected a gentleman out of the country, that was going to America, and he was to be with me a month; about the 18th of November, on a Saturday evening, they were finiſhed; Mr. Goodridge and both his men worked till twelve at night.

Who were both theſe men?——Hill and Fiſher.

*Mr. Fielding.* Are you ſure it was in November?—Yes.

Now, was it not in the year 1782?—No, 1783, I will ſhew the bill.

How came you here to day?——I was ſubpœned three days ago.

*Mr. Sheppard.* Was that the firſt time you was ever ſpoke to about it?—I was told ſome time ago, I might be called on, it may be ſix months, it may be ſeven months.

## HARRIOTT CLOSE *ſworn.*

I am daughter to the laſt witneſs, I recollect Mr. Goodridge being employed to do ſome buſineſs for my mother perfectly well, making a ſet of cellar ſtairs, altering a bedſtead, and ſome other work, as near as I can recollect, it was about the middle of November 1783.

Can you poſſibly have made ſuch a miſtake as that it might have been in January 1783?—No, Sir, I am very ſure of that, I recollect that the work was finiſhed on the Saturday night, the lottery beginning to be drawn on the Monday, I know the ſtairs were made, becauſe we expected a gentleman out of the country about that time, who was going to America, he did not come, he altered his plan; I have no doubt at all about the time.

Who did the work?——Hill was one and Dodſon the other, Mr. Goodridge and his two men all attended together to finiſh the work.

*Sir T. Davenport.* How long had Hill been with Goodridge?——I cannot tell.

Had theſe men worked for you any time?——Yes, that was in the December before, both Dodſon and Hill, particularly Dodſon, I remember him, and I remember Hill too.

*Mr. Garrow.* You are ſure that the buſineſs of the ſtairs was done in November 1783?——I am perfectly ſure of that.

——— GREGORY *ſworn.*

Have you been in Court to day while Mr. Underwood was examined?—I have.

Have you attended his examination?—I did.

You attended particularly to his evidence, where he ſays, he held in his hand a draught with the ſeal torn off?——If it had been as he repreſented it, I muſt moſt certainly have ſeen it, any clerk to an attorney that had not been ſix months with him, muſt have made the obſervation; I want to ſee if that which Mr. Underwood brought into the Commons is the draught, *(looks at it)* I verily believe this is the draught he ſhewed me, and not the draught he ſpoke off, the draught he ſpoke off, he told me he had torn off the ſeal and the name, is it poſſible that that could have eſcaped my obſervation.

You think it could not?——It could not upon my oath, I verily believe he did not ſhew me ſuch a paper as he mentions, on the contrary, I believe this to be the draught that he ſhewed me, for this reaſon, he pointed out to me that when he attended Mr. Sawtell with this draught, Sawtell made mention to him that he had made a miſtake in two or three of the legacies, particularly that he had altered them with pencils, and that he had inſerted maintenance and clothing, and ſtruck out education, in my office he pointed out that to me; ſays he, here Sir, I have done it with a pencil.

Then Mr. Gregory, how can it be true that he ſhewed you a cancelled will, with the name and ſeals torn off?—I do not believe it.

At the time that Underwood came to you, to give you an account of what he had done, did he give you a clear account? One of the cleareſt accounts that ever was given by man.

Could you have had the leaſt idea from his declaration, that it was not a fair and juſt will?—No man could have had a ſhadow of doubt.

And he gave you this paper which he acknowledged to?——He gave me a copy of inſtructions, which he told me he took himſelf from the teſtator's own mouth at Nathaniel Goodridge's houſe, the 6th of November, I aſked him then, whether he drew any draught; he told me he did, I aſked him whether he read over the draught, he told me he did on the 9th of November, being Lord Mayor's day, that then the teſtator himſelf made the alterations which are in pencil and appear here; his account of the forged will, with the two ſeals torn off, I believe to be totally falſe on my oath.

*Mr. Silveſter.* You was, I believe, originally the attorney to the Goodridge's?—I was for Nathaniel.———

In ſhort you did all his buſineſs as an attorney?——For the two brothers, for ſome years.

When was the laſt time you did any buſineſs for them before this will was made?——I cannot ſay that.

Did not it ſtrike you as very odd that they ſhould employ Underwood to make a will?—The very reverſe, Sir, I underſtood it was Mr. Sawtell himſelf that employed Underwood, and not Goodridge, for the very moment Sawtell was dead, Nathaniel ſent to me, to come to his houſe on the morning he died, which was the morning of the 9th of February as repreſented to me, and ſent a parcel by Fiſher Dodſon, it was this will of the 14th of December 1782, I caſt my eye over it, and he deſired me to come to Mr. Sawtell's I ſtepped there directly, Nathaniel Goodridge opened the door and aſked me into the parlour, I gave it him, and he put it into his ſide pocket, and went into the parlour, that was the firſt time I had ſeen the will upon my oath; Daniel Slack was in the parlour then; a caveat being put in, I thought it very neceſſary to ſee the attorney who made the will, in order to aſk him proper queſtions concerning it; the next day after his death, I went with Nathaniel and Mr. Hunter his co-executor, to the Commons, in order to prove it, I did not want to ſee Underwood, till I found that a caveat was entered, when I did ſee Underwood, I aſked him firſt of all, whether he had been acquainted with the teſtator, he ſaid, he had, he ſaid, through a Chancery ſuit he had been concerned in for a Mrs. Reeve; I then aſked him whether he ever had taken any inſtructions, and from whom, about Mr. Sawtell's will; when he produced theſe inſtructions to me, I took them into my hand, I have a copy of them which he gave me.

On having the copy of them in your hand, it was examined by the original will he had in his hand?—No, Sir, the copy againſt the genuine inſtructions, not the inſtructions againſt the will, if he had held that in his hand I muſt have ſeen it, I had no ſuſpicion at the time, I believed it to be as fair a tranſaction as any in the world, I ſuppoſed Mr. Sawtell was in poſſeſſion of it; another circumſtance, I ſaw Mr. Underwood many times upon this buſineſs, and when it was given out that Daniel Slack, the preſent proſecutor, found out the cover of a former will, and two blank ſheets of paper, I aſked Underwood if he knew any thing of them, he ſaid no, he did not he declared.

*Mr. Erſkine.* How long have you known the Goodridges?—I ſuppoſe I have known Leonard Goodridge for twenty years or more, I have known Nathaniel Goodridge about fifteen years.

Have you known much of him?——Certainly, a great deal of him, I have employed them both in their reſpective capacities of carpenters and undertakers; if I was now called upon, on my oath, to name an honeſt man, or one man more honeſt than another, I do not know any two men that would ſooner have entered my mind, than Nathaniel Goodridge and Leonard Goodridge.

Theſe perſons were appriſed of theſe proſecutions, and if they had a mind to have eſcaped they might?——I was furniſhed by Mr. Sheppard, with a copy of the affidavit of Underwood againſt the will, I was greatly aſtoniſhed, I immediately went to Mr. Jenner the Proctor, and ſaw Mr. Jenner, Mr. Jenner himſelf immediately made application to the two Goodridges, in order to talk to them about the matter, Mr. Sheppard gave me a copy of the receipt of Evans, and I wrote a letter to him, and Evans received the letter and came up to town, I know he had the letter, and he came from Wales to meet the charge, and for fear he ſhould not on my letter, Nathaniel Goodridge went to fetch him; Nathaniel Goodridge came firſt to meet the charge, then Evans.

Had not they a full opportunity of eſcaping?——Certainly.

I need not aſk you after the very honourable character you have given of the two Goodridges, whether you believe it poſſible, that they could be capable of committing ſuch a crime?—I do not believe it, I have no reaſon.

*Sir T. Davenport.* Before you had an anſwer from Evans, did not Nathaniel Goodridge go down to Wales?—He did.

Had he any occaſion to go there but to ſee Evans?—That I cannot ſay.

But to your knowledge?—No, I believe he went to fetch him up.

## WATSON HASWELL *ſworn.*

I lived with Nathaniel Goodridge, I knew Fiſher Dodſon, he lived there at the time I did, and I knew Elizabeth Nicklin, ſhe went away, and uſed to confiſcate and take ſome things belonging to Mr. Goodridge, I acquainted him of it, and he gave her a months wages and ſent her off in a fortnight; Dodſon and ſhe were very well acquainted, Dodſon had left Goodridge's ſervice ſome time before Nicklin.

Have you met Fiſher Dodſon at any time ſince Nicklin was turned away?——I have.

Had you any converſation with him about that circumſtance?—I had, he told me Goodridge had kicked up a fine *row* about parting with Betty, he ſaid he had no right to ſtop Betty's box, I ſaid he had, I ſaid if ſhe had nothing in her box but her own, ſhe need not have been afraid of his opening it, ſo he was very angry, very angry indeed, and made uſe of ſuch expreſſions, and d—nd Goodridge, and ſaid if ever he had it in his power he would do him a miſchief for ſtopping Betty's box.

*Mr. Silveſter.* When did Betty go away?——The latter end of June or the beginning of July, 1784.

Now he had gone away a week before that?——I do not recollect the particular time.

Was not it in 1783?——No, it was in 1784, I recollect it very well, it was ſoon after Mrs. Goodridge died, and I recollect her going away then, there was ſuch a [illegible] of work about it; Mrs. Goodridge died, it might be in February, 1784, I cannot properly ſay the time.

What reaſon have you to recollect that this happened in 1783, and not in 1784?——I have no particular reaſons, but I recollect it perfectly well, I recollect I was there at the time, and that it was 1784.

Have you put it down at all?——No, I cannot particularly recollect the time Mr. Sawtell died, I lodged at the houſe when Sawtell died, I cannot recollect properly when it was.

How ſoon after ſhe died did theſe perſons leave Goodridge's ſervice?——They left it after ſhe died, but I cannot recollect how many months.

Was it a few months?—I cannot recollect any particular time.

Was Hill there?—Yes, he worked with Dodſon, I did not work with him.

Do you recollect the time you went to lodge at Goodridge's?—It muſt be about the beginning of the year 1782, I remember they did work together, but not at the the time of Sawtell's death.

## LAWRENCE GREEN *ſworn.*

I live, in Clerkenwell, I know Mr. Eames.

Have you ever had any converſation with Eames about his examination in the Commons?——Yes, I had once, I have ſpoke with him ſeveral times, I think the defendants had been in cuſtody three weeks, it was reported, that Mr. Eames had had an offer of five hundred pounds to be concerned in this forgery, I went to him, he declared to me that it was not true, and that what he ſaid, and that what he had ſworn in the Commons, which was on his firſt examination, was all that he knew; I was acquainted with Sawtell, I had dealings with him, the laſt money I paid him was the 2d of April, 1782, I paid him between one and two, I went to his houſe in Brook-ſtreet.

Who was there with him?—Mr. Slack's brother was there, he counted the money and wrote the receipt by the deſire of Mr. Sawtell, Mr. Sawtell ſaid I cannot ſee to write, Robert, write for me, and he wrote the receipt which I have here, and Robert Slack, after he had wrote it, ſaid, Sir, will you ſign it, he ſaid yes, I will, but I can hardly ſee, and he aſſiſted him to put his hand upon the paper, and he wrote his name, I know all the three priſoners, I have known Nathaniel about ſix or ſeven years, I have known Leonard about ten or eleven, and Mr. Evans ten or eleven.

What is the general reputation of the Goodridges as to honeſty?—I never heard the leaſt imputation upon them.

Is their character a good one?—Yes, I have always found it ſo.

You never heard a whiſper to the contrary?—Never.

*Mr. Fielding.* Sawtell ſigned his name —Yes, with the aſſiſtance of Mr. Robert Slack.

## ——— PARDON, Eſq. Under Sheriff *ſworn.*

*Mr. Erſkine.* You receive the rent and ground-rents of a certain audit upo

Saffro

Saffron-hill?——I did the 28th of October.

For what purpoſe?—To receive a part of the ground-rents for ſome ladies at Glouceſter, Mr. Sawtell was leſſee of ſome houſes; in October, 1782, I think the 28th of October, Sawtell came there to receive his rents, and brought Nathaniel Goodridge, and he ſaid he ſhould give him the rents, he ſtaid to dine, he ſaid he married a relation of his wife's.

### ——— CLARE *ſworn.*

I knew Mr. Sawtell, I am an attorney, but my principal buſineſs is receiving the rents for particular eſtates, to the amount of ſeven or eight thouſand pounds a year, I have met Mr. Sawtell ſeveral times, I have met him two or three times a week coming up Hatton-Garden, but in particular one morning, ſome time in the latter end of 1781, it was a Sabbath morning, when I got down my ſteps I ſaw Mr. Sawtell then nearly on the pavement, and I over took him, and I aſked him how he did, and he ſaid to me, as near as I can recollect, how do you do, he then took me by the arm and ſaid I ſhould go with him to Sagoe's coffee-houſe and have a diſh of coffee, I told him I was particularly engaged, I ſaid to him he was late, he ſaid he was vexed, he ſaid he wiſhed I would go with him to the coffee-houſe, for he wanted to conſult with me about his will or a will, I told him I hoped he had not lived to that age without making a will, he ſaid no, but he could not get one to his mind, he ſaid he wanted to do ſomething or to provide for a daughter or child, I then ſaid I did not know he had any children, he ſaid he had one that he reſpected or conſidered as a child, he ſaid ſhe was married to one Goodridge or Goodwich, and he was a carpenter and undertaker, and as hard-working a dog as any in England, there was ſome other little converſation, but by this time we had juſt got to Sagoe's coffee-houſe, I wiſhed him a good morning, but he took me by the hand and aſked me into the coffee-houſe, I told him I could not, but would call upon him another time, he ſaid if I would not go with him then I might be d—nd, he alſo ſaid, talking about his will, that they would not let him make a will to his mind, I do not know who he meant by they.

*Mr. Silveſter.* Where do you live?—In Hatton-ſtreet.

A houſekeeper?—Yes, Sir.

What are you?—I am an attorney; but my principal buſineſs is, I am employed by a gentleman at the bar to receive rents; it ſtruck me, as we were not vaſtly intimate, I had no kind of reſpect or regard for Mr. Sawtell, I had no wiſh to have done it if he had choſen it.

When was this?—I rather think it was about the month of September, 1781.

### —— SAMUEL SNAPE *ſworn.*

I live at Iſlington.

Do you remember any time in November, and if you can tell us the day ſo much the better, that you ſaw Mr. Sawtell?—On Lord Mayor's day, 1782, I ſaw him in the parlour at Tallow Chandler's Hall, Nathaniel Goodridge was with him.

Did you ſit by Mr. Sawtell?—I ſat next to Mr. Goodridge.

Did Sawtell ſay any thing about Goodridge?—Yes, Mr. Goodridge ſtood behind Sawtell, and Sawtell turned about and ſaid, Goodridge, come and ſit down by me, you come to help me, you ſhall be my heir.

You are ſure you heard him ſay ſo?—Yes.

I believe they dined together there?—Yes, I was there, they behaved very ſociable and friendly to one another.

*Mr. Silveſter.* You dined there?——Yes.

And you and the old gentleman got pretty merry?—We were chearful.

He was not what you call a ſot?——He liked to help his neighbour.

Are you poſitive to the words that he made uſe of?——Yes.

Was you always ſure of the expreſſions

that he made uſe of?——Yes, Sir, I think I was poſitive to the ſame I have ſaid.

In the Commons you ſaid " This deponent thinks he added the words, you know you are my heir, or to that effect, but cannot ſwear particularly to that particular.

Was this before or after dinner?—Before dinner.

Who did you ſit next to?—Mr. Goodridge, and he ſat next to Sawtell.

How long have you been deaf?——I am not very deaf.

### LYDIA DUTHY *ſworn.*

Did you know Mr. Sawtell in his life time?—Yes, I was at Mr. Goodridge's on Lord Mayor's day, 1782.

Did you ſee Mr. Goodridge there?——Yes.

Who did he come in company with?—With Mr. Sawtell, he ſtaid there about an hour and a half, they ſeemed on very good terms, exceedingly ſo, they had been to Tallow Chandler's Hall to dinner, they went away together.

### ——— OLIVE *ſworn.*

You are a ſurgeon and an apothecary, I believe you attended Mr. Sawtell in his laſt illneſs?—I did.

Upon that occaſion had you any opportunity of ſeeing Mr. Nathaniel Goodridge, one of the priſoners at the bar?—Yes, Sir, I ſaw him, every time I went he always was attentive to him and ſeemed fond of having him about him to move him and to do the neceſſary buſineſs, he was generally there and ſeemed to be the acting perſon about him, and there was a man there about him pretty much, I began to attend him the beginning of December, 1782, I attended him about the firſt or ſecond week in February, till he died.

*Mr. Silveſter.* Did you ever ſee him there before December, 1782?—I do not recollect, I think I have ſeen him there, but I did not attend him before, I had attended in the family before, and I think once I attended him, it was about the 7th or 8th of December, I attended him a week, he had a variety of matters, there was the burning of his legs by ſitting by the fire.

How often did you attend him in a week?—Moſt likely I miſſed very few days in the whole time, my partner might go ſome days, I might one or two days be miſſing, I am very ſure it was but very few days in the latter part of the time, he was not capable, I do not think he was capable of going out after I ſaw him.

### Mrs. WALLIS *ſworn.*

I knew Mr. Sawtell in his life time, I have converſed with him about Mrs. Goodridge.

What was the nature of that converſation?——I had been acquainted with Mr. Sawtell above twenty years, and in the courſe of that time I have always heard him ſpeak of Mrs. Goodridge, it was his whole diſcourſe to me, he never was eaſy but when ſhe did any thing for him that he wanted to be done.

Did you ever hear him ſay any thing of the nature of the relation between them?—Aye, a thouſand times, when her firſt huſband was dying, him and me went to the bed ſide, and he ſhook hands with Mr. Haines, ſays he, John, do not be uneaſy about your family, for I will do for them; and ſhe uſed to come to him every Sunday to dinner before ſhe married Nathaniel Goodridge; Mr. Sawtell told me Mr. Slack was no relation at all, and every thing was given to Mr. Goodridge.

*Mr. Silveſter.* What are you?——A woman I ſuppoſe.

What profeſſion are you?——A pawnbroker, I was acquainted with him a matter of twenty years, I was not acquainted with him after he left off buſineſs, I have ſeen him ſince.

How many years before he died had he left off buſineſs?—I cannot tell you.

How often did you ſee him after he left off buſineſs?——I cannot tell you that neither, I did not ſee him for twelve months, he gave her all his wife's clothes and one hundred pounds.

Did you ever hear him ſay any thing about his will?—Yes, Mrs. Goodridge came to me and was crying, I aſked her what was the matter, ſays ſhe my uncle has made his will to a cotton merchant, and his name is Slack, and ſhe deſired the favour of me to ſpeak to her uncle, and accordingly the next day he called upon me, and ſat down by me, I ſaid to him after all your promiſes to provide for Haines, you have made a will in favour of Slack, ſo ſays he, poh poh, ſhe is a good girl and I will do for her and her family, ſhe ſhall never want, which might be a year and a half before his death.

Was that before he retired from buſineſs, —I cannot tell you.

### GEORGE MORRIS *ſworn.*

I have known the late Mr. Sawtell about ſixteen years and upwards, I have kept a ſhop in his neighbourhood very near fifteen years.

During all thoſe years have you known him?——Yes, except one time I was at ſea a little while, I knew Mrs. Goodridge, her name was Haines, I know ſhe always came to our houſe on every merry-making day, ſuch as his birth-day or a wedding-day, nothing went right without ſhe was preſent in his family, and among all his friends.

State to the Jury who was his principal favourite?—Mrs. Haines, afterwards Mrs. Goodridge.

Did there happen to be any remarkable likeneſs between them?——Yes, ſhe certainly was very much like him, he was more partial to her than any perſon I know.

*Mr. Silveſter.* When was this?——About ſixteen years ago.

That was during the life time of his wife?—Yes.

### JAMES SAWTELL *ſworn.*

Was you acquainted with the late Mr. Sawtell?—No doubt of it.

Are you acquainted with Mrs. Goodridge?——I knew her when ſhe was Mrs. Haines, I knew her ſeven years.

Had you opportunities of obſerving whether Sawtell had affection and regard for her?—He generally had her there moſt days to dinner, he ſeemed to ſhew affection and regard, I never heard whether he intended to make any proviſion for her and her family.

### —— FENTON *ſworn.*

The witneſſes on the allegation were examined in Auguſt, 1785?—Yes.

Was there any opportunity to anſwer theſe allegations but by an exceptive allegation?—Certainly not.

It is in contemplation to put in that exceptive allegation?—Yes.

*Mr. Silveſter.* You might have put it in if you choſe?——The allegation might have been in about this time.

*Mr. Erſkine.* I have a great many witneſſes to call to the character of the priſoners, but I wiſh to call witneſſes to ſhew who this Mr. Underwood is, we have fourſcore witneſſes to character.

*Jury.* We ſhall be ſatisfied with a fifth part.

Call the Rev. Mr. Sellon.

*Mr. Garrow.* My Lord, pleaſe to let Mr. Sellon be examined firſt, for if he ſtays till the laſt, he will not be diſmiſſed time enough for his Sunday's lecture.

### The Rev. Mr. SELLON *ſworn.*

I know Mr. Leonard Goodridge, of St. John-ſtreet, Clerkenwell, I have known him above twenty years, he lives in the pariſh of which I am miniſter, I have had ſome little dealings with him at times, and have been a witneſs of his proceedings and conduct as carpenter under the commiſſioners of the paving act, his behaviour has been that of a civil, ſober, induſtrious man, a man of probity, honeſty, and integrity; I never knew any harm of him, and indeed I never heard any harm, and as far as I can judge, from my own perſonal knowledge of his general character, I never could believe him to be guilty of the crime laid to his charge.

### JOHN ARIS *ſworn.*

I know Leonard Goodridge, I am a very near neighbour, I always found him an honeſt man, that is his general character, he has taken ſeveral hundred pounds of my money, I know him to be a tender huſband and a good maſter.

Do you believe him a man capable of committing ſuch a wicked act as is laid to his charge?——I do not indeed upon my oath; I know Nathaniel Goodridge but not intimately.

### JOHN HEAVEN *ſworn.*

I know all the priſoners, I have known Nathaniel Goodridge for ſeven or eight years, his brother about four years, and Mr. Evans the ſame; with reſpect to Leonard Goodridge I have had tranſactions with him in buſineſs, I am in the undertaking and appraiſing line, I have done buſineſs with Mr. Nathaniel Goodridge, and I have found him in all reſpects as honeſt and impartial a man as ever I met with in the whole courſe of my life, and do declare that I do believe him to be an honeſt man in all his tranſactions before this, of which I know nothing; I have had ſome dealing with Evans, with reſpect to collecting the rents, his general character as far as I know of him is that of a very honeſt man, he was always fair and ſquare in all his tranſactions with me.

### ——— SEARCH, Eſq. *ſworn.*

I am foreman of the Middleſex Grand Jury, I have known Leonard Goodridge for twelve or fourteen years, a diſtinguiſhed character for juſtice and honeſty.

*Mr. Pigott.* You have found him ſo and all the world who talked to you about him told you ſo?——Yes.

### Mr. HALL *ſworn.*

I am a Common Council man, I am a builder, the priſoner Leonard Goodridge worked for me twenty years ago, I have known him particularly well ever ſince, I recommended him to my timber merchant, and he thanked me for recommending him ſo good a character, a very honeſt induſtrious man, I have recommended him to ſeveral hundred pounds worth of work that I might have done myſelf, becauſe he lived in the neighbourhood.

### ——— COLLIER *ſworn.*

I have known Leonard Goodridge ſeveral years, a very honeſt juſt man.

Did you ever hear a whiſper to his diſadvantage?—Never in the leaſt.

Never an inſinuation to his prejudice?—No.

*Mr. Erſkine.* All theſe liſts we hold in our hands are filled with names to character equally reſpectable.

*Jury.* We are ſatisfied as to the character.

NATHANIEL GOODRIDGE,
LEONARD GOODRIDGE,
JAMES EVANS,
} NOT GUILTY.

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124. The ſaid LEONARD GOODRIDGE was again indicted for that he, on the 10th day of February laſt, at the pariſh of St. Bennet, Paul's wharf, in the city of London, falſely did utter and publiſh as true a certain falſe and forged paper writing, with a ſeal thereto affixed, purporting to be the will of one Thomas Sawtell, deceaſed, and to be executed in his

life time as and for his laſt will and teſtament, and to be ſigned with his mark, with intention to defraud one Daniel Slack, well knowing the ſaid falſe, forged, and counterfeited will, to be falſe, forged, and counterfeited.

*A ſecond count*, with intention to defraud one Edith Spence, wife of George Spence, Eſq. and Mary Allen.

*There being no evidence given on this indictment, he was*

ACQUITTED.

*Tried by the London Jury before* *Mr.* RECORDER.

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125. The ſaid JAMES EVANS was again indicted for that he, on the 10th day of February laſt, at the pariſh of St. Bennet, Paul's wharf, in the city of London, falſly did utter and publiſh as true a will of Thomas Sawtell, deceaſed, deſcribed as in the former indictment, with intent to defraud the ſaid Daniel Slack.

*A ſecond count*, for uttering the ſame with intent to defraud the ſaid Mary Allen and Edith Spence,

*There being no evidence given on this indictment, he was*

ACQUITTED.

*Tried by the London Jury before* *Mr.* RECORDER.

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126. The ſaid NATHANIEL GOODRIDGE was again indicted for that he, on the 10th day of February laſt, at the pariſh of St. Bennet, Paul's wharf, in the city of London, falſly did utter and publiſh as true a will of Thomas Sawtell, deceaſed, deſcribed as in the former indictment, with intent to defraud the ſaid Daniel Slack.

*A ſecond count*, for uttering the ſame with intent to defraud the ſaid Mary Allen and Edith Spence.

*There being no evidence given on this indictment, he was*

ACQUITTED.

*Tried by the London Jury before* *Mr.* RECORDER.

The next Part will be publiſhed in a few Days.

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THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of JANUARY, 1786, and the following Days;
Being the SECOND SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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NUMBER II. PART VI.

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MDCCLXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, *&c.*

149. JOHN INGRAM was indicted for feloniouſly ſtealing, on the 23d day of December laſt, two ſheets, value 10s. the property of Thomas Laidley.

The priſoner was taken with the ſheets upon him.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

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150. GEORGE DYNE otherwiſe FARMER otherwiſe PALMER was indicted for feloniouſly ſtealing, on the 5th day of December laſt, ſeven linen ſhirts, value 30s. five cambric handkerchiefs, value 10s. a cotton handkerchief, value 2s. a cloth coat, value 20s. a pair of cotton ſtockings, value 2s. two pair of caſimere breeches, value 3s. the property of Aaron Goldhorne, in the dwelling-houſe of Catherine Davidſon.

AARON GOLDHORN *ſworn.*

I found the priſoner in the ſtreet with my ſhirt upon his back, I miſſed the things on the 5th of December, I lodge at the houſe of Catherine Davidſon, the things were in a bottom drawer, I cannot ſay whether the room door was locked or open, the drawers were open, I met the priſoner the 9th of December following in Ruſſel-ſtreet, at a quarter paſt ten coming from the play, I ſuſpected the priſoner by not returning again after the things were loſt, he lodged in the ſame houſe, one of the Bow-ſtreet officers was with me, and he was ſtopped, and one of my ſhirts with A. G. upon it, was found upon his back.

DAVID GORDON *ſworn.*

I am a pawnbroker, I had theſe things of the priſoner either the 14th or 15th of December.

Do not you enter regularly in your books when things are pledged?——Yes, but I think it is either the 14th or 15th, he was taken up the ſame evening or the next day, he pawned them in the name of Palmer, I knew him, he had pawned ſeveral things with me before.

*(The things produced and depoſed to.)*

JOSEPH DAY *ſworn.*

I know the priſoner, he lodged with me at Catherine Davidſon's, and that night that the property was loſt he abſconded from his lodgings, and did not return any more, I did not come home that evening, but the next morning the proſecutor informed me he was robbed, I was with the proſecutor when he was taken up.

*Court.* What is the priſoner?—He is a doctor and apothecary.

What is the value of theſe things?——Twelve ſhillings.

What is the value of the ſhirt that was found upon him?——Three ſhillings.

### PRISONER's DEFENCE.

I was in the greateſt diſtreſs, I have been out of place a great while, and could get no ſituation for four months, I meant to return every article back.

GUILTY

*Of ſtealing to the value of 15s.*

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* RECORDER.

---

151. WILLIAM BARTLETT was indicted for feloniouſly ſtealing, on the 6th day of January, one ſilver watch, value 20s. a ſteel chain, value 6d. and a ſteel ſeal, value 4d. the property of John Williamſon.

### JOHN WILLIAMSON *ſworn.*

I loſt a ſilver watch laſt Friday night in the evening out of my pocket, I was going up Cornhill, and turning round the corner by the paſtry-cook's, I was joſtled about, and the priſoner took my watch, I felt it going, and I ſaw it in his hand.

By whom were you joſtled?——By that priſoner.

Did you ſee any other?——I ſaw him give the watch to another man, and I collared him directly, and took him into a ſhop and charged a conſtable with him, he denied it, but I ſaw it.

*Mr. Scott one of Priſoner's Counſel.* What time of the evening was it?—Between four and five.

Was not it duſk?——There were lights in the paſtry-cook's ſhop, but it was light enough to ſee the watch in the man's hand.

This was near a paſtry-cook's ſhop?——Yes.

Did not you ſtop to look into the paſtry-cook's ſhop?——I did not ſtop there.

Then you was paſſing through a crowd that had ſtopped?——Yes.

What was the firſt impediment that you found?——Two or three joſtled me, and I put my hand to my pocket to ſave my watch but I could not, nothing was found on the priſoner.

You ſaw ſomebody part with it?——I ſaw him part with it, I never loſt him.

### JOHN RASTEN *ſworn.*

*Mr. Garrow.* My Lord, this is a witneſs that can neither ſpeak nor hear.

### MARTHA RASTEN *ſworn.*

*Mr. Garrow.* This woman is to be an interpreter to a dumb man, to which I object.

Are you ſworn?—Yes.

To interpret?—Yes, as far as my knowledge.

Swear her to all ſuch queſtions as ſhall be aſked of him.

*Mr. Garrow.* You are acquainted with this dumb man?—Yes.

What ſign have you to put theſe queſtions to him, what is the nature of an oath, by what ſign would you aſk him that queſtion?—We look up to heaven and ſhew him that he is to anſwer ſeriouſly.

*Mr. Garrow* objected to this witneſs being examined, but his objection was overruled by the Court.

*Court.* Can you interpret the oath to him, you have ſworn well and truly to interpret to John Raſten, a witneſs here produced on behalf of the King againſt William Bartlett, now a priſoner at the bar, the queſtions and demands made by the Court, and alſo well and truly interpret the anſwers made to them?——There may be ſome things I do not underſtand.

You cannot interpret farther than you know.

*Court.* I remember a deaf and dumb man being ſworn in the Common Pleas to ſuffer a fine?—I have interpreted the oath to him and he underſtands it.

*Court.* Aſk him if he has ſeen the priſoner before?—He ſhews me that he is poſitive to the priſoner.

Aſk him if he knows any thing of the offence which is charged againſt him; what he ſaw the priſoner do?—He ſhews me that he ſaw the priſoner get the watch behind him.

Aſk him if he knows how the priſoner came by the watch?—He ſhewed me he did not ſee it taken out of the pocket, only given behind.

Aſk him if he knows the perſon that loſt the watch?——He ſhewed me he never ſaw him before.

But did he know him now?——Yes, he points to him.

Aſk him how near he ſtood to Williamſon when he ſaw the watch in the priſoner's hand?—I underſtand him he was near, but I cannot anſwer how near, he ſhews me by the length of a yard but I cannot pretend to ſay to the ſpace.

Aſk him if he knows any more of the matter?——No more than the taking him to the conſtable.

### PRISONER's DEFENCE.

I had hold of my brother's arm looking paſt the paſtry-cook's ſhop, the corner of Cornhill, and this gentleman came up, there were fifty or ſixty people round me, up came this gentleman and told me I had his watch, I ſaid it was falſe, I never ſaw him before he took me into the paſtry-cook's, he charged a conſtable, he ſearched me and my brother, and found nothing upon us.

*Court to Mrs. Raſten.* Aſk your brother how far off he was when he ſaw him give the watch to another?——He ſhews me a very little way, but I cannot take upon me to ſay how near.

*The Priſoner called three witneſſes to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Juſtice* HEATH.

152. JOHN DRURY was indicted for feloniouſly ſtealing, on the 10th day of January, one linen ſhirt, value 3s. the property of David Bullpeth.

### DAVID BULLPETH *ſworn.*

I loſt my ſhirt at the bottom of Holborn-hill, out of my pocket, I found the priſoner's hand in my pocket, and I run after him and caught him, and I ſaw him put the ſhirt in another man's hand.

### PRISONER's DEFENCE.

I was coming down Holborn-hill a gentleman took me, I had no ſhirt about me.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

---

153. MICHAEL SOLOMONS was indicted for feloniouſly ſtealing, on the 11th day of January, three hundred and ſixty yards of gauze, value 15l. the property of Joſeph Savage, William Savage, and Samuel Savage.

### ——— STEVENSON *ſworn.*

I am ſhopman to the proſecutors, I was delivering ſome parcels out of a cart, and I ſaw the priſoner with two of the parcels under his arm, I run after him, he flung down the parcels and run away, he was purſued and taken, he was never out of my ſight.

*(The gauze depoſed to.)*

*Priſoner.* I was going to Fleet-market.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Juſtice* HEATH.

154. JOHN DARBY *(a negro)* was indicted for burglariouſly breaking and entering the dwelling-houſe of William Goſling about the hour of ten in the night, on the 28th day of December laſt, and burglariouſly ſtealing therein, one wooden ſtock with twelve iron bits, value 20s. an iron ſcrew driver, value 6d. twelve braſs handles for hand organs, value 15s. one large ditto, value 1l. 11s. 6d. and divers other articles of braſs work, belonging to organs and other things, the property of John Piſtor and Edward Piſtor, and three iron ſaws, value 14s. one ſcrew driver and ſundry other tools the property of Valentine Fryer, in the ſaid dwelling-houſe.

### VALENTINE FRYER *ſworn.*

I work in the houſe of William Goſling, he is a carpenter, I work for Meſſrs. Piſtors, organ builders, who rent part of his houſe for a work ſhop, I remember his houſe being broke open the 28th of December, at night, I left my tools there at eight, I loſt the things mentioned in the indictment, and one particular ſcrew-driver which I have in my hand now, which was made out of a ſword, and other things; the next day when I came in the morning, I miſſed them, and found this ſcrew-driver that was made out of the ſword in the ceiling belonging to the man where the priſoner carried the things to; when I came out at eight I ſecured the door, and at ſeven in the morning when I came it was open.

### JOHN PISTOR *ſworn.*

I am an organ-builder, I have apartments at this houſe, none of my family ſleep in the premiſes, not in that part of it, but Mr. Goſling's family, none of whom are here; I was not there an hour the whole day; the things I loſt are produced by Mr. Edgar, I know nothing of the priſoner's taking theſe things but by his own confeſſion before Mr. Staples.

Is the confeſſion here?—There is none returned; William Wallis that is admitted an evidence is here.

*Court.* But I muſt firſt have ſome evidence that this man has done ſomething.

### JOHN GILES *ſworn.*

I am ſervant to Mr. Walker, at the Sugar-loaf public-houſe, in Great St. Helens, between ten and eleven I was ſtanding at our door talking to our watchman and the priſoner came along, now watchman, ſays the black, are you faſtened up here, and he ſaid let me through the wicket of the great gates; I ſaw the priſoner was a black man, I ſaw he had ſomething upon his ſhoulder, that was his way from the ſhop, and the next morning I heard the ſhop was robbed.

### ——— THOMPSON *ſworn.*

I am a watchman, I ſaw the priſoner go through the gate this night with two bags thrown upon his ſhoulders.

*Court.* Do not you think this was a great neglect of duty?——I think it was one of the carpenter's men.

*Priſoner.* Are you ſure it was me that came through at that time of night?——Yes, I will take my oath of it.

*Court.* Did you know him before?——I took notice of the colour of his dreſs, his hat, and trowſers, and every thing.

Not from the features of his face, did you ſee any body in company with him?—Nobody at all.

*Court to Giles.* Did you know the priſoner before?—Yes, I know it is the ſame man, I gave a deſcription of him immediately.

### WILLIAM WALLIS *ſworn.*

I know the priſoner, he laid by my fire ſide that very night that he robbed the ſhop, he brought the tools to my lodgings.

*Priſoner.* Who gave me the bags that held theſe things?——I gave them to him, he aſked me to lend them to him.

*Priſoner.* He was the man that adviſed me to it, he was in the ſhop with me before he met me, and aſked me where I was going.

*Court.* That will not make your caſe better, to ſay he was a bad man and tempted you.

### JOHN EDGAR *ſworn.*

I am a conſtable, I produce theſe things which I had from an old iron ſhop in Vincent-ſtreet, Piccadilly, the man's name is Heath, he is not here.

*Court to Wallis.* Do you know any thing about theſe things?——Yes, they were ſuch things as we have, but I cannot ſay they are the ſame.

*Court.* It is impoſſible to prove that theſe are the things that were ſtolen, having put no mark upon them.

*Fryer.* My Lord, his confeſſion was taken in writing.

*Court.* But it is not here, you cannot give evidence of that.

*Fryer.* I can ſwear to this ſcrew-driver which was made out of a hanger, which I took out of Wallis's lodging by the confeſſion of the priſoner.

*Wallis.* I know this ſcrew-driver, I ſaw the priſoner put it in the ceiling, the next morning he ſaid he would get it ſharpened and go on the highway.

*Priſoner.* How could I get out of the gate when the watchman was there, I have not a friend in the world.

GUILTY

*Of ſtealing to the value of* 6d. *but not of the burglary.*

*Tranſported for ſeven years to Africa.*

*Tried by the London Jury before* Mr. RECORDER.

---

155. THOMAS ABBOTT, WILLIAM CHADWICK, and BARNEY CLARK were indicted for feloniouſly breaking and entering the dwelling-houſe of Walter Fitzgerald, between the hours of one and two in the afternoon, on the 2d day of January inſtant, he being therein, and others of his family, and feloniouſly ſtealing three pair of ſilk ſtockings, value 13s. his property.

### WALTER FITZGERALD *ſworn.*

I live in Piccadilly, I had a gentleman in company with me in the parlour, which is about four or five yards off, I ſaw the priſoner Chadwick ſtanding at the window, it was about half paſt one, on the 2d day of January; I ſuſpected the boy, and I run out as hard as ever I could; I found the window broke, it had been broke before and mended; I run into the ſtreet, and about twenty yards from my door, I catched the three priſoners walking together, quite unconcerned, I hit Chadwick on the ſide of the head, and brought him into my ſhop, then I was not long in the ſhop, when theſe men here brought in the other boys; the ſtockings lay in the window that were ſtolen, and many more beſides theſe three pair; I can ſwear to Abbott and Chadwick, but I cannot ſwear to Clark.

### DOMINICK ADLAM *ſworn.*

I was paſſing that way on the 2d of January, and I ſaw the proſecutor ſtruggling with one of the boys, I took him into the ſhop, and found this pair of ſtockings on the priſoner Abbott, theſe ſtockings I have had in my poſſeſſion ever ſince; the priſoner Clark was in company with the others.

*(The ſtockings depoſed to.)*

What are they worth?——This pair coſt me four ſhillings.

*Adlam.* I went out at this time, and I kicked two pair of ſilk ſtockings before me, I gave them to the proſecutor, who owned them, I did not ſee who dropped them, the three priſoners were ſtanding in the door way, they turned round and ſaid what is that, ſtockings, that you have picked up.

### HUGH O'DANIEL *ſworn.*

The 3d of this month I was going up Piccadilly, I ſaw the three boys walking down, and I ſaw the proſecutor run after them; I ſaw the lad in the red jacket take two ſmall parcels, and throw them into a paſſage, I did not know what they were, it was Chadwick I ſaw throw down the two parcels, the others were there; I did not examine the parcels, I do not know what they contained, I ſaw them picked up.

### PRISONER ABBOTT's DEFENCE.

Coming along the proſecutor laid hold of this boy and I did not know it.

*Court to Abbott.* What are you?——A grinder, my father lives in Oxford-road, he is a grinder about the ſtreets.

*Court to Chadwick.* What are you?—A chimney ſweeper.

*Court to Clark.* Do you give any account of yourſelf?——No, Sir.

THOMAS ABBOTT
WIL. CHADWICK } GUILTY, 4s. 6d.
BARNEY CLARK,

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

---

156. JOHN POWELL was indicted for feloniouſly ſtealing, on the 24th day of December laſt, one quadrant made of wood and braſs, value 20s. ſix paper books, value 5s. a gimbler, value 1d. and a canvas bag, value 3d. the property of Hugh Montgomery.

### HUGH MONTGOMERY *ſworn.*

I hired a man to take me in his boat, I deſired the man to go round to the veſſel to take me, he went off with the boat and the things, taking neither the boy nor me in, I do not know the priſoner.

### EDWARD CAAVEN *ſworn.*

The priſoner came to the Dun-horſe, in the Borough, on the Saturday before Chriſtmas-day, at half paſt ten, he drank ſome beer, and ſaid he was diſtreſſed for a ſhilling, and he ſhewed the quadrant, which was the only thing I ſaw in his hand; I lent him a ſhilling upon it, he ſaid, it was his own property; he did not come to redeem it, and I knowing Mr. Gueſt to be an officer, I deſived it to him on the Monday; I never ſaw the priſoner before, but I am ſure he is the man I lent the ſhilling to, I am clear in it, I was two hours in his company.

### MARMADUKE GUEST *ſworn.*

I produce the quadrant; it has been in my poſſeſſion ever ſince, I had it from the laſt witneſs; I took the priſoner on the 26th, at the George, in George-yard, Blackman-ſtreet, he laid there; I went up into his room, and found theſe books.

*(The things produced and depoſed to.)*

### WILLIAM MONTGOMERY *ſworn.*

What age are you?——Twelve.

Do you know the nature of an oath?—Yes.

Do you know the conſequence if you ſpeak falſly?——Yes.

What will happen to you?——Thou ſhalt not bear falſe witneſs againſt thy neighbour.

That is a very good anſwer, then you know it is a ſin, and will be puniſhed by man alſo?—Yes.

*This witneſs confirmed his father's teſtimony.*

### PRISONER's DEFENCE.

I was rowing up to ſhore, and I took theſe things on board, I was going round to the ſhip, and there came a raft of timber and took the boat away, and I could not find the ſhip again being dark, and I carried the things home.

*Court to Montgomery.* Did you call after this boat?——Yes, it was a ſtill night, and there was no raft; he made complaint before the Juſtice, that it was cloudy.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

157. HANNAH CARR was indicted for felonioully ſtealing, on the 22d day of December laſt, ten yards and a half of printed cotton, value 21s. the property of Ellis Williams, privily in his ſhop.

### GEORGE DAWSON *ſworn*.

I am ſervant to Ellis Williams, in Lombard-court, Seven Dials; on the 22d of December laſt, my maſter loſt the things mentioned in the indictment, between one and two, I believe, in the day time; the priſoner came into the ſhop, I have ſeen her before in the ſhop, I know her, I do not know her buſineſs, nor where ſhe lives; ſhe aſked to ſee ſome cottons for a bed gown, I ſhewed her ſeveral pieces, ſhe ſtood near the counter; there was a boy in the ſhop, his name is Evans, he is not here; ſhe did not like the cottons, and aſked to ſee ſomething handſomer; in the mean time another woman came in, and aſked the price of ſome table cloths, they had no converſation together, the other woman was a ſtranger; I went to the outſide of the window to tell her the price of the table cloths, and the priſoner followed me out immediately, I came in again, and ſhe went another way.

Did ſhe walk or run?—She only walked, I ſaw her go into a public houſe, I came in immediately, and miſſed one of the cottons; the other woman went off without the table cloths, ſhe did not like the price of them; when I went into the ſhop, ſhe was ſtanding at the door, I was not above a yard from her, when I miſſed the piece of cotton; it contained ten yards and a half, it was the property of my maſter, Ellis Williams.

How many pieces might you ſhew her altogether?—About ſeven or eight, I left them on the counter all the time.

When you ſhewed her the things, was you on one ſide, and the woman on the other?—Yes.

Did ſhe touch any of the things, when ſhe examined them?——Yes, the piece I miſſed was looſe when I left it, ſhe doubled it up, and laid it on one ſide, and ſaid ſhe did not like it.

Was there any opportunity at this time, for the woman to have taken this?—Not at that time, I conceive ſhe took it while I was ſhewing her the cottons, while I turned my back to take the other cottons down; I ſaw her go into a public houſe over the way, and I purſued her, it is a thoroughfare, and as I went in at one door, ſhe went out at the other; I loſt ſight of her, I ſaw her on the other ſide of the way.

*(The cotton produced and depoſed to.)*

*Priſoner.* I bought it.

GUILTY.

*Of ſtealing, but not privately.*

*To be privately whipped and confined two years in the Houſe of Correction.*

*Tried by the London Jury before Mr.* ROSE.

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158. DANIEL DOLAN was indicted for felonioully ſtealing, on the 15th of December laſt, one iron bar, value 12d. belonging to our Lord the King, affixed to a certain building of our Lord the King, called the General Poſt-office, againſt the ſtatute.

*A ſecond count*, Charging him with ſtealing one other iron bar, affixed to the Poſt-office.

### WILLIAM COMPTON *ſworn*.

I am a patrol for Langborn ward; on the 15th of December, I was walking round the ward between ſeven and eight; I ſaw the priſoner under St. Mary Woolnorth's church, Lombard-ſtreet; he had ſomething under his arm, I followed him, and ſaid, halloo! my friend, what have you there? this was in the evening; it was an iron bar that came from the back of the General Poſt-office, I had it in my hand not ten minutes before *(The bar produced)* it was faſtened then; I took the bar and the priſoner into cuſtody, I took the nails out of his waiſtcoat pocket, and a knife; one had been loſt the ſame evening before, I counted the bars, there was one miſſing; after I carried him to the Compter, I came there again, and they were both miſſing; the next morning I tried the bar, and it anſwered in every reſpect; the priſoner ſaid he found it.

### JOHN COMYNS *ſworn.*

I belong to the Poſt-office, I compaſed this bar with the window of the Poſt-office and it correſponded.

Whoſe property is that?—It belongs to the Poſt-office.

Who does the Poſt-office belong to?—It is taken by a leaſe, the rent is piad for by Government, it is the General Poſt-office.

*Court.* It is occupied by the ſervants of Government?—Yes.

### PRISONER's DEFENCE.

I found the bar, it was ſtanding up againſt the wall.

GUILTY.

*To be publicly whipped and impriſoned one month in Newgate.*

*Tried by the London Jury before Mr.* ROSE.

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159. GEORGE JONES was indicted for feloniouſly ſtealing, on the 23d day of December laſt, two quart pewter pots, value 3s. the property of Anthony Aylward.

### ANTHONY AYLWARD *ſworn.*

I keep the Cock in Bow-lane, about half after ten a young man informed me, a man had got ſome ſtolen pots; I went after him, but miſſed him; afterwards I found him in Watling-ſtreet, and in a court in Bread-ſtreet, I ſaw him drop the pots, when I came up to him, he ſtopped and ſaid d—n your bl—dy eyes! I will knock you down, and he ſtruck me two blows, with that I collared him, then he fell a crying, and begged for mercy, he ſaid it was his firſt offence; he ſhewed me the houſe where he took the pots from, it was in St. Thomas the Apoſtle's, and they ſtood at the door.

### PRISONER's DEFENCE.

A man aſked me to carry them, he picked them up, and deſired me to carry them.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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160. CHARLES WALTON, JOSEPH ORCHARD and THOMAS KNIGHT were indicted for feloniouſly ſtealing, on the 30th of December laſt, three penny weights of gold, value 10s. 6d. the property of John Nicholls and others.

*A ſecond count,* For ſtealing the ſame the property of the Governor and Company of the Bank of England.

*The indictment opened by Mr. Reeve, and the Caſe by Mr. Silveſter.*

### JOHN NICHOLLS *ſworn.*

I am one of the moniers of the Mint, there are ten more; the bullion comes to the office from the Bank, we are the moniers employed by Government, to convert bullion into ſpecie; we have miſſed a quantity of gold for a conſiderable time, and in conſequence of an information theſe men were apprehended.

In whoſe cuſtody is this gold?——In the cuſtody of the moniers.

Who is anſwerable for it?——We are.

What are theſe priſoners?—Labourers, employed by us.

*Mr. Garrow, Priſoner's Counſel.* In what way are the moniers appointed?—By ſerving an apprenticeſhip.

Are they appointed by any written appointpointment?—I cannot ſpeak as to that, we are regiſtered in the office as moniers, having ſerved ſeven years.

Does that inſtantly conſtitute you a monier, or have you an appointment?——That inſtantly conſtitutes us; I have been a monier four years.

Are you anſwerable for the bullion that is brought into your individual hands, or in partnerſhip?—In partnerſhip.

From whence does this money of which you ſuppoſe you have loſt ſome, come to you?—It comes to us in bars from the Mint-office, before it comes to us, it is in the cuſtody of the principal officers, they are not moniers, nor are they the Bank of England; it is delivered to us by weight.

*Mr. Silveſter.* What is delivered to you in bars, and the ſiftings, you are anſwerable for?——Yes.

### WILLIAM ATKINSON *ſworn.*

I am alſo one of the moniers of the Mint; the moniers are anſwerable for the gold that is delivered for coining, the ſifting may be conſidered as part of that property, and as what is collected out of the crucibles.

### WILLIAM PRIOR *ſworn.*

I live in the Minories, I am a gold and ſilver ſmith.

Do you remember buying any gold duſt in December laſt?——Some grains I did, not duſt.

Who off?—I bought it of the priſoner Knight; there was another man came into the ſhop with him, and another ſtood at the door, whom they called in, but I cannot ſpeak to their perſons, Knight was the acting man, and received the money; here is part of it, and part the aſſay maſter had.

*Mr. Garrow.* Have you much occato melt much gold yourſelf?——No, Sir.

Have you at all been employed in that trade?——Never.

Do the ſiftings of a common jeweller's ſhop, and the breaking of their crucibles have the appearance of theſe?——They would have quite the appearance, if the gold was the ſame quality.

The preſent external appearance does not deſcribe the quality of gold?—No.

Judging only from the external appearance, other gold would appear the ſame?——Yes, I delivered the reſt of the gold to Mr. Alcock.

### ——— ALCOCK *ſworn.*

I am aſſay-maſter in the Mint, I received this gold from Mr. Prior; I found it to be about three per cent worſe than the ſtandard of guineas.

*Mr. Garrow.* Do they make uſe of gold in the proceſs deſcribed?——Never ſo fine, I believe, as what we make uſe of at the Bank; but I muſt own at the ſame time, I think it is poſſible that ſuch grains might be collected, if they ſhould melt gold of that ſtandard.

Which is not abſolutely impoſſible?—No.

### JOHN CLARKE *ſworn.*

*Mr. Garrow.* Which of theſe perſons was firſt apprehended?—Walton.

Was it conveyed to him in any way that it would be better for him, that he would receive mercy if he would make a confeſſion, and diſcover the perſons concerned?——I never heard of any ſuch thing.

*Court to Prior.* (*The ſame queſtion?*)—No, Sir, they did not.

Was this written confeſſion read over to him?——Yes, it was.

*Mr. Silveſter.* Did you ſee them at the Magiſtrates ſign it?——I did.

*Mr. Garrow.* I obſerve this is a joint confeſſion?——Yes.

There was a ſeparate confeſſion firſt?—Yes.

Do you know whether before that ſeparate confeſſion, there had not been ſome promiſes made?——Not the leaſt in the world you may be ſure.

(*Reads.*)

"Middleſex. Examination of Charles Walton, Joſeph Orchard and Thomas Knight,

Knight: who depoſed, they were employed as labourers in the Mint, that yeſterday they found ſome grains of gold, which they feloniouſly took away and ſold to Mr. Prior, for ten ſhillings and ſixpence.

### PRISONER KNIGHT's DEFENCE.

When I ſigned, I did not know what I ſigned, nor do I remember the confeſſion was read, I was ſo intimidated in mind and ſpirits, I did not know what to ſay.

*Priſoner Walton.* I leave it to my counſel.

### PRISONER ORCHARD's DEFENCE.

I did not mean to rob any body.

*The priſoner Walton called five witneſſes who gave him a very good character.*

*The Priſoner Orchard called ſeven witneſſes who gave him a very good character.*

*The priſoner Knight called five witneſſes, who gave him a very good character.*

ALL THREE GUILTY.

*The priſoners were humbly recommended to mercy.*

*Each to be impriſoned twelve months in the Houſe of Correction.*

*Tried by the London Jury before*
*Mr. Juſtice* HEATH.

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161. **ELIZABETH BROWN** was indicted for feloniouſly ſtealing, on the 24th day of December laſt, one dead gooſe, value 4s. and one dead fowl, value 1s. the property of John Mills.

### JOHN MILLS *ſworn.*

I ſell fiſh, fowls, and greens; the priſoner on the 24th of December, came into my ſhop for a nice gooſe and fowl, for her miſtreſs to look at, to go to Mrs. Robinſon's in Well-ſtreet, to ſee which ſhe would have, and ſend the boy with change for a guinea.

### WILLIAM CROUCH *ſworn.*

What age are you?——Eleven.

Do you know the nature of an oath, what what will become of you hereafter, if you take a falſe oath?——I do not know.

Where do wicked people go after they are dead?——I do not know.

Has nobody ever taught you?—No, Sir.

Did you never learn your catechiſm?—No.

Nor ſay your prayers?——No.

You never was taught any thing about religion or God Almighty?—No.

You do not know what will become of you?——No.

What will become of you after death?—I do not know.

*There being no other evidence the priſoner was.*

ACQUITTED.

*Tried by the London Jury before*
*Mr. Juſtice* HEATH.

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162. **WIILLIAM AKENHEAD** was indicted for feloniouſly ſtealing, on the 10th day of January, two pounds weight of Hyſon tea, value 10s. and one China baſon, value 6d. the property of Ann Smith, ſpinſter, privily in her ſhop.

### ANN SMITH *ſworn.*

I am a ſingle woman, I keep a tea ſhop, in Marybone-lane; I ſaw the priſoner come into my ſhop, I ſaw him ſtuff a pound of tea under his coat, and I found one pound of tea in his pocket, my property, and a China baſon in his pocket, he ſubmitted to be ſearched, I had no aſſiſtance; I aſked him what he was doing, and he ſaid, nothing; he pretended to be fooliſh, he ſaid, he wanted a halfpenny worth of Spaniſh liquoriſh; I aſked him what he had in his pocket, he ſaid, nothing, I put my hand in his pocket, and I told him he had my property; I know the baſon very well, I have had it four years, it is cracked in many places, I took hold of his pocket, he tried to puſh me down twice, he went to try to open the door to let himſelf out, and locked himſelf in; I went out and locked him in, and cried thief! when I came in, and the people came in; he was attempting to get over the wall, and he was taken.

*Priſoner.* I did not pretend to act fooliſh, I was going paſt the ſhop, and went in, and nobody came, and there was two pounds of tea, and I took hold of one, and I had no money I did not touch the baſon.

*Court to Priſoner.* Have you any parents?—Only a mother, and ſhe is married again, I live in the milk buſineſs.

GUILTY

*Of ſtealing, but not privately.*

*Transported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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163. **HENRY alias JOHN EARLE** was indicted for feloniouſly ſtealing, on the 5th day of January, one flock bed, value 5s. the property of Henry Nathan.

HENRY NATHAN *ſworn.*

I keep a ſlop ſhop in Eaſt Smithfield; laſt Thurſday night, I ſaw the priſoner and two more ſculking about the door, my mother miſſed a bed, I run out and ſaw the priſoner and two others running up Butler's-buildings, and I ſtopped the priſoner with the bed, and I ſaw the priſoner about a quarter of an hour before it was loſt; I am ſure of it.

How much did this bed weigh?—About ſix or ſeven pounds, it was a ſea bed, value five ſhillings.

*Priſoner.* I can have a good character.

*The priſoner called one witneſs to his character.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

164. **JANE WEBSTER** was indicted for that ſhe, in a certain public ſtreet, on the 1ſt day of January, in and upon one Mary Thompſon, ſpinſter, did make an aſſault, with intent to burn, ſpoil, cut and deface the garments and clothes of the ſaid Mary Thompſon, which were then on her perſon, and in wear, and did then wilfully burn, ſpoil, cut, and deface a ſilk cloak, value 30s. the goods of the ſaid Mary Thompſon, being part of the garments and clothes ſhe then had on her perſon, againſt the ſtatute.

*Mary Thompſon and James Smith called on their recogniſances, and not appearing, the priſoner was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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165. **JOHN CROWDER** was indicted for feloniouſly ſtealing, on the 12th day of January, thirty pounds weight of flocks, value 11s. the property of Thomas Todd.

*The parties not appearing, the priſoner was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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166. **JOHN SALMON** was indicted for feloniouſly ſtealing, on the 24th day of December laſt, one turkey, value 2s. the property of Edward Collinſon.

*The Proſecutor Edward Collinſon and others not appearing the priſoner was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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167. **ROBERT DUKE** was indicted for feloniouſly ſtealing, on the 12th day of January, a mahogany table, value 10s. the property of Benjamin Gittos.

**ELIZABETH GITTOS** *ſworn.*

My huſband's name is Benjamin, I live in Red-lion-ſtreet, Holborn, we loſt a pillar and claw table yeſterday afternoon about four o'clock, it was loſt from under the ſhop window on the outſide.

**JOHN MARGROFT** *ſworn.*

Being in company with the priſoner before the robbery was committed, I had a ſuſpicion of him, I afterwards ſaw him go paſt the houſe, though he could not get out of the houſe without being helped out, I ſaw him go paſt apparently well as I am this moment, I ſaw him take a mahogany table and put it on his head and take it away with him, I followed him and afterwards met Mrs. Gittos with the table in her hand, and I informed her of the perſon that had ſtolen the table, I did not ſee him ſtopped becauſe the people were aſſembled.

*Court.* Where have you been this afternoon?——I have been attending the Court at the New Seſſions Houſe at the Old Bailey.

What at the public-houſe?—No, Sir.

*Court to Mrs. Gittos.* Have you known this man any time?——Yes, he is a neighbour of ours, he is a tallow-chandler.

*Court.* He ſeems to me to be in liquor, I cannot examine a witneſs who is in liquor againſt a man for felony.

**SARAH GITTOS** *ſworn.*

How old are you?——Ten.

Do you know the nature of an oath?—No, Sir.

Do you know what the conſequence would be if you was to ſpeak falſely againſt this man, if you were to be ſworn?——No.

Do you know what it is to be ſworn?——No.

Have you never heard the nature of an oath explained to you, were you ſworn be-the Juſtice and the Grand Jury?——I believe ſo.

What was done to you there?—I kiſſed the book.

Did you know what the meaning of that was?—No.

*Court.* I cannot examine her.

ACQUITTED.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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168. JOHN ARNOLD was indicted for feloniouſly ſtealing, on the 12th day of January, twenty-three pair of cotton ſtockings, value 23s. the property of Alexander Niving.

**ANN NIVING** *ſworn.*

My huſband's name is Alexander, I live at Hampſtead, we loſt twenty-three pair of ſtockings yeſterday about eleven o'clock, I miſſed the ſtockings out of the garden, they were hanging to dry, I did not ſee any body but the priſoner, and I purſued him myſelf, I did not think he had them, I ſaw them not; about three minutes before I ſaw the priſoner firſt, about ten yards from my premiſes, he was walking as if from my garden very quick, I followed him and called ſtop thief, he was ſtopped and brought back by John Edwards, without the ſtockings.

**JOHN EDWARDS** *ſworn.*

A man ſtopped the priſoner with a ſhovel before me, but I ſaw him throw the bundle down and drop it, and they were in this cloth, he was a few yards off, I run immediately, I did not pick up the bundle, one Mr. Metcalf picked them up, I took them, I have had them in my poſſeſſion ever ſince, he never was out of my ſight after he dropped the ſtockings, I had him by the collar all the while, the priſoner made no anſwer.

*(The ſtockings depoſed to by the proſecutor, Mary Smith and another, ſervants to the owners.)*

**PRISONER's DEFENCE.**

I was coming through the town of

Hampſtead, and I picked up a bundle in a brown cloth, I carried it the courſe of twenty yards, the woman run out after me and cried ſtop thief, I ſtood ſtaring! I never heard the cry of ſtop thief before, and they took me; I have many friends in the country, I have been out of the country about three weeks.

*Court to Proſecutrix.* Where is your garden?——Near my houſe on Hampſtead Heath, it opens into the high road, and goes ſtrait down into the town, there is a road between the houſe and garden.

How is your garden fenced off from the bye road?——It is a wooden pale.

How far was he from the pale when you firſt ſaw him?——Not above ten yards.

*Court to Priſoner.* Where did you come from?——From Wincheſter, I lived with one Mr. Dalton, at the White Hart.

### JOHN WHITE *ſworn.*

I am this inſtant come into Court, I live at Wincheſter, I am deputy keeper of Wincheſter gaol; I know the priſoner perfectly well; when I firſt knew him he was a hoſtler at an inn, and ſince that he has lived at the White Hart in Wincheſter, I am aſtoniſhed to ſee the man, I ſaw him there two or three weeks ago; the man always bore a very honeſt character, I never heard the leaſt againſt him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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169. ELISHA DAVIS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Samuel Graves about the hour of nine in the night on the 5th of January, at the pariſh of St. Dunſtan in the Weſt, with intention his goods and chattles then and there being, feloniouſly and burglariouſly to ſteal.

### SARAH GRAVES *ſworn.*

I know nothing of the priſoner, I was alarmed by the patrols that ſomebody was in the houſe, that was about nine, it was in the parlour, the patrols found the door open and came into the houſe, the door was ſhut about half an hour before, I faſtened it with the lock myſelf, my parlour was about twelve yards from the door, there is another door into Fetter-lane, I do not know whether that was ſhut or no; when the patrols alarmed me I went out, and they were ſtanding with the priſoner, they aſked me if I knew the young man, and I ſaid no.

### R. WOOLLET *ſworn.*

I am a patrol, on the 5th of January my partner and me were going our rounds, we ſaw the proſecutors door was not ſhut, and the priſoner was coming out, we aſked him if he belonged to the houſe, he ſaid he did not, he went in to buy a book, and it not being a bookſellers ſhop we alarmed the people.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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170. ELIZABETH BROWN was indicted for feloniouſly ſtealing, on the 31ſt day of December laſt, two ſmall bundles of wood, value 2d. and nineteen ſhillings and ninepence in monies numbered, the property of Thomas Ledger.

### THOMAS LEDGER *ſworn.*

I am a cabinet-maker, No. 44, Jewin-ſtreet, on Saturday the 31ſt of December, between twelve and one, the priſoner at the bar came to my houſe, I never ſaw her before that time, ſhe wanted a buſhel of coals and change for a guinea to ſend by my boy, ſhe ſtopped till the coals were meaſured, and my wife told her down the change for a guinea, ſhe took the change and paid for the coals and two bundles of wood, and ſhe promiſed to ſend a guinea back by the boy, and ſhe took up nineteen ſhillings and ſixpence, I helped the boy with the coals upon his back, and he went away from my houſe with her, the wood ſhe took herſelf.

**WILLIAM WOODFIN** *ſworn.*

I was fourteen laſt Lamma's Day.

Do you know the nature of an oath?—No.

What will become of you if you ſhould ſwear falſe?——I ſhall go to hell: I ſaw the priſoner, when ſhe came for the coals, I was in the ſhop, ſhe came for a buſhel of coals and two bundles of wood; Mr. Ledger put them on my back, and I carried them to the bottom of Well-ſtreet, ſhe took the bundles of wood, ſhe aſked for change for a guinea, I did not ſee the change given to her, when I got to the bottom of Well-ſtreet ſhe told me ſhe had forgot two more bundles of wood, and I muſt go back and get them, I ſet down the coals, and ſhe ſaid you ſtay and reſt yourſelf, I will go for two bundles more of wood.

Did ſhe take the coals from you?—No, ſhe left me with the coals.

**MARTHA LEDGER** *ſworn.*

Confirmed the evidence of her huſband.

**PRISONER's DEFENCE.**

I have nothing to ſay, if he knew me to be the perſon why did not they take me, as I have lived eight years upon the ſpot, they wanted me to give them money, and I ſaid I knew nothing about it.

*The Priſoner called one witneſs to her character.*

GUILTY.

*To be impriſoned ſix months in Newgate.*

*Tried by the London Jury before* Mr. ROSE.

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171. THOMAS EDWARDS was indicted for feloniouſly ſtealing, on the 24th day of December laſt, nineteen pieces of printed callico for womens gowns, containing ninety-nine yards and a quarter, value 23l. one muſlin apron, value 5s. and one piece of printed callico, value 30s. the property of William Stock.

**CHARLES SAMUEL BARR** *ſworn.*

I was preſent at the time of the robbery, I am apprentice to Mr. Stock, on Sunday the 24th of December, between five and ſix in the evening, a cuſtomer came into the ſhop and I waited upon her, and another came in after this, immediately after this man came in, the other two was in the ſhop; the priſoner enquired if Mr. James lived there, I replied no, and immediately turned round to ring the bell to give my maſter notice there was another cuſtomer in the ſhop, in the mean time the goods were miſſing, I turned round as ſoon as I had rung and he was gone out of the ſhop, and miſſing things off the compter I immediately called after him, I miſſed nineteen callico gown pieces, five yards and a quarter in each, they had been laying in one bundle, they had been taken out of the window, I cannot ſay I ſaw him have the things, becauſe he was in ſuch a poſition I could not ſee him have them; I went to the door and a number of people came round the door, and ſome ſaid he went one way and ſome another, he got off, and he was taken on the Monday morning, I have never ſeen him before to my knowledge, he was not five minutes in the ſhop.

Did he do any more than aſk if Mr. James lived there?——I did not ſee him do any thing, he juſt came into the ſhop and touched his hat, and aſked if Mr. James lived there, then I turned round to ring the bell, and I turned round again and he was going out of the ſhop.

Can you undertake from the glimpſe you had of this man to ſwear he was the ſame perſon?——No, I cannot.

Were the things ever found again?——No.

**ELIZABETH BAILEY** *ſworn.*

I went to the proſecutor's ſhop, and was there when this man came into the ſhop: another gentlewoman came in after me, and aſked for a bit of cloth, and the priſoner came in and aſked if Mr. James lived there, and the boy ſaid no, I turned my head and ſaw him, he was carrying off the piece, he had the piece in his hand before, I think the priſoner is the very ſame.

Can you undertake to ſwear poſitively? ——I have no doubt at all, I am very apt to look at a perſon, it is very fooliſh of me to do ſo, I did not ſee him take the piece, but I ſaw him removing ſomething away, and going out, I have no doubt but he is the ſame perſon.

*Proſecutor.* The priſoner was taken up on Monday, nothing was found upon him, I loſt the goods mentioned in the indictment, I ſaw them three minutes before.

*Priſoner.* I know no more of it than a child unborn, I was at a public-houſe in the ſame ſtreet.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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172. CHARLES ASLETT was indicted for feloniouſly ſtealing, on the 6th day of January, twelve pieces of copper money, called halfpence, value 6d. the property of Joſeph Bennett.

*James Rudaway* ſaw the priſoner unlock the proſecutor's till, and put in his hand twice, and take out ſome halfpence.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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173. MICHAEL WILLIAMS was indicted for feloniouſly ſtealing, on the 20th day of December laſt, one half-gallon pewter pot, value 2s. the property of Thomas Brand.

GUILTY.

*To be privately whipped, and impriſoned twelve months in Newgate.*

*Tried by the London Jury before* *Mr.* RECORDER.

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174. JOHN NOAH was indicted for feloniouſly ſtealing, on the 5th day of January, eight pair of plated ſhoe buckles, value 2s. ſixteen pair of metal ditto, value 3s. three pair of plated knee buckles, value 1s. three pair of plated ſtock buckles, value 2s. three pair of ſtuds, value 2s. five pair of ſpectacles, value 3s. five watch chains, value 2s. and one ſhew glaſs, value 4s. the property of Henry Joſeph.

HENRY JOSEPH *ſworn.*

I keep a ſtall by the Two Brewers, Shoreditch, I went in to warm my hands a little, and I heard the people call out, the poor Jew's ſhew glaſs and goods are run away with, I run out immediately and purſued the priſoner, and he dropped the things.

——— RAYNER *ſworn.*

There was a great out-cry of thief, and I ſaw the priſoner with a ſhew glaſs on his head, I ſaw him taken.

*(The things depoſed to.)*

*Priſoner.* I was running along and the people were crying ſtop thief, and the people took me.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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175. MORRIS MERRICK was indicted for feloniouſly ſtealing, on the 28th

day of December laſt, one cotton gown, value 10s. a muſlin cap laced, value 10s. a muſlin apron laced, value 10s. and ſundry other articles of wearing apparel, the property of Mary Parker, ſpinſter.

*There being no evidence to affect the priſoner, he was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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176. **FRANCIS ABBOTT** and **WILLIAM HILL** were indicted for that they, on the 8th day of October laſt, at the pariſh of Chiſwick, two large ſilver flaggons, gilt with gold, value 16l. two ſilver plates, value 5l. one ſilver diſh, value 5l. two ſilver cups, value 6l. one ſilver chalice, value 10l. 15s. two ſilk and gold taſſels, value 5s. two ſurplices, value 5l. two table cloths, value 10s. the property of the pariſhioners of the ſaid pariſh, in the cuſtody of James Wood and William Whapſhot, church-wardens of the ſaid pariſh, feloniouſly and ſacriligiouſly did ſteal.

*The indictment opened by Mr. Knowles.*

*(The witneſſes examined apart.)*

MARY TAYLOR *ſworn.*

I have the care of Chiſwick church, on the 8th of October it was all ſafe.

When did you ſee the church again?—On the 8th day of October, between twelve and one; between five and ſix in the afternoon, when I came from my buſineſs in the church, I faſtened the place where the plate was kept, I locked it and bolted it, and put the key in the place where I keep my books, and I double locked the church door and left it ſafe.

When did you ſee the church again?—On the next day, being Sunday morning, I went between ſeven and eight in order to light the fire ready for the miniſter, and when I came, I had the key in my hand to unlock the door, and the door was already open, and this bolt of the lock was forced off, then I went into the room where the miniſter is dreſſed, and found the cheſt where the plate was kept was open.

Was that cheſt kept locked?—Yes.

Had it been locked on the Saturday?—It was.

Who kept the key?——The clerk.

How do you know it was locked on Saturday then?——To all appearance it was.

Did you find it open on the Sunday morning?——I did, the lock appeared to have been forced, and this is one of the padlocks that was forced off, all the plate entirely was gone, and the ſurplices were gone two or three, and all the trimmings belonging to the pulpit, and the table cloth, they were velvet with gold fringe and gold taſſels, the cuſhion was laid at the cloſet door where the plate was kept, and the two taſſels off, but the fringe was not off the cuſhion, there was a large table cloth and two napkins.

GEORGE COTTON *ſworn.*

I know the priſoner Francis Abbott.

How long have you known him?—In July, 1776, I firſt became acquainted with him.

Had the priſoner Abbott ever been at the church?—Yes, frequently.

Has he ſeen you put up the velvet?——Yes, I was there on the Friday, the day but one before the church was robbed.

Have you the care of that cheſt?——Yes.

Do you know whether the laſt time you was there you locked it or not?——I know that the laſt time the things were uſed I locked the cheſt myſelf, I have aſked him to go with me, he came to ſchool to my father, I am ſervant to the pariſh clerk, I am not pariſh clerk myſelf, the velvet was not kept in the ſame cheſt with the plate, but it was on a ſhelf in the ſame cloſet with the plate.

When did you put up the velvet laſt?—I put it away the Sunday evening preceding the robbery, I put it in the uſual place.

**CÆSAR TURNER** *ſworn.*

I am coachman to Mr. Sandiford, I drive the caſual coach to Kew Bridge, or Turnham Green, or Hammerſmith, or any where, where I can get paſſengers, I know the priſoner Hill, I know nothing of the other.

Do you remember at any time taking Hill in your coach?——No, he never was in my coach, but he rode on the box with me.

When was that?—The 8th of October, between eight and nine on Saturday, he came to me in the road, I drove him to the corner of Half-moon-ſtreet, I take my paſſengers to the farther Pack Horſe at Turnham Green, and coming back the priſoner aſked me if I was going to town, I ſaid I was not, the priſoner ſaid we will give you five ſhillings, he ſaid he would give ſeven ſhillings, I ſaid I will not, but I will drive you down to my maſter, and if he and you can agree for a freſh pair of horſes, I have no objection, with that I ſtaid a little and let another perſon in, I cannot tell who that perſon was, it was a very dark night, this was at Turnham Green, after that he got on the box with me, he had rather ride outſide, he ſaid he had two men to pick up and they were rather tired, and would wiſh to ride, with that I drove up, and three got in inſtead of two, and brought a bag and threw into the coach, I then drove down to Chiſwick, the three that got into the coach came from the corner of a field that comes from Chiſwick, that comes to Turnham Green, there is a path-way from Chiſwick to Turnham Green, and it is all railed along, this was Saturday night, the 8th of October, between eight and nine, as nigh as I can think the time may be, with that the man that rode on the box with me ſaid, how far is it, I ſaid not a great way off, ſays he, I never was at Chiſwick before, with that I got off the box, and my maſter was in the bar, and the priſoner ſaid he would give ſeven ſhillings, ſays my maſter, it ought to be nine ſhillings, then my maſter came out, and Hill was cloſe to me, and my maſter ſaid it ſhould be half-a-guinea, and he would not let the coach go under nine ſhillings, ſo Hill made anſwer and ſaid, how much will that be a piece, and ſomebody that was on the inſide ſaid, how much will that be a piece, it will be my *whack*; then my maſter ſaid, Cæſar, drive into the yard, Hill went into the ſtable and helped me to harneſs the horſes, becauſe he ſaid he was in a hurry, then I drove to Kenſington and gave my horſes a little water, then I drove to the corner of Half-moon-ſtreet, and I drove up the off-ſide, and they got into a hackney coach, I did not ſee them take the bag out of my coach and put it in the hackney coach; Hill that was on the box with me got on the box of the hackney coach, for he ſaid, riding withinſide made him ſick.

What became of the bag?——I do not know, I ſaw them open the coach door and get in, but what bag they had I did not know, I am ſure I ſaw them put the bag into my coach.

Who paid the money?——My maſter received the money, I cannot ſay who paid it.

Did you drive back the ſame evening from Piccadilly?——Yes.

Did you take up any body in the courſe of your return?—Not a ſoul withinſide, only a poor man outſide that gave me a pint of beer.

When you came back to Chiſwick did you find anything in the coach?—No, Sir, I did not, but the next morning hearing the church was broke open, I went and looked into the coach, and found this inſtrument, a large chiſſel, at the back of the ſeat, quite under the ſeat.

*Priſoner.* Are you ſure that is the ſame you found?——Yes.

**JOHN SANDIFORD** *ſworn.*

I am the maſter of this coach, on the 8th of October, I remember the priſoner Hill hiring a coach of me in the evening.

*Court.* Who had your coach gone out with before?——With different people before that; I ſaw Hill, but I cannot ſay any other perſon's face, there were four in the carriage when it ſtood at the door, and when it drove into the yard; Hill paid me the money for the coach, nine ſhillings.

*Mr. Garrow, Priſoner's Counſel.* Is it one that is uſed as an occaſional ſtage coach?——Yes, Sir, it had been out taking its chance all day.

### JOHN HILARY *ſworn.*

Do you remember the time when Chiſwick church was broke open?——Not the particular time, I went on the Sunday morning.

What was done when you was there?—I put on a new ſtaple to the lock, that was all I did.

Was the door examined?——I examined it, not that day, and I applied a crow.

When?——It was two or three days after, I cannot be poſitive, the crow was given to me by my maſter, Mr. Hall, a carpenter.

Did that inſtrument which you applied appear to fit the door?——It anſwered to every impreſſion that was made in the door, and likewiſe in the door caſe.

Were there many marks of violence?—Yes.

Could you compare it exactly with the impreſſions?——Exactly.

Which end of the crow?——Both ends, they fitted both ends in different places, it was impoſſible any thing could fit it more exactly.

Could you diſtinguiſh the mark of another crow that was nearly the ſame ſize as this?——It fitted ſo nearly, I think it was impoſſible for the hands of man to make another to fit ſo near.

*Mr. Garrow.* Could you have diſtinguiſhed it from the mark that was made by a plaiſterer's hammer?——No, I could not.

### THOMAS HALL *ſworn.*

I remember ſending my man to Chiſwick church, I went with him, I took a crow with me which I brought from the coachman, he had brought it back from Sir Sampſon's office after the examination.

*Court to Turner.* Was the crow you gave to Mr. Hall, the ſame that you found in your coach?—Yes.

You are clear in that?——Quite perfect in it.

Was this that was delivered to you by Turner, the ſame that was tried at the church there?——Yes, I ſaw it tried, I obſerved that the ſmaller end had been put in at the top of the door firſt, in order to make room for ſomething, what that was I do not know, the marks appear perfectly of the crow.

### ABRAHAM BUTLER *ſworn.*

I am a coachman, I drive the Chiſwick coach, I found a letter which diſcovers Mr. Abbott being in the coach, I found it the next morning, I found it in the ſame coach that Turner drove the evening before, I found it on the 9th of October, I believe.

What day of the week?——On Sunday morning.

Who was that letter directed to?——Francis Abbott.

### WILLIAM WAPSHOT *ſworn.*

I am one of the church-wardens of Chiſwick, James Wood is the other.

In whoſe cuſtody is the Communion plate of Chiſwick?—In the church-warwardens; when the new ones come in, the old ones give them up to them, I did not keep the keys, we give them to the clerk.

Was you the church-warden when the church was robbed?——Yes.

### JAMES WOOD *ſworn.*

I was church-warden at the ſame time.

*Mr. Garrow.* As ſoon as you are appointed the old church-wardens give you the keys?——It is my firſt year, Wapſhot had the keys, I never had them at all.

Was the plate delivered to you?—Never.

It continued in the old cuſtody?——Yes, it continued in the cuſtody of the pariſh clerk, by order of Mr. Wapſhot, I never gave any order about it, I only ſaw the plate every fourth Sunday when I received the Sacrament, never at any other time.

*Mr. Garrow to Butler.* Did you make any mark on the letter, my man?——No, Sir, I gave the letter to my maſter directly.

*Mr. Garrow to Sandiford.* What did you do with the letter that Butler gave you?——I remember my ſervant giving me a letter, which he ſaid, he found in the coach, and gave it me on the Sunday morning, the 9th of October; I kept it in my cuſtody till I gave it to Sir Sampſon Wright, I marked it in the preſence of Sir Sampſon Wright, this is the ſame letter, here is my own name, and my own hand-writing upon it, I am clear in that.

**ELIZABETH SMEETON** *ſworn.*

Do you know either of the priſoners?—I know Abbott.

Did you ever deliver a letter to him?—I cannot tell the day of the month, I believe it was in September.

Should you know that letter if you was to ſee it?——I cannot ſay I ſhould, I took very little notice of it; my huſband was very ill, and I was in great diſtreſs, I know nothing about it.

Did you ever ſee the inſide of that letter?——No, my daughter read it to me, and put a wafer into it, and I gave it to Abbott the next morning.

Should you know it if you was to ſee it?——No, I make no doubt but it may be the ſame letter.

How was it directed?——Only for F. Abbott.

*Mr. Garrow.* Then that is not this letter, for this is Mr. F. Abbott.

*Court.* Can you undertake from your ſight of it, to ſay that is the ſame letter?——To the beſt of my knowledge it is.

*Mr. Garrow.* Why, good woman, may not the priſoner have had others from the ſame correſpondent?——I make no doubt of that, it may be the ſame letter.

*Court.* From your view of the letter, and your remembrance of it, do you know whether it is the ſame or not?——From my eye ſight it is the very ſame letter.

*(The letter read ſigned L. Bywater, addreſſed F. Abbot, dated 28th September, 1785, relating to the buſineſs of Mr. Bywater.)*

Do you know Mr. Bywater?——Very well, he has my firſt floor for an office.

What was Abbott to Bywater?——He was his clerk.

*Court.* That ſeems to be as far as you can carry that queſtion.

*Court to Smeaton.* Where do you live?—At No. 4, Titchfield-ſtreet, St. Ann's.

*Court to Wood.* Who is the pariſh clerk of Chiſwick?—Mr. Cotton.

*Court to Young Cotton.* Have you got the key of the plate cheſt?—Yes, I keep the key, there were two flaggons and a chalice, two cups, two plates, one diſh, they were uſed the laſt Sunday in September.

When did you ſee them?——I cannot recollect the day of the month, the laſt Sunday in September; but I ſaw them that day, and locked the cheſt, and took the key, there are three keys, I had all the keys, they were all tied together.

Had you opened it from that Sunday, till the church was robbed?—No.

*Mr. Garrow.* Who delivered the keys to you?——My father, they are kept at our houſe.

Who gave you the keys to take care of the plate?—They have been at our houſe for a certainty theſe ſeven years.

*Priſoner Hill.* I have not been well, I leave it to the Counſel, and the worthy Gentlemen of the Jury.

*Jury.* We wiſh to ſee the crow.

*The priſoner Abbott called one witneſs who gave him a good character.*

*The priſoner Hill called three witneſſes who gave him a good character.*

**BOTH NOT GUILTY.**

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of JANUARY, 1786, and the following Days;
Being the SECOND SESSION in the Mayoralty of

## The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

## E. HODGSON,

PROFESSOR OF SHORT-HAND;

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THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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177. PATRICK Mc KERNON was indicted for that he, on the 13th of December laſt, with a certain piſtol loaded with gunpowder and a leaden bullet, unlawfully, maliciouſly, and feloniouſly did ſhoot at one Richard Hudd, he being in the King's highway, againſt the ſtatute.

*A ſecond count*, only charging the piſtol to be loaded with gunpowder and leaden ſhot.

RICHARD HUDD *ſworn.*

I know the priſoner, I had been to the public-houſe, on the 13th of December, about twelve at night, to a benefit club, I was coming down Old-ſtreet road by Mr. Calvert's, I ſaw the priſoner and another man, John Riley, whom the Juſtice diſmiſſed, I never ſaw them before, and they met me and paſſed by me, and I turned my head round to look at them, and I ſaw Patrick Mc Kernon with a piſtol in his hand, and I turned my head round to look at him, and as I walked a few ſteps, they both run back to me, and the priſoner ſaid, d—n your eyes who do you look at? I ſaid I had a right to look at who I pleaſed, and ſo might he if he would; then the other man told me to go along about my buſineſs, I told him I would, and one ſide of the road is gravelled and the other is not, I had not got off this gravel not above ten yards from him before the priſoner fired a piſtol at me, I ſaw him point the piſtol at me, and heard the flaſh, I kept my eye upon him, with that I cried out ſtop thief, and thi man run and the other ſtopped; I had a ſtick in my hand, I took the other with the aſſiſtance of a gentleman, and took him to the watch-houſe, and ſomebody brought i the priſoner; then the priſoner at the ba ran up to me and gave me ſeveral blows, and he gave me a blow on the jaw that I could not open it for fourteen days, it wa a moon-light night, I am quite ſure of th priſoner's perſon, I had an opportunity o ſeeing him as he was not many minutes ou of my ſight, this was when they were bot hand-cuffed together carrying to priſon; did not know either of them before th night, they did not demand my money.

How came this man to fire at you?— I do not know, it was his wicked inclin tion.

Did you obſerve whether he pointed t piſtol at you or not?——Yes, he did.

Was the piſtol loaded?—I cannot te it made a very loud report, as if loaded wi ſomething heavy, it alarmed the neig bours; he had only that one piſtol when was ſearched, I was ſure he was the ſame m

wh

when I ſaw him at the watch-houſe, it had been raining juſt before, it cleared up and was quite light.

MICHAEL WATTS *ſworn.*

I heard the cry of ſtop them, I took the priſoner with the piſtol, the piſtol appeared to have been juſt fired by the ſmell, the priſoner never got out of my ſight till he was ſecured.

HENRY CRICKETT *ſworn.*

I heard the report, the priſoner came running by me, I knocked him down and ſecured him.

PRISONER's DEFENCE.

If I was guilty of doing any fact, I ſhould not do it where I was known to every body, I fell down, and in conſequence of the piſtol being cocked it went off, but I made no attempt to fire at him.

*Court to the other witneſſes.* Was he in liquor?——He did not appear to be ſo.

*Court to Jury.* Gentlemen, the only queſtion for your conſideration ſeems to be whether you are ſatisfied under the circumſtances that he fired the piſtol, which was loaded, *at* the proſecutor, with a felonious intention of killing or wounding him.

*Jury to Watts.* Was the proſecutor ſober when he came to the watch-houſe?—Yes.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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178. ANN WOODBRIDGE was indicted for feloniouſly ſtealing, on the 23d day of December laſt, one gold watch, value twelve guineas, the property of Charles Benham, in his dwelling-houſe.

*There being no evidence againſt the Priſoner, ſhe was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

888. JOSEPH ROBINSON was indicted for feloniouſly ſtealing, on the 26th day of December laſt, one cheeſe, value 7s. the property of William Bindle.

*William Bindle called on his recognizance, and not appearing, the priſoner was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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179. JAMES BEGNOW, JOHN FRAZIER, and WILLIAM BROWN were indicted for feloniouſly ſtealing, on the 9th day of December laſt, one hundred and thirty pounds weight of lead, value 18s. belonging to William Slade, and affixed to a certain building of his, againſt the ſtatute.

*The witneſſes called on their recognizance, and not appearing, the priſoners were*

ACQUITTED.

*Tried by the London Jury before Mr.* RECORDER.

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180. JAMES HOUSE was indicted for feloniouſly ſtealing, on the 27th day of December laſt, one live cock, value 12d. and one live hen, value 12d. the property of Harriot Gell and —— Gell.

*There being no evidence to affect the priſoner, he was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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181. RICHARD KELLY was indicted for feloniouſly ſtealing, on the 17th day of December laſt, one cloth great coat, value

50s.

90s. and two woollen waiſtcoats, value 30s. the property of Richard Palethorp.

*There being no evidence to affect the priſoner, he was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURT.

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182. ROBERT JAQUES was indicted for that he, on the 15th day of September laſt, at the pariſh of St. Mary Woolnorth, in the city of London, falſly and feloniouſly did make, forge, and counterfeit, and cauſe and procure to be falſly made, forged and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain order for the payment of money, with the name John Griffin thereto ſubſcribed, bearing date at Carey-ſtreet, the 15th day of September, 1785, purporting to be the order of one John Griffin, and to be directed to Sir James Eſdaile, Peter Eſdaile, Benjamin Hammett, and William Eſdaile, by the name and deſcription of Sir James Eſdaile and Company, for payment of 30l. ſterling to Thomas Maddocks or bearer, and which ſaid falſe, forged, and counterfeited order for the payment of money is in the words and figures following, that is to ſay, "Carey-ſtreet, September 15th, 1785, Sir James Eſdaile and Co. pay Thomas Maddocks, Eſq. or bearer, the ſum of thirty pounds ſterling. £30. John Griffin," with intention to defraud John Griffin.

*A ſecond count*, for uttering as true a like forged order for the payment of money, with the like intention.

*A third count*, charging him in like manner as in the firſt, for feloniouſly forging a like order for payment of money, with the like intention.

*A fourth count*, for uttering as true a like order, with the like intention.

*A fifth count*, for that he, on the 15th day of September laſt, having in his cuſtody another order for the payment of money, ſigned and ſubſcribed with the name of John Griffin, directed to Meſſ. Eſdaile and Co. dated November 25th, did alter and cauſe to be altered, and a certain word and a certain figure, to wit, the word November and the figure two, feloniouſly did alter and cauſe to be altered, and that he on the ſame day, in the ſaid laſt mentioned order for the payment of money, falſly and feloniouſly did forge, counterfeit, and inſert in the place and ſtead of the ſaid word November the word September, and the figure one in the place and ſtead of the figure two, by means whereof it did import to be an order for payment of money bearing date September 15th, 1785, with intention to defraud John Griffin.

*A ſixth count*, for uttering the ſaid falſe and altered order with the like intention.

*A ſeventh count*, for altering the ſaid order with intention to defraud Sir James Eſdaile and Co.

*An eighth count*, for uttering the ſaid altered order with intention to defraud Sir James Eſdaile and Co.

*(The caſe opened by Mr. Silveſter.)*

Gentlemen of the Jury, this charge againſt the priſoner Mr. Robert Jaques conſiſts in altering the date of a draught from the 25th of November, 1785, to the 15th of September, 1785, and ſo making the date earlier than it was intended to be; Gentlemen, by an act of parliament made in the 7th year of his late Majeſty's reign, it is enacted, that if any perſon ſhall utter or publiſh as true any forged or altered order for payment of money, knowing the ſame to be ſo, he ſhall be guilty of a capital felony; Gentlemen, the priſoner Jaques is a money-lender, the proſecutor is a ſurgeon who ſerved on board his Majeſty's navy; ſome time ago he applied to the priſoner Jaques for the purpoſe of lending money, Jaques, in that character and ſituation, inſinuated himſelf into the confidence of the proſecutor, Mr. Griffin; Mr. Griffin having left the ſea and become a ſurgeon of eminence, in Carey-ſtreet; they became acquainted; ſome time after this Mr. Jaques applied to him to accommodate him with ſome notes, and ſaid, before they can be payable you may depend upon it I will let you have the money; Mr. Griffin immediately gave him this draught to Sir James Eſdaile and Co. pay to Thomas Maddock, Eſq. or bearer 30l. ſterling, and dated it the 25th of November, 1785; he explained likewiſe at the time that he expected Mr. Jaques would pay the money, and another reaſon was becauſe he thought he ſhould not be in caſh before that time; when Mr. Jaques got poſſeſſion of the note he did not chuſe to wait, but he endeavoured to raiſe money upon it, but he could not, and therefore he altered the date to September the 15th; the draught was taken to the banker's, Sir James Eſdaile, and there it was payed, Sir James or his clerks having no idea but that this was a juſt and fair draught; a few days afterwards Mr. Griffin going by and calling at his bankers, they told him it was not uſual for gentlemen to ſend their draughts as he had done, and they deſired him to ſend ſome caſh in, and they further told him, Sir, we have honoured your draughts ſo far that you have over drawn ſeventy pounds, Mr. Griffin was aſtoniſhed, not being conſcious that he had over drawn his banker, as thoſe draughts that he had given to Jaques, were dated in November, therefore, it did not occur to his mind that a draught dated in November ſhould be offered for payment in September, when they ſhewed it him, he ſaid, it is very true, as you have paid this draught; he then went to Mr. Jaques with the draught, and ſaid, how comes this, you have altered the date? why ſays he, it is my brother did it, not me; do not make any piece of work about it, ſays he, here is ſeventy pounds, take it and pay the banker: but, Gentlemen, you know the payment of the money will not alter the crime: upon enquiring, the bankers were not ſure that Jaques was the actual man that had offered this draught, they could not therefore for ſometime follow up the priſoner; but upon applying to Sir James Eſdaile, it appeared he had paid the perſon that brought the draught by a bank note, but what it was they did not know, however, upon enquiry at the Bank, it appeared that identical bank-note had been indorſed at the Bank as is uſual "*Mr. Jaques, Ea. ſt. Rd. Ly. ſre.*" meaning Eaſt-ſtreet, Red Lyon-ſquare, and not ſpelt as Mr. Jaques ſpells his name, and what is more, that hand writing will be proved to be the hand-writing of the priſoner at the bar, the name was ſpelt with a K. inſtead of a Q. and that ſame bank-note will be proved to have been found in the hands and poſſeſſion of the priſoner: Gentlemen, it is laid in the indictment, to be with intention to defraud in the firſt place Mr. Griffin, certainly it was for that purpoſe, becauſe conſcious of that he paid him the money: Gentlemen, when the facts are proved of the note being altered, and the confeſſion of that man, that it was done by his brother, and when it is proved to be the hand-writing of the priſoner, there cannot be a doubt in any man's mind (though it is very artfully done) but that this man is guilty, and it will then become your duty, though a painful one to pronounce him ſo by your verdict; on the other hand, if you ſee any reaſon to doubt, I am ſure you will chearfully acquit him.

*Mr. Sheppard, Priſoner's Counſel.* The alteration was not a forgery, for the only offence which appears to be deſcribed in this act, is the altering the number, *any principal ſum*, in the ſeveral inſtruments, there is no alteration either in number or principal ſum.

*Mr. Silveſter.* I read it thus, ſhall falſely make, alter &c. any acceptance of any bill; the ſecond offence is altering the number, or principal ſum of any accountable receipt; the third offence is, if he ſhall falſely alter forge or counterfeit any order or warrant for payment of money.

*Mr. Sheppard.* I take it that the principal ſum relates to all the ſpecies of offence.

*Mr. Garrow, one of the Counſel for the Proſecution.* That is the queſtion between us, about which I ſhall not trouble your Lordſhip with a word; becauſe it depends on the reading of the act itſelf, and it deſcribes things which neceſſarily may not have a principal ſum in them. I beg now my Lord to obſerve that one of the witneſſes who has been ſubpœned on the part of the proſecution, has juſt ſent this letter, "Sir, "as I am in danger of being rendered by a "man that is bail for me, I beg the pro"tection of the Court if I come to give "my evidence." I beg, therefore, your Lordſhip will ſay from the bench, that he is protected in going and coming back.

*Court.* Let an officer of the Court be ſent to bring him.

*Mr. Garrow.* Will your Lordſhip pleaſe to ſend this meſſage with it; Mr. Jaques's trial will be poſtponed till he comes.

*Court.* An officer muſt bring him with him, what is his name?—Carlos Cæſar.

### JOHN GRIFFIN *ſworn on the* Voire Dire.

Mr. Griffin, you gave this draught to Mr. Jaques, dated the 25th of November, as you ſay?——Yes.

It was paid by your banker?——It was.

Mr. Jaques afterwards gave you the money, which was ſo paid by your banker, did not he?——Yes, Sir, he did, he advanced me money, but it was upon condition that I would bring, from my bankers, bills that were there, that were not yet due, one of which I can remember.

Did he or did he not give you money to repay your banker for this draught?—He did not give me money, he lent me money.

Have you ever repaid him that ſum of money?——Yes, Sir, I have.

Do you mean to ſwear that?—Yes, Sir, I paid him by the notes he brought back.

Then if I underſtand you right, the money which was ſo given on that day, was not given for this draught?—I do not underſtand you.

I want to know this, whether you mean to ſay, that Mr. Jaques did give you money to reimburſe your banker for the money that was drawn out of your bankers hands, or on any other account?——He gave it me conditionally, that I would bring back all the notes and bills that were then laying at my bankers, that were not yet due, which I have evidence in Court to prove.

Then he did not give it you in conſideration of this draught?—No.

Has not an action of treſpaſs been brought againſt you by a Mr. Williams?——Not that I know off.

Has not a notice been ſent you that it will?—No.

Are not you promiſed that in caſe you ſucceed in this trial, no action ſhould be brought.

*Mr. Garrow.* Does that go to his competency.

*Court.* Certainly it does.

*Mr. Garrow.* If that is to be objected to witneſſes, every third perſon may deprive the King of his witneſſes.

*Mr. Silveſter.* A man who is brought here as an accomplice, comes with a firm hope and expectation, that he will have the greateſt benefit that a man can have, the King's mercy, here ſome third perſon a friend to Mr. Griffin, ſays, why, if you do not hang Mr. Jaques, we will bring an action againſt you; how is that to affect the priſoner at the bar.

*Court.* It muſt ariſe from the tranſaction itſelf.

*Mr. Garrow.* It ſeems to me it is impoſſible that this queſtion or any anſwer to it, can go to the competency of Mr. Griffin, it is not for any dread of the anſwer, becauſe I know what it will be, but for the ſake of juſtice, I take it now in the ſtrongeſt way againſt myſelf; ſuppoſe he ſays a perſon of the name of Williams has threatened to bring an action againſt him, and has promiſed him that if Jaques is convicted, that action ſhall be put an end to; let us ſee a little how that goes to the competency of Mr. Griffin; that it goes to his credit, I am perfectly free to admit; but ſurely we have not forgot what paſſed here yeſterday morning, when we were talking of Underwood, he ſtood under circumſtances of the moſt groſs diſcredit, and yet the King had a right to call him; would not it go to the cutting up of the public adminiſtration of the juſtice of the country, if my learned friend's objection ſhould prevail; I am intitled to aſſume this is a fair proſecution, and in any other fair proſecution, a friend of the defendant ſhall go to the proſecutor, and ſhall ſuperadd an inducement, he ſhall tell him if you will do it, I will give you ten guineas, I will give you five guineas, I will give you five halfpence, it is an intereſt, it would go to his competency; would it be ſuffered, that ſuch a ſort of negociation ſhould go to the competency of a witneſs, and ſo deſtroy the full effect of the proſecution?

*Mr. Sheppard.* I really think it is my duty to take every objection which I can, when I ſtand as counſel for any man that is upon trial for his life, therefore I anſwer thus, Mr. Garrow has ſtated a caſe which muſt be in all our memories; but I do not put this caſe as a ſimilar one to Underwood's by any means, but what dropped from your Lordſhip appears to me to be an authority to found my objection upon; you there determined that the queſtion as to competency, is not whether a man may be believed after he has told a ſtory, but whether there is any legal bar to his being heard: Mr. Garrow has ſaid where any man goes to a witneſs, and deprives the King of his witneſs; not in every caſe, but I do think, I ſhould have got from Mr. Griffin's mouth, if the materiality of his anſwer had not been ſuggeſted to him by the objection, that he has an expectation, and if the witneſs ſtates on his oath that he expects ſomething will be done, it is an intereſt: in the caſe of Mrs. Rudd, I have heard that when Mrs. Perreau came to the bar, to be examined as a witneſs, ſhe was aſked on the Voire Dire, whether ſhe did not expect that if Mrs. Rudd was convicted, her huſband would be pardoned; I will put another caſe, which appears to me to be in point on this occaſion, ſoon after the act of parliament was paſſed, which gave reward to thieftakers, objections were taken to thoſe men ſo intitled to rewards being witneſſes, the only anſwer of the Court was that that act of parliament did not mean to exclude their teſtimony; I am ſure I recollect that the Court ſaid, that was meant to further the conviction of offenders, and it was the caſe in which perſons intereſted were the only perſons who could convict the offenders: Mr. Griffin if he had anſwered my queſtion, and told your Lordſhip that Mr. Williams or anybody elſe had told him if he convicted Mr. Jaques, they would forbear to bring an action againſt him, which he had in contemplation, I do ſubmit that would have given him a direct intereſt, ariſing in conſequence of this caſe, which would have deſtroyed his competency: I think it is laid down in Serjeant Hawkins, that an intereſt whether mediate or immediate, if to ariſe in conſequence of the event of a trial, is ſuch as to diſqualify a witneſs, and the only exception that I believe has been held to that rule, is the caſe of men intitled under an act of parliament to rewards; and then the Court gave a further reaſon for it, that theſe rewards were intended for the conviction of offenders: I ſubmit if he anſwers in that way, that would be an objection to his evidence.

*Mr. Silveſter.* Mrs. Perreau was withdrawn.

*Mr. M'Nally.* I recollect it perfectly, the Court did give an opinion that the objection went to her competency.

*Court.* I ſhall permit you to put the queſtion to Mr. Griffin, and decide on his competency when I know the circumſtances under which he ſtands.

*Mr. Sheppard.* An execution went into Mr. William's houſe, have you never been told, and has not Williams or his attorney told you that an action of treſpaſs would be brought againſt you, for bringing that execution into his houſe?——I hope your Lordſhip will allow me to make an anſwer, and he will not ſtop me.

Your anſwer muſt go to the queſtion?—No, Sir, to the contrary.

Did they never tell you ſo?—It was not told me by the Janſons, but it was ſuggeſted to me.

You have been told you ſay to the contrary?—Yes.

Now, I aſk you upon your oath, whether when you was told to the contrary, you was not told that the action ſhould not be brought if you convicted Mr. Jaques?——No, Sir, they did not, nor any thing to that effect.

### JOHN GRIFFIN *ſworn in Chief.*

*(The witneſſes ordered to withdraw.)*

*Mr. Garrow.* How long have you been acquainted with Mr. Jaques?—About ten months.

You have had money tranſactions with him?——I never had any other money tranſactions with him than giving him my draught.

Did you in the month of September give him any draught on your banker?—Yes.

What day?—On the 10th of September, I think it was on a Saturday, for thirty pounds, payable to ——— Maddocks, Eſq; or bearer.

Look at it and ſhew it us?—This is the draught.

What date did this draught bear at the time you gave it to Mr. Jaques?——The 25th of November 1785.

How ſoon after did you ſee that draught again?——I did not ſee it till the 20th of September, at my banker's, Sir James Eſdaile and Co. I found it there, as a draught that had been paid.

What date did it bear then?—It bore then, September the 15th.

Was it in the ſtate in which you now produce it?—It was exactly.

Has it been in your cuſtody ever ſince?——It has.

How ſoon after this did you communicate to Mr. Jaques, that you had ſeen it?—As ſoon as a coach could carry me, when I found out that the draught had been paid and altered, I repaired to Mr. Jaques's houſe in Eaſt-ſtreet, Red-Lion-ſquare; he was not at home; at a quarter or half an hour after three, I found him at home.

Now tell us the converſation that paſſed as nearly as you can?——I mentioned the circumſtance with a great deal of uneaſineſs; I told him by giving him a draught dated forwards the 25th of November, that that very draught had been paid into my bankers, with the date and month altered to the 15th of September, I told him alſo that I thought it was a very cruel thing, I had been taking every ſtep to ſerve him, and he was going to ruin me; that my banker was then over drawn, looked black, and expected his money ſhould be paid by ſun-ſet; I told him I felt myſelf exceedingly hurt, and that I was very uneaſy, for that my bankers, unleſs the money was paid in by ſun-ſet, ſeemed as if they would fix me with it; Mr. Jaques ſaid, it was impoſſible, good God! this is a forgery, I thought this had been at Bury, in Suffolk, for I tell you in confidence, I paid this draught to my brother.

*Court to Cæſar, who was now brought in by an officer.* You are protected by the Court, nobody can preſume to moleſt you, and if you depart the Court without leave, you will be liable not only to be called upon your ſubpœna, but alſo to ſuch other puniſhment as the Court may think proper to inflict.

*J. Griffin.* He then aſked me if he could aſſiſt me reſpecting the money at my bankers, and I ſaid, I was ſo much diſtreſſed, I had a great deal of buſineſs that day, and I could not apply to any other friend to reimburſe it on that day, he then told me he would give me the money to reimburſe my banker, provided I would bring him the notes and bills that were then laying at my bankers, and not due.

Did you do ſo?—I did.

To what amount were theſe ſecurities?——The bills that I brought back, Sir, was one of fifty pounds, and there was another for ſixty-four pounds, the bills that I gave him amounted to one hundred and fourteen pounds fourteen ſhillings and ſixpence.

What money did he advance to you?—Seventy pounds.

Had you any further converſation with him at this time?——I do not remember any thing particular, only he deſired me to keep in confidence, for that it would ruin his brother.

Had you any ſubſequent converſation with him upon the ſubject?—Yes.

Upon what occaſion was it that afterwards you had this converſation with him, where was it, and who was preſent, and what paſſed?——I had ſome converſation with the priſoner in the preſence of Cæſar, I think ſo.

Whether at any time after this 20th of September, you had any converſation with Mr. Jaques relative to this alteration of the draught?—Yes.

Was Mr Cæſar preſent?—Yes, he was.

What paſſed?—Nothing particular paſſed, only I mentioned the circumſtance.

What circumſtance was that?—I mentioned to him how very extraordinary it was, that the draught ſhould be altered, he made no anſwer, but waved the converſation; I afterwards had ſome converſation with him in the preſence of Mr. John Andre my partner.

How long was that after?—I cannot tell exactly, I believe it might be three weeks after the 20th of September.

*Mr. Jaques.* I have unfortunately not ſubpœned Meſſrs. Hankey's the bankers, and they will be very material witneſſes, will your Lordſhip permit me to ſend for them, they ſent me word they could not come.

*Court.* Then ſend a ſubpœnea.

*Mr. Sheppard.* We are ſituated here without a ſolicitor.

*Mr. Garrow.* I am afraid we muſt object to Mr. Heſcot being in Court, but he has a partner.

*Mr Griffin.* Jaques had ſome words with me and my partner, in my partner's houſe, and Mr. Andre came in, and I told Mr. Andre in his preſence, that Mr. Jaques was angry becauſe I had mentioned this forgery to ſome perſon.

In point of fact, had he been angry and expreſſed ſome anger?——He was ſo loud that it was the occaſion of Mr. Andre's coming in.

What had paſſed?——He ſaid that he would go to Sir Sampſon Wright's with me; and made a very great noiſe indeed.

State what he ſaid to you?——He had a large ſtick which he lifted up, and ſaid, you take me up for a forgery, ſays he, I will go with you directly, ſays he, I defy you.

*Court.* Had you at that time threatened to take him up for a forgery?——No, Sir, I had not.

Then what was this in reply to?——It was in reply to our quarrel, what I had communicated to ſome friends had come to Mr. Jaques's knowledge.

Had you threatened to take him up for forgery?—No, Sir, I had not at that time.

*Mr. Garrow.* You having communicated the ſecret, it had come round to him?—Certainly.

*Court.* But had you threatened to any body that your would take him up?—No, Sir, I had not.

*Mr. Garrow.* Then the purpoſe of his coming to you was your having communicated it to ſome perſon?—Yes, then Mr. Andre came in, and I told him that the reaſon of Mr. Jaques's hectoring and bellowing at me, was becauſe I had mentioned the alteration of that draught that I had communicated to him, Mr. Andre ſaid, he might ſoften his tone, for if he was taken before a Magiſtrate, he would not be in his ſituation for ten thouſand guineas; Mr. Jaques in reply to that, ſaid, he was very ſorry that I had been hurt at my bankers, and that he hoped as he had paid me the money directly, no ill conſequences would happen there, and that Mr. Andre would not think much of the draught.

Did he at that time deny that ſuch an alteration had been made?——No, he did not, he ſaid, that admitting the draught had been altered, as I had had the money to pay into my bankers, he hoped my credit would not be hurt there; Mr. Andre my partner ſeemed ſatisfied with this, and the converſation dropped, but on his going out, he deſired Mr. Andre would not ſay any thing about the buſineſs.

Have you had any other converſation with Mr. Jaques about this at any other time?—Not that I know of.

*Court.* I wiſh you to be a little more particular, he ſaid admitting the draught had been altered, do you mean by that, to ſay that he admitted the draught had been altered?——I only mention what he ſaid, and I wiſh to put the beſt conſtructions upon it.

*Mr. Garrow.* You have told us on the 20th of September, you found you had over drawn your banker?—Yes.

Had other draughts been prematurely preſented?——They had.

Look at them.

*Court.* That may make an impreſſion, and cauſe a ſuſpicion.

*Court to Jury.* The inſpection of the draught itſelf when you come hereafter to conſider the evidence, will be very material for you.

*Mr. Garrow to Mr. Griffin.* When you parted with that draught, out of your hands, had you at all eraſed the date or written the draught on any eraſure?—No, I had not.

Were any other perſons in company when you wrote that draught?—Yes, Mr. Cæſar was in company.

*Jury.* When did you write that draught? —On the 10th of September.

*Mr. Garrow.* What was the reaſon of your giving the draught in that manner? ——I could not be certain I could have money at my bankers earlier than that time.

If you had been deſired to give it, dated the 15th of September, would you have given it dated that day, ſo as it might have been carried in then?——No, Sir, I could not, becauſe I could not be ſure of money at my bankers.

Did you explain that reaſon to the priſoner at the time you gave it?—Yes, I did ſo the priſoner knows very well.

(*Read.*)

"Carey-ſtreet, September 15th 1785. Sir James Eſdaile and Co. pay to Thomas Maddocks, Eſq; or bearer, the ſum of thirty pounds ſterling, for John Griffin. (*In the margin in figures*) £30.

*Priſoner.* My Lord, may I be permitted to look at the draught?——Certainly; officer hold the draught in your hand, and ſhew it to Mr. Jaques.

(*Looks at it.*)

*Court to Griffin.* Was that your only reaſon for dating the draught ſo far forward, and did you communicate it to Mr. Jaques?——That was my only reaſon, I aſſure you.

Was it your intention it ſhould have been paid at the time it bore date?—Yes.

*Mr. Sheppard.* Do you recollect, or do you know from your own recollection, what date this draught originally bore, or from the relation of ſome other perſon?—I know it from myſelf.

Then you mean now to ſwear, that you recollect this draught to have been dated on the 25th day of November, from you own recollection?——From my own recollection, that is the only reaſon I have to recollect it.

Did you make any memorandum at the time you gave it?——No, Sir, I did not.

Have you never ſaid that the only reaſon you had to think it was dated on the 25th of November, was becauſe ſomebody told you ſo?——No, Sir.

Have you never ſaid ſo?——I do not remember ſaying ſo.

Will you ſwear that you did not ſwear that was the reaſon when you was before the Magiſtrate?—I do not remember ſwearing ſo.

Did you never ſwear before the Magiſtrate, or ſay that the reaſon why you recollected it to be the 25th of November, was becauſe Mr. Reeves told you ſo?——I do not remember ſaying ſo.

When you gave this note, was not the conſideration of it for a bill Mr. Jaques lent you?——No, Sir.

Did not he lend you a bill drawn on Mr. Planner, for which you gave him as a counter ſecurity this draught?—I do not remember he did.

Why if your memory can recollect the date of this note, you can recollect the tranſaction at the time?—I do not remember I did.

You mean to ſwear that he did not?—I mean to ſwear that I do not remember, I ſwear to the beſt of my memory, I will not ſwear that he gave me a bill on Mr. Planner.

Upon your oath was it not the ſame time that draught was given to you?—No, Sir, it was not.

Did you give him no other draught at that time, nor a bill on Mr. Addis?—No, Sir, I did not.

Did you never give him a bill on Mr. Addis?——Yes, Sir, I did, but that bill of Mr. Addis's I drew out of my own bankers, at the ſame time I found out this eraſement to the beſt of my remembrance, this thirty pound draught was not for payment or a ſecurity for that bill.

When you come to Mr. Jaques's, you ſay you told him, you had no other friend you could apply to, in reſpect to money at that time?—Yes.

*Mr. Jaques.* When did he receive that bill on Mr. Planner?——Upon my word, I cannot tell exactly, I believe it was ten days, or ſome days before, I cannot ſwear poſitively.

How came you then to recollect ſo accurately the date of this draught?——I not only remember that I gave it for the 25th of November, but when I came to look at the draught, my eyes told me ſo by ſeeing the eraſure, and another thing that refreſhed my memory likewiſe, a day or two, or three, or four, I cannot ſay exactly, I went to Mr. Reeves.

Mr. Reeves told you what day it had been dated?——He told me a draught had been offered to him.

Your memory was refreſhed as to the date, by ſomething which ſomebody told you?——Yes.

*Court.* You muſt not aſk what that ſomething was.

*Mr. Sheppard.* Then I do not put the queſtion.

You ſay that when you came to ſee the draught, that ſomething made you recollect what date it originally was?—It did.

Look at that draught, and tell me how any thing appearing upon that draught makes you recollect what was originally on that draught?—I remember giving this draught.

*Court.* You have been aſked why you could ſwear ſo exactly to the very day of the date of this draught, your anſwer was this, I not only remember it as I gave it for the 25th of November, but when I came to look at the draught my eyes told me ſo by ſeeing the eraſure?—Remembering myſelf by this, that I had given a draught for the 25th of November, and this being altered I can remember this was the draught.

*Court.* What is there then in your eye ſight that leads you to aſcertain the day, the day on which it was originally dated?—The firſt ſtroke of my N in November is in this manner, the next ſtroke of the N the top is ſcratched off, the bottom of that is left to make the E for September, the R is made out of O.

Do you mean to ſay, that that appears upon the inſpection of that draught?——It does.

*(The draught handed to the Jury.)*

*Mr. Sheppard.* Upon this diſcovery of your being over drawn, you went to Mr. Jaques's?——Yes.

I believe previous to that you had a bill of Mr. Jaques's for ſixty-four pounds, drawn by him or upon him?—I had a bill at my bankers that was not due, for which I gave him the money.

That bill you had carried to your bankers?——I did.

Your banker entered it ſhort?——He did.

Upon your oath, was not it becauſe your banker entered it ſhort, was not that the reaſon you was over drawn at that time?——No, it was not.

When you carried that to your bankers, did not you deſire them to diſcount it?—No, I did not.

Did not you carry it there to be entered as caſh in your book?——No, I did not, I carried it as ſecurity, to be carried to the place where it was due, and then it would be entered as caſh when paid.

You mean to ſwear that?——I do.

Do you ſwear that was not one of the reaſons why you was over drawn?—I do.

*Priſoner.* Did he not declare to Mr. Eſdaile, at the time he went there, that the reaſon of his being over drawn was becauſe that bill was entered ſhort?——No, Sir.

Did you never ſay that to any body?—I never ſaid it to any body in my life.

Will you venture to ſwear you never ſaid ſo?—Yes, I will.

When you came to Mr. Jaques's and told him of this alteration, you ſay he lent you ſome money to reimburſe you?——He did.

He lent you money to take up theſe bills that were at the bankers?——No, upon condition that I would bring them back in order that the priſoner might get them diſcounted.

It was not then on account of this bill that he gave you the ſeventy pounds?——That was one reaſon why it was given to help to pay that bill at my bankers.

Why you poſitively ſwore on the Voire Dire that money was given that you might bring back this bill, and that this was not any part of the condition of his giving you any part of this money?——No, more it was.

You ſaid that he lent you this money on condition that you would bring back theſe bills that were lodged at the bankers?——That was the reaſon, and to make up the deficiency at the bankers.

Now, what do you mean by ſaying that Mr. Jaques ſaid, as you had been paid that money, it would be of no conſequence?—He ſaid, as the money had been paid in at my bankers I ſhould ſuffer no diſcredit; what I have to pay now will amount to three or four hundred pounds.

To what amount have you had money tranſactions with Mr. Jaques, exchanging bills ſince the diſcovery of what you are pleaſed now to call a forgery?——I cannot tell exactly.

How much do you think ſince that tranſaction?——I believe that our money tranſactions have been to the amount of three hundred pounds.

Since the diſcovery of this forgery?——Not ſince the full diſcovery, but ſince I ſhewed it to Mr. Jaques, I have had tranſactions with him ſince that time for ſeveral hundred pounds.

A little time before Mr. Jaques was firſt charged with this, did not you apply to him for money to take up ſome bills?——No.

Did not you apply to him for money on any account?—No.

Then you never applied to Mr. Jaques either to lend you money or to take up any bill before he was taken up himſelf for this forgery?——I do not remember I did.

Will you ſwear you did not after the trial of the action in the Common Pleas, did you not after that time, and before he was taken up, apply to him?——I applied to Mr. Jaques for thirty pounds.

Now that was refuſed? It was.

Upon your oath, did not you ſay, if he did not give you that you would charge him with the forgery?—No, I did not that I know off.

*(The queſtion repeated.)*—Never, to my knowledge.

Do you recollect an indictment being drawn againſt Mr. Williams for perjury?——I do not.

Do you recollect applying to Mr. Jaques to deſire he would not go on with the proſecution againſt Mr. Williams for perjury ?—No.

You do not recollect that indictment being drawn ?—I cannot recollect a thing I never ſaw; the priſoner met me, and told me there was a proſecution.

You do remember that proſecution being on foot ?——I remember having heard ſay ſo.

Now, then did you not ſay if that proſecution was carried on, you yourſelf ſhould be indicted for perjury, and therefore deſired Mr. Jaques to drop it ?—I do not remember any ſuch thing, it does not occur to me, and I cannot poſitively ſay that I did not.

Was you never threatened by Williams or his attorneys, or by ſome perſons for him, was you never threatened with an indictment for perjury ?—I never was.

Do you remember that trial in the Common Pleas ?—I do.

Do you remember being examined as to the exiſtence of any note ?—I do.

Do you remember poſitively ſwearing that you had not a note exiſting between you and Mr. Jaques ?—Where did I ſwear it?

Did you ſay it ?——I ſaid to my Lord Loughborough, he ſent for me up and aſked me if I had theſe notes for the warrant of attorney, I told him I had not, and he thought it was very ſtrange that I ſhould not have preſerved theſe notes.

Do you remember being ſent home by Lord Loughborough to find the notes ?—I do.

Did not you ſay when you came back again in the hearing of Lord Loughborough and the Jury that you had deſtroyed the notes ?——I do not remember ſaying any ſuch thing, becauſe it is impoſſible I ſhould.

Did not you ſay that you had deſtroyed the checques as well as the notes ?—I did not, my Lord Loughborough aſked me if I had any notes or checques, alluding to the warrant of attorney, and I told him I had deſtroyed them.

Did he make uſe of any expreſſion as alluding to the warrant of attorney, or did he aſk it generally ?—I underſtood it ſo.

Do you remember producing ſome ſcraps of paper ?—I do.

Did not you ſay theſe were all the papers relative to the tranſaction between you and Mr. Jaques ?—No, I did not, I ſaid they were all I could find.

Did not you ſay it was cuſtomary with you to burn every one of your checques ?—I never ſaid ſo concerning my checques, I only ſaid ſo with reſpect to my notes.

Were not you called upon for checques as well as notes ?——I only looked upon it that I was called upon for notes.

Have you never ſince ſeen, or had in your poſſeſſion, any of the checques that were given as conſideration for that warrant of attorney ?——I have, I have ſeen one of them, I produced papers after I came back, but not to my Lord Loughborough, I produced all I could find.

Do you mean to ſwear that you never had any notice of an action of treſpaſs being brought againſt you ?——Never.

Did Mr. I'anſon never give you any notice ?——Never to my knowledge.

Did he or his clerk never give you notice of an action of treſpaſs being brought againſt you for that execution ?——Never; that I mean to ſwear.

I think you ſay you know Mr. Reeves ?—I do.

Did you never declare to that ſame Mr. Reeves, that if Mr. Jaques did not pay a draught of fifteen pounds that Reeves had, you would take Jaques up for forgery ?—I do not remember ſaying any ſuch thing.

Do you remember an action that was brought, I think the name of it was Cæſar againſt Spencer ?—I do.

Do you recollect you went down to Maidſtone as a witneſs ?——I do, I was ſubpœned.

Do you recollect having any converſation with Reeves on that action ?—I never did it, I do not know that I ever mentioned a ſyllable.

Did not you ſay that you went down to Maidſtone to prove a man's writing whom you knew nothing off?——No, as God is in heaven, I never ſaid ſo, nor as I am upon my oath I never ſaid ſo; to my remembrance I never ſaid, that if Jaques did not take up a draught for fifteen pounds, that he would be indicted for forgery.

Was not your reaſon for making this charge becauſe Jaques would not accommodate you with money?——No, it was not. I might not approve of the priſoner's conduct, but I do not remember ever ſaying ſo.

Was not you threatened with a proſecution for perjury by Williams or I'anſon? —I do not remember that I ſaid ſo.

Is not one of the inducements for making this charge, that you ſhould not be proſecuted for perjury by them?—No, it is not, I never ſaid ſo, I never was told ſo to my knowledge.

Was you ever told that you ſhould be proſecuted if you did not make the charge? ——No.

Did not I'anſon tell you that that action of treſpaſs ſhould not be brought if you would go on with this charge?—He never told me ſo, nor any body for him that I know off, I never converſed with Williams ſince that action.

Was not you at the London Coffee-houſe with Mr. Williams within theſe three days?—I have never met them at the London Coffee-houſe or any other place that I know of, not to my knowledge ever ſince, and I can ſwear it.

You mean ſtill to have the Jury underſtand you, that it is from perceiving that ſame altered note that you recollected it to be the ſame that was dated on the 25th of November?——From recollecting giving the note, and ſeeing this, I verily believe that to be the note.

Is it upon the face of that note that you collect what the thing originally was?—Moſt certainly the memory and the eyeſight help one another, it does ſo in this inſtance.

*Mr. Garrow.* Did I underſtand you right, that from recollecting the manner in which you wrote the date on the 25th of November, 1785, and obſerving the ſtrokes of the date you knew it was altered?—Yes.

That is not obvious to other people?—No.

*Priſoner.* Did you ever make an affidavit in a cauſe againſt Cæſar, to ſet aſide an execution?—I did.

Do you recollect the purport of it?—Not exactly.

*Court.* You cannot impeach the witneſs's character by ſpecific facts, unconnected with this buſineſs.

*Mr. Garrow.* You was ſubpœned to go down to Maidſtone to prove a hand-writing?——Mr. Jaques and Mr. Cæſar both took me up to the Blue Boar Inn, Holborn, and a man was there whom they told me was Richard Groves, I went there in conſequence of what I heard, and there was no ſuch perſon; Mr. Jaques ſeemed much hurt, and told me in a day or two I ſhould be brought into company with him who would ſhew me his hand-writing, and tell me it was his hand-writing; I ſaw a man there who was introduced by Jaques.

*Priſoner.* I wiſh to aſk Mr. Griffin if he has received theſe draughts from me ſince the 20th of September, and for what; they are draughts from my bankers, and all ſince that tranſaction, he will ſee his name upon the backs of ſome of them.

*Court.* Is your name on the back?

*Priſoner.* You need not heſitate about them, Mr. Griffin.

Here are only three that my name appears on, two have not.

*Priſoner.* The draught of ſixty pounds that has not your name, did you receive that from me, and for what?—I remember receiving a draught for ſixty pounds, but whether this is the draught or not I cannot ſay, I think I can tell by looking at my bankers book.

*Court.* Look at it?——I remember very well going to the priſoner's bankers, and receiving this ſixty pounds myſelf.

*Priſoner.* And that fifty pounds made payable to yourſelf, I believe it is?—Yes, that likewiſe.

What did you receive that for ?—Here is one I do not remember any thing about, I do not remember any thing of that, I do not remember this, there are four that I do remember that have been through my hands, and two that have not.

*Court.* Now with reſpect to theſe two, do you mean to ſay that they were not poſitively given to you by Mr. Jaques?——By not going through my bankers hands, I cannot ſay poſitively one way or the other.

*Priſoner.* Thoſe two which he ſays he did not receive, are both marked by his banker.

*Court to Griffin.* Look at the draughts again ?——I cannot tell my bankers mark, it is impoſſible for me to tell by the draught itſelf, *(looks at them again)* I do not remember theſe two draughts upon my word.

*Court.* Look in your bankers book at the firſt of December ?——I do not ſee any.

*Court.* Now theſe four draughts that you admit you have received, for what purpoſe did you receive them ?——Upon my word I cannot tell.

One of them is the draught you received on the 20th of September ?—Yes.

Then the three others were all dated in the month of November ?—I believe I can recollect the ſixty pounds draught, I received it myſelf in Bond-ſtreet in lieu of a note of my own acceptance.

When was that ?——I cannot ſay, the note became due about ten days ago, that is the note I was arreſted upon on the Saturday morning, and for which that draught was given.

At whoſe ſuit was you arreſted ?——I cannot recollect, I never was arreſted before, and when the officer came I took his word, I made no doubt but I was arreſted, he ſhewed me a piece of paper ; I had my brother-in-law with me, who was bail for me, and he let me go directly.

The ſixty pounds, I think you ſay, which bears date on the 4th of November, was given you in exchange for a note of equal value of your own ?—Yes.

Which note was due a few days ago, and on which you was arreſted ?—Yes.

Do you remember for what the draught of the 18th of November, for eighteen guineas, was given ?—Upon my word I do not recollect.

Do you recollect for what purpoſe that on the 22d of November, for twenty guineas was given ?—No.

The two other draughts you ſay you do not know any thing about ?

*Court.* September the 26th, thirty pounds payable to Mr. Griffin, and December the 1ſt, twenty pounds, are the dates of the two notes that the witneſs does not remember.

*Mr. Sheppard.* I beg to aſk the witneſs how this draught in queſtion came to be made payable to Maddocks ?——Upon my word I cannot recollect juſtly how it could be ; I ſhould rather ſuppoſe that it was at my own deſire, and for that reaſon becauſe I did not like to put in Mr. Jaques's name.

*Priſoner.* Did not you declare before the magiſtrate that the reaſon was, that the forgery was found out at your bankers, and you did not like to make it payable to me ?—It might be ſo.

*Mr. Sheppard.* You ſay your reaſon was becauſe you did not like Mr. Jaques's name ſhould be put in ?—Yes.

But the other draughts are in Mr. Jaques's name ?—Yes, he drew them himſelf.

*Priſoner.* I wiſh to know of him whether he did not diſcloſe before the magiſtrate that the reaſon the draughts were made payable to another perſon was, becauſe that forgery was found out at his bankers ; I wiſh to aſk whether I am debtor to Mr. Griffin or he to me ?—I look upon Mr. Jaques to be the debtor.

In what way, and to what amount ?—I cannot poſitively ſay to the whole amount altogether, but I ſhould ſuppoſe Mr. Jaques is conſiderably indebted to me.

Can you ſay at all near what amount ?—Above a hundred pounds, that I can ſwear to.

Since this tranſaction I believe you have ſworn to a debt of a hundred pounds, have you not?—Yes.

You have attempted likewiſe to make me a bankrupt I believe?—I have.

Since I have been in priſon?——Yes.

*Priſoner.* He has ſealed a commiſſion, but they did not think proper to proceed upon it.

*Court.* Have you a poſitive recollection with reſpect to the date of the draught on which the forgery is aſſigned, as connected with the name of Maddocks?——Yes, Sir.

What then you have a diſtinct recollection, at this time, that the draught which you gave, payable to Maddocks or bearer, was dated originally on the 15th of September?——Yes.

Did you ever give Mr. Jaques any draught whatever, bearing date the 25th of November?—I believe I did.

For what ſum?—For the ſum of thirty pounds.

Do you remember who that was payable to?——That was payable, I think, in the name of Clement.

How can you be poſitive in two draughts for thirty pounds, one in the name of Maddocks and one in the name of Clement, which of them was dated the 15th of September, and which the 25th of November, what ſerves to guide your remembrance?—That the draught dated forward to the 25th of November was carried to Mr. Reeves, of Holborn-bridge, to get caſh for.

Your recollection leads you to believe that the other draught dated the 15th of September, was in the name of Clement?——Yes.

Is your recollection equally clear with reſpect to one draught as the other?——It is.

Do you think you are as liable to be miſtaken in one as in the other?——No, I do not think ſo.

Why not?——Becauſe I remember the name of Clement being down in my bankers book.

Then your recollection is more certain as to that than the other, ſuppoſe you are miſtaken as to that draught to Clement?—I do not think I am.

If you are not now you were before, for you ſwore before the magiſtrate that the draught dated the 15th of September was payable to Charles Shepherd, Eſq.?——That was another draught.

How comes that, when I aſked you whether there was any draught dated on the 15th of September, you told me there was one, and that one was payable in the name of Clement; now you tell me it was another draught, why did not you tell me at firſt there were two; I aſk you the general queſtion, whether there was any draught given on the 15th of September, to which that paper in November anſwers, it now appears to be that there were two?——I cannot ſay that there were two, becauſe one of them which I gave for the 15th has ſince been altered to the 13th.

But were there two originally given, bearing date the 15th?—It is more than I can truſt my memory to; as to the dates, I remember giving a draught to Charles Shepherd for the 15th, but it is altered back from the 15th to the 13th; I think I gave it dated the 15th.

You are ſure you gave another draught dated the 15th?——Yes.

Then you only think now that that was dated originally the 15th?——I think ſo.

Can you ſwear poſitively that it was ſo?——No, I will not venture to ſwear it was.

Have you ever been more venturesome, and ſwore that it was originally dated on the 15th?——Not I believe poſitively.

*Court.* Read that part of his examination before the magiſtrate, "and ſays that another of the ſaid draughts was produced and ſhewn to this informant, which appears to be dated September the 13th, payable to Charles Shepherd or bearer, for thirty pounds, which was, when delivered by this deponent to the ſaid Robert Jaques, dated the 15th of September, 1785."

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JANUARY, 1786, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR of SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER II. PART VIII.

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THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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### *Continuation of the Trial of Robert Jaques.*

*Court.* There is *no think—or believe* there: When was Mr. Jaques firſt taken up on this charge?——I do not recollect the time.

Was it about the 22d of December?—I believe that was the day of the firſt examination.

Down to what time, how near to that time was Jaques and you upon a footing of confidence and intimacy?——I think till the trial of the cauſe in the Common Pleas.

When was that cauſe tried?——I do not exactly remember the day of the month.

*Priſoner.* It was the 6th of December.

You and Mr. Jaques at the time of that cauſe were in the ſame intereſt, endeavouring to charge Mr. Williams with payment of two hundred pounds?—Yes.

How ſoon after the unſucceſsful event of that cauſe did you take up Mr. Jaques?—The day after.

Then between the trial of that cauſe and the day after, or upon the trial of that cauſe, did any thing happen to you to induce you to change your opinion of Mr. Jaques?—My opinion of Mr. Jaques was changed long before that.

Have you made any new diſcovery ſince the trial of that cauſ·?—My bankers have informed me that the bank note which they delivered for that draught which was paid on the 15th of September, that that note had come into the bank.

When did you hear that from your bankers?——I have heard it from my banker within theſe three days.

Did you hear it before the 22d of December?——No, but they informed me of the number, and that it might take place and by and by that they ſhould ſee the bank note come into the bank.

Now I will aſk you this queſtion, between the 6th of December, the day of the trial in which Mr. Jaques and you were joint plaintiffs, and the 26th of December, when he was taken up, was any new diſcovery made by you whatever reſpecting this fact?——The diſcovery of the number of the bank note was made to me.

But how did that apply to Mr. Jaques? ——I thought ſome time or other it would come out.

Upon what did you take him up, becauſe ſomething would come out in future?——I thought my ſuſpicions were very ſtrong at the time I took him up.

Were they not equally ſtrong on the 6th of December?——I think they were.

Then, Sir, upon your oath, ſhould you ever have commenced this proſecution againſt Mr. Jaques, if that action had been ſucceſsful?——Upon my oath I ſhould.

*Priſoner.* My Lord, it was his motion, and he called upon me to join with him in an affidavit, which was the 10th or 12th of November, he called upon me to make an affidavit in ſupport of his cauſe.

Whether the witneſs was not intimate with me till within a day of his apprehending me? whether he has not declared, during the dependance of that motion in the preſence of Mr. Reeves, that he would ſwear to any thing to convict Mr. I'anſon of perjury?——No, I did not.

Whether he has not often declared that he looked upon an oath as a matter of form, and would ſwear to any thing to anſwer his purpoſe, I have witneſſes, my Lord, to prove it?—Never, my Lord, never.

### CARLOS CÆSAR *ſworn.*

*Court.* Have you any evidence in addition to that of Mr. Griffin's with reſpect to the original dates of this note, you ſee it is upon that that the whole evidence of this turns.

### CARLOS CÆSAR *ſworn in Chief.*

*Mr. Garrow.* You have been long acquainted with Mr. Jaques, and are acquainted with Mr. Griffin?——I am.

Do you know of any tranſaction of notes given to Mr. Griffin by Mr. Jaques on the 10th of September?——I cannot ſpeak to the day, but I had a draught of thirty pounds, I cannot tell who it was particularly to, I received it from Mr. Jaques, I took it to Mr. Thomas Reeves to get it caſhed on the ſame evening.

### THOMAS REEVES *ſworn.*

I know Carlos Cæſar.

Do you recollect his bringing you any note to caſh?——I do, it was Mr. Griffin's note for thirty pounds.

To whom was it payable?——Upon my word I did not examine, I do not know.

Should you know the note if you was to ſee it?——I ſhould not.

*(Shews him the draught.)*—Upon my word, till this time I neither knew whether it was a checque or note.

*Court.* Gentlemen of the Jury, the gentlemen on the part of the proſecution very fairly ſay, they can carry this no further: if you have any doubt we muſt proceed to further inveſtigation; if not, we cannot carry it any further.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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183. LAZARUS JONAS was indicted for feloniouſly ſtealing, on the 28th day of December laſt, a piece of gold coin, value 8s. 9d. the property of Edward Harris.

### EDWARD HARRIS *ſworn.*

I am a grocer and tea-dealer, I live in St. George's pariſh, in Wapping High-ſtreet; the priſoner came into my ſhop, the 28th of December laſt, about ſeven, he bought one ounce of tea, and half a pound of ſugar, which came to ten-pence, he put down a ſhilling, I gave him twopence; I was giving change to another perſon; I had a Venetian piece of gold in my hand, I put it down, he took it up, and I ſaid, what is this worth? he ſaid, will you give me anything to drink this Chriſtmas? yes, ſays I; I went to fetch a little rum out of the next room, and Lazarus decamped with the piece of gold, whether he went up or down the ſtreet, I do not know; I ſaw him take it off the counter, and turn it on his finger, I knew him before for ſix or ſeven years.

What is he?——He has ſometimes commiſſions for Dutch goods, which is a good reputable way of life, in a middling way.

What made you think he meant to ſteal this?——Becauſe he did not ſtay to drink.

When did you ſee him afterwards?——On the Friday; this was on the Wedneſday.

Why he did not go away from his houſe or from his buſineſs, do you think he meant to ſteal it?—It did not look well in him to do it.

*Mr. Knowles, Priſoner's Counſel.* Now, Mr. Harris, did not you give the man this piece of gold, and aſk him whether he would not buy it of you?—I laid it on the counter before him, and aſked him the value of it.

Do not you know he could have diſpoſed of it for you?—No doubt of it.

How long have you known him?—Seven years.

Have not you known him fourteen years?—No, Sir.

Recollect yourſelf, did not you meet him the next day and aſk him for this?—No, it was done on the Wedneſday, and I took him on the Friday.

Will you ſwear it was not full ſix days before you took him up?——I took him on the Friday after.

Will you ſwear it was not ſix days after? Good God! Sir, I have ſworn it was but two days.

Have not you ſaid, before more people than one, that if he would give you the value of this piece of gold coin, you would not find the bill againſt him?—No, Sir, I did not.

In the preſence of your own wife?—No, Sir.

Had not you an information againſt you two or three years ago, for ſmuggling?—Yes, I was not in trade, I was then ſick in bed.

Have not you ſaid to Mrs. Harris, that you believed Jonas was the man that gave the information, and you would puniſh him for it?—I have not.

Do you know the priſoner's ſiſter, Mrs. Barlin, did you never ſay before her, that if the priſoner would pay you the money, you would not find the bill againſt him?——I never ſaid ſo, to her, but I wiſhed I had had nothing to do with the proſecution.

Did you never tell her that if he had not given that information, you would not have ſet on foot this proſecution?—No.

Did you never tell this gentleman here, or any other perſon, that if he would execute a mutual releaſe, that there ſhould be no proſecution againſt you for ſmuggling, you would not carry on this proſecution?—O dear, Sir, there was a propoſal made, but I ſaid I would go to the Court.

Anſwer my queſtion directly?—I never ſaid ſuch a thing in my life.

## WILLIAM IVORY *ſworn.*

I am ſervant to the proſecutor, I ſerved the priſoner with an ounce of tea, and half a pound of ſugar.

Did you ſee him take this piece of gold?—I ſaw my maſter take ſilver out of his pocket, and this piece of gold in his hand; and the priſoner took it up in my maſter's preſence, and he looked upon it in his hand, and then he aſked my maſter to give him ſomething to drink, and while my maſter went to get ſome rum, he went out.

*Mr. Knowles.* Do you know of the priſoner's frequenting your ſhop for a long time?—No, I never ſaw the man in my life.

How long have you been with your maſter?—Four months.

*Priſoner.* I leave it all to my counſel.

### ——— BARLIN *ſworn*.

My huſband is a tobacconiſt, I called on the proſecutor about this buſineſs two or three days after Lazarus Jonas was taken up, to know the reaſon; he then told me that he came into his ſhop for ſome tea and ſugar, and he ſhewed him a piece of gold, and he aſked him what it was, and he aſked him to drink ſomething, and he went backwards, and Lazarus went out; and that he met him on Friday morning, and ſaid, Jonas, why do not you bring me the gold, or the value of it; and Jonas then called him a ſmuggler, and an infamous fellow, and told him he left the gold on the counter; he then ſaid, he adviſed with his wife, who ſaid, he had better take out a warrant, for he had very ill uſed him, and now he would be even with him for ſomething; Lazarus Jonas had ill uſed him, and now it would be a recompence to him; he then ſaid, now I will be even with him; I begged of him to conſider that the priſoner had a wife and children, and I did not hear that he had been guilty of any thing before, and that he ſhould take the value, and not find the bill; he ſaid, he would not, and he told me, ſome years ago he had five hundred weight of coffee in the houſe, and Jonas gave information againſt him, he ſaid, he was pretty ſure it was him, for nobody elſe knew of it; Mrs. Harris ſays ſhe was obliged to ſwear herſelf a whore to Harris, though his lawful wife; and Harris then ſaid, huſh my dear; I then intreated him again not to conſider all this, for very likely it was not Jonas, he then ſaid, if I choſe to pay the expences, and the piece of gold, and give him an indemnification, that Jonas never would inform againſt him, he would not find a bill againſt him.

Did he ſay how long it was after, before he took out the warrant?—He ſaid three days after.

*Court to Harris.* You have heard what the witneſs has ſaid?—I have.

Is that true?—Not a word of it, I have a certificate of my marriage.

Had you any ſuch converſation?—I never heard of it.

Had you any converſation?—She came in once or twice, to beg for Lazarus, I never ſaw her before.

But had you ſuch converſation?—Not me, I know nothing of it.

### LAURANCE JONES *ſworn*.

I am an officer belonging to the New York Volunteers, in the regiment that is now reduced to half pay.

Did you call on Mr. Harris, and what paſſed?—Jonas formerly uſed to bruſh my clothes and go of errands, he ſtaid away five or ſix days, and did not come as uſual; laſt Friday I wanted him, and was informed he was in Newgate; as I had frequently entruſted him with forty or fifty pounds, I was rather ſurpriſed, I called on Harris at his ſhop, there was a woman preſent which I afterwards underſtood to be the wife of Harris; I aſked Harris to inform me, what was the reaſon for taking up Jonas, he told me the ſame ſtory as Mr. Barlin has related, namely, that he had given him a foreign piece of gold to look at, and aſcertain the value of, and to know if he would purchaſe it or not, the priſoner aſked him for a glaſs of gin, he went to fetch the bottle, and deſired the ſhopman to get the glaſs, and while they went they found the priſoner Jonas gone out of the ſhop; he met him the Friday morning, this I underſtand was three or four days previous to his miſſing him, or two days, I cannot be poſitive to the day, he aſked him what he meant by taking money from him, without returning it to him, or giving him the value for it, and that the priſoner had told him that he had not taken a piece of gold out of his ſhop, that he had left it with him in his ſhop, and gave him abuſive language, which was the means of inducing him to take out a warrant for him, he ſaid he ſhould not have taken him for this trifling cauſe, having known him for a number of years, had not it been for his ill treatment ſome years ſince; I aſked him what ill treatment it was, he told me about three or four years paſt, he had laid an information againſt him, as he had a quantity of raw coffee, in his houſe; I aſked him which way he knew the priſoner had done it, and the reaſon he gave for it was, that he, a day or two before the officers entered his houſe, offered to ſell this Jonas four hundred pounds weight of raw coffee, but they could not agree for price; the wife who is preſent in Court, and by my advice has been ſubpœned, for I am diſintereſted in the affair, ſhe ſaid, that ſhe was obliged to ſwear herſelf a common whore in the Court, to prevent Harris being ruined.

What character has the priſoner borne ſo far as you know?——I have known him ſeveral years, he behaved to me very honeſt, never heard any thing elſe of him, or elſe I ſhould not have truſted him.

*Court to Harris.* You have heard what this witneſs has ſaid, is it true?——Not a word about the coffee is true, I never ſpoke a word about it nor a word paſſed or ever thought about it.

*Ivory.* I ſaw him with it in his hand, when he went out of the door.

GUILTY.

*To be privately whipped and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

184. CHARLES LEE was indicted for feloniouſly ſtealing, on the 16th day of December laſt, three iron bolts, value 4s. one axe, value 1s. 6d. the property of Thomas Taylor.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURST.

185. CHARLES LEE was indicted for feloniouſly ſtealing, on the 16th day of December laſt, one boat called a wherry, value 3l. the property of Edward Cooper.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURST.

186. MARY SHANKS was indicted for feloniouſly ſtealing, on the 31ſt day of December laſt, one gold ring, value 10s. and one glove, value 2d. the property of Thomas Southall.

*The proſecutor called on his recognizance, and not appearing the priſoner was*

ACQUITTED.

*Court.* Let the recognizance be eſtreated.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

187. WILLIAM WILLIAMS and RICHARD BREWER were indicted for feloniouſly aſſaulting Edward Jones, on the King's highway, on the 30th day of December laſt, and putting him in corporal fear and danger of his life, and feloniouſly

taking from his perſon and againſt his will, three ſhillings in monies numbered, his property.

### EDWARD JONES *ſworn.*

I was ſtopped on Tower-hill, the 30th of laſt month, between ſix and ſeven, I was going into the Borough from Whitechapel, nobody was in company with me, I was coming acroſs the hill, the two priſoners met me, and knocked me down, I cannot ſay which it was; and took three ſhillings out of my pocket, I had four guineas in my inſide pocket, which they did not find.

Was not it dark?—Yes.

How long did you remain on the ground?—They left me on the ground, and as ſoon as they left me, I aroſe from the ground, and by the light of the lamps I ſaw them paſs, and I followed them, I never loſt ſight of them, till they went into a houſe, it was a private houſe, in Virginia-ſtreet; they went into a door which was marked with chalk, I went and told a gentleman at the next door the caſe, and he got a conſtable immediately, and he went up ſtairs and took them; I was with him, they were ſitting in a chair doing nothing; I gave charge of them, they ſaid, they were not the men, the man that keeps the houſe, was in the houſe, but no other man that I ſaw; the officer ſearched their pockets, they owned they came acroſs the hill.

How long was it before you got a conſtable?——As far as I can tell about ten minutes.

Do you know their perſons?——Yes, I am ſure of the men by the light of the lamps, and the candles of the paſtry-cook's ſhop, I took obſervation upon them.

Now, remember the lives of theſe two men depend upon what you ſay, can you take upon yourſelf to ſwear to theſe two men by that light?——Yes.

*Mr. Knowles, Priſoner's Counſel to Jones.* Were you quite ſober at that time?—Yes, as ſober as I am now.

The night very dark?——Yes, it was dark.

You went to the Juſtice's the ſame evening?—Yes.

How happened you to miſtake one of the Juſtice's men for the conſtable you took with you?--O! Sir, no ſuch thing, I knew the conſtable.

You was knocked down?——Yes.

Stunned by the blow?——Yes, for a ſmall ſpace of time.

No light near you when you were knocked down?—No more than the lamps.

Do not you know when theſe men were ſearched, there was nothing found upon them?——Yes.

Did not they ſay, they were ready to go with you any where, that they were not the men?——Yes.

### JOHN BECKHAM *ſworn.*

I am a conſtable living very nigh, I was ſent for, I went with the proſecutor to this houſe, the man that keeps this houſe, his name is Hinde, a very ſober labouring man at the victualling-office, Tower-hill.

Who admitted you into the houſe?——The door was chained, and when I knocked, the door was opened by Mr. Hinde, and the proſecutor ſaid, theſe are the two men that robbed me; the men were ſitting in a chair in the room next the fire place, in the ſecond floor.

Were they drinking?——No, nothing at all, they came from on board a ſhip, they ſaid, for ſome linen to be waſhed, I ſearched their pockets, and found no property upon them, I took them to the Juſtice, and the proſecutor ſwore to the men.

Was the proſecutor drunk or ſober?——Upon my word, I am not able to ſay, he might be in liquor, or he might not; he ſaid he never loſt ſight of them, the men behaved very civil, and were willing to go to the Juſtice's, they ſaid they were not the men.

*Mr. Knowles.* When you went to the Juſtice's did Jones know you?——Yes, Sir, he knew me, but however ſome people ſay he was in liquor, and that he did not know me from one of the runners; I had a coat on, and a handkerchief about my neck, like one of the runners; that was the opinion of the people that ſtood about, I did not obſerve myſelf.

## PRISONER WILLIAMS's DEFENCE

I know nothing about it.

## PRISONER BREWER's DEFENCE.

I am innocent of the fact, we had been hard at work all day, we came from on board a ſhip, we were going for a clean ſhirt for Sunday.

### ROBERT HUNT *ſworn.*

Do you remember the priſoners being taken from your houſe by a conſtable?—Yes.

What did they come to your houſe for?—For ſome linen my wife had waſhed for them.

From what place did they come?—From a brig that was at Horſely-down-ſtairs, the other ſide of the water, I have known both the priſoners ſince they have been now in the river, one of them is my brother in law, I have known him for years, he bears as good a character as any man in the world; I did not expect them that night, Brewer often comes to our houſe, my wife waſhes for him and his ſiſter, and the other man came along with him.

*Court.* Is the direct way from Horſely-down-ſtairs, to Virginia-ſtreet, over Tower-hill?—Yes, they came over the bridge, they had not money to bring them over the water, ſo they came to ſave expences acroſs the bridge.

**Both Not Guilty.**

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* Heath.

188. THOMAS GRASSHOP was indicted for feloniouſly aſſaulting George Freeman, on the King's highway, on the 5th day of January, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, four muſlin caps, value 20s. four muſlin frocks, value 30s. three pair of ſheets, value 3l. two pair of pillow caſes, value 5s. two ſhifts, value 10s. the property of John Abrahams.

**Not Guilty.**

*Tried by the London Jury before Mr.* Recorder.

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189. ZACHARIAH BEVAN was indicted for that he, on the 13th day of April laſt, at the pariſh of St. Bennet, otherwiſe St. Benedict, Paul's-wharf, did feloniouſly and falſly make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, and feloniouſly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain will and teſtament, partly printed, and partly written, with the name of William Howell thereto ſubſcribed, purporting to be the laſt will and teſtament of William Howell, and to be ſigned, ſealed and publiſhed by him, whereby he left his effects to his brother John Howell, and appointed him the ſaid Zachariah Bevan, the executor of his will, which will was dated the 6th of March, 1779, and ſigned William Howell, in the preſence of Stephen Sandys, firſt Lieutenant, and William Cowley, Maſter's Mate, with intention to defraud Iſabella Stuport againſt the ſtatute.

*A ſecond count*, For publiſhing the ſame with the like intention.

Counsel for the Prisoner.

Mr. Fielding, Mr. Garrow.

Counsel for the Prosecution.

Mr. Silveſter, Mr. Reeve.

*Mr. Bevan deſired to be accommodated with a chair, which was ordered by the Court.*

### SAMUEL HAWKINS *ſworn.*

I am clerk in the Prerogative-office.

*Mr. Silveſter.* Do you know of a will coming into the office, ſaid to be ſigned William Howell?—I do not know till I look, I have not looked at the papers; I produce two wills from the Prerogative-office, I received them from the records of the office.

*Mr. Fielding.* So all that you know, is that theſe are two papers that you have produced from the Prerogative-office?——Yes.

### ——— JONES *ſworn.*

I am a Proctor in the Commons, I know Mr. Bevan, he does buſineſs in the office I am in.

Look at that will?—I have.

What do you know of it?—I ſee nothing upon the face of it, to induce me to know it to be the will, I believe it to be ſo, and I have no doubt about it; in general wills have a jurata, this has not, it has been out of my cuſtody ſeveral months, and therefore it is impoſſible I can ſpeak of it with certainty, I have ſeen the will in the regiſtry, but I do not know that is the very will that was put originally there, in the courſe of the proſecution in Doctor's Commons, the will was put into the regiſtry; but whether that is the will, is impoſſible for me to ſay.

When was it carried in, and by whom?—I judge by the indorſement, by one Peter Shaw, clerk in the office, and I have no doubt, but that at the time it appears to be brought in, it was; but there is not any thing on the face of the will, that can induce me to ſay that this is the will that was tendered to the office by Mr. Bevan.

*Mr. Silveſter to Mr. Hawkins.* Are there any other wills of that name?——Not that I know of.

*Mr. Garrow to Mr. Jones.* What time was the will that was delivered to you by Mr. Bevan ſo delivered?——I will ſwear that the will left by Mr. Bevan was in my cuſtody previous to the 7th of May, 1784, which conſtituted the proſecution, for it appears to me that the citation citing Mrs. Stuport to bring in her probate, is dated the 14th of May 1784.

*Mr. Garrow.* I need not go on with ſome more enquiries that I have, till it can be proved.

*Court.* How comes it there is no jurata?——It was known there had been a probate granted to Mrs. Stupert, as the executor of her will, therefore the application was for a citation to bring in the probate.

### EDWARD COOPER *ſworn.*

Look at the will?——I have.

What do you know of it?——I know that on or about the 7th of May 1784, this will, or I believe a will, was left at my office, and upon ſearching the regiſtry, probate had been granted for a former will, in conſequence of that, I ſee by my memorandum, becauſe I took general inſtructions for a citation, to ſhew cauſe why it ſhould not be declared null and void, and the probate revoked.

Was this the identical will that was produced?——It is impoſſible for me to ſay, there is another gentleman in Court of the ſame profeſſion, and he cannot ſay; I believe it to be the ſame will, I propounded in the cauſe on the part of Mr. Bevan.

Who produced it to you?—To the beſt of my recollection, Mr. Jones brought it from hackney where he has a houſe, and Mr. Bevan is I believe his neighbour, Mr. Jones left it with me as I beſt recollect.

Did you receive any will from the priſoner?——Upon my word I cannot ſay, Mr. Bevan came ſeveral times to me on this buſineſs, and conſulted me, I told him what was neceſſary, and I know his application was in May 1784, whether he delivered it to me, and I delivered it to Mr. Jones, or whether he delivered it to Mr.

Jones, and he took it to the office for inſtructions for the citation, I cannot poſitively ſay how I came by the will, I ſee I have as a matter of courſe taken inſtructions.

From whoſe mouth?—That I cannot ſay.

*Mr. Silveſter.* Who did you receive the inſtructions from?—I cannot poſitively ſay, I do not recollect, but very poſſibly from Mr. Bevan himſelf, I could not take the inſtructions from Mr. Jones, though the will might be left to me for that purpoſe, I ſee I have taken theſe inſtructions with my own hand writing, which are generally taken by a clerk.

Did you at any time ſee Mr. Bevan upon this ſubject?—I have ſeen him frequently upon the buſineſs.

*Mr. Silveſter.* What paſt upon that occaſion?

*Mr. Fielding.* No, no, he does not know that that is the paper upon which the converſation paſſed?

*Court.* You may aſk whether he had any converſation about *a will*, but then the queſtion ſuppoſes it to be that paper, which you are not entitled to do.

*Mr. Silveſter.* Did you ever ſhew that paper to Mr. Bevan?——I do not recollect that I ever did ſhew it to Mr. Bevan, while it was in my office, it was brought into the public office for the inſpection of Mr. Bevan or any other gentleman, but I do not recollect that I went with Mr. Bevan to ſhew it him; looking further into the memorandum, I ſee I have taken the date of the will, which I took the 6th of March, 1779, which is the date of this paper.

*Mr. Jones.* The will that I took the inſtruction for the citation from was dated the 6th of March, 1779.

Does it appear by your minute from whom you took the inſtructions?——No, it does not.

*Court.* Is there any means by which you can indentify that particular paper now produced?

*Mr. Silveſter.* No, my Lord, I do not know that there are any particular means.

*Court to Jones.* What means do you take in the Prerogative-office to authenticate papers, to prevent a ſubſtitution of one paper for another; for inſtance, now ſuppoſe one perſon ſhould ſubſtitute another paper for the original will?—When wills are brought to the proctor's for the purpoſe of being proved, they lay there to be taken into the regiſtry, the regiſtry is ſearched to ſee that no former grant has paſſed, if it has, it is uſual to take the original will back, then you take out a citation againſt the party who is in poſſeſſion of that probate to bring it in, and ſome months after it is before you to bring it in, which is generally by affidavit of ſcripts, and the will is annexed; this will I find was brought into the regiſtry, and there it remained in the cuſtody of the regiſter, the uſual practice has been purſued in this cauſe.

*Court.* No, it has not.——This is a ſeaman's buſineſs, and every expence is ſaved; the proctor alſo takes in the affidavit of ſcripts with the original will, it is of very little conſequence whether he takes it in annexed to the affidavit or not.

In this caſe it has not that?——The paper is identified to the regiſter, he marks them in what they call an aſſignation book, takes down the date only.

*Court.* The will you ſtate does not identify that piece of paper, the date is no mark of the piece of paper?—The minute would be Bevan againſt Stupart, on ſuch a day, Stupart brought into the regiſtry the will, that is not marked at all.

*Court.* The evidence is, that this is not the hand-writing of the party, now for ought it appears this may be a copy of that which Mr. Bevan brought, if there were circumſtances which ſhewed this will produced could not be a genuine one, I certainly ſhould not let the trial proceed.

*Mr. Fielding.* I am ſure if your Lordſhip was to hear Mr. Bevan's witneſſes, neither you nor any other perſon would have a moment's doubt of the innocence of the gentleman at the bar; and the parties on the ſide of the proſecution have been putting him to all this pain and trouble without the leaſt ſhadow of foundation.

*Court.* All that we can ſay at preſent is, that there is no evidence laid before us to doubt of this gentleman's innocence.

*Mr. Fielding.* My Lord, I have ſuch a volume of witneſſes in my brief, that if they were gone through would raiſe the aſtoniſhment and indignation of every perſon that heard of this proſecution.

*Mr. Garrow.* My Lord, Mr. Woollſtoncroft attends here to tell your Lordſhip that Mr. Bevan firſt applied to him, who was attorney to Mrs. Stupart, to deſire his directions, that he was told Mrs. Stupart claimed a debt of ninety or a hundred pounds, and he aſked Mr. Bevan what was willed, and Mr. Bevan telling him a few hundreds, he adviſed Mr. Bevan to pay her; ſaid he, you had better make her an offer to pay her her debt, and get a diſcharge, rather than call in the will made to her, as the expences in law would be as much or more; this is what the proſecutrix now calls a compromiſe.

*Mr. Jones.* It is becoming every man in this Court to ſay what he can; I mentioned two circumſtances, the one is that the citation is dated the 14th of May, 1784, publication paſſed the 28th of July, and this indictment was not ſet on foot till the 14th of September laſt, after publication paſſed.

*Court.* Then you cannot carry this any further.

NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

*Mr. Bevan.* My Lord, may I crave the favour of this Court to grant me a copy of the indictment, I have been exceedingly injured, my life as well as my property has been injured, and we can ſufficiently prove that there has been a combination to extort money from me; a warrant was obtained, I ſuppoſe, more for that purpoſe than bringing me to this bar, but happily I eſcaped the villains that came to take me, and I came and voluntarily ſurrendered myſelf; my Lord, every thing that malice, that deviliſh malice could have done, has been done; therefore I hope I ſhall have a copy of my indictment, that I may be able to bring the proſecutors to juſtice, and I hope your Lordſhip will do it for the ſake of public juſtice.

*Court.* Mr. Bevan, the matter has certainly not proceeded in this caſe far enough to entitle me to comply with your requeſt, for this reaſon, *though it appears to the Court there is no ground for the charge*, yet it does not appear to the Court, nor can it, whether the will produced in the Commons was a genuine will or not; the ſuppoſition of it's not being a genuine will may be perfectly conſiſtent with your compleat innocence, for if this will was delivered to you by the brother, who claims the intereſt, it by no means follows, if it was not genuine, that you had any knowledge of it; but I cannot call this a malicious proſecution, until I have proof before me that it is a malicious proſecution.

*Mr. Bevan.* My Lord, the not going into the evidence hinders this proof.

*Mr. Fielding.* It is my duty to ſtop a proſecution in its firſt ſtage, where a defect is found, but it does not ſeem to me to be of any importance to have a copy of the indictment; if you can trace out the offenders you may obtain ſatisfaction.

*Mr. Bevan.* But when the ſentence is paſſed in the Commons may not that be obtained.

*Court.* The power of the Court will paſs away with the Seſſions, but I conceive it to be a miſtaken idea that there muſt be a copy of the indictment, for, an action of conſpiracy or for a malicious proſecution may be maintained without a copy of the indictment, granted by order of the Court.

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190. JOHN MOLLOY was indicted for that he, on the 27th day of July, in the 14th year of his preſent Majeſty's

reign, at the pariſh of Kilcock, in the county of Kildare, in the kingdom of Ireland, did marry one Catherine Courtney, ſpinſter, and had her for a wife; and on the 11th of May laſt, at the pariſh of St. Mary-le-bon, did marry one Mary Parker, widow, the ſaid Catherine, his former wife being then alive.

*Court to Jury.* There is no evidence, Gentlemen, but the evidence of the firſt wife, who is by law incompetent to give any evidence, either for or againſt her huſband, and alſo to make an affidavit to put off the trial, in order that ſhe may obtain evidence againſt her huſband.

*Juſtice Heath.* She ought not to be the proſecutrix.

**NOT GUILTY.**

*Tried by the firſt Middleſex Jury before Mr. Juſtice* ASHURST.

# MISDEMEANOR.

191. GEORGE BAILEY was indicted for that he, on the 13th day of December laſt, one glaſs lamp with a burner and braſs furniture, value 10s. the property of Paul Le Meſurier, Eſq. by a certain perſon then before ſtolen, unlawfully and feloniouſly did receive, knowing the ſame to be ſtolen.

### JOHN ROUVIERE *ſworn.*

I am clerk to Mr. Le Meſurier; on the 13th of December, about four in the afternoon I was going to my buſineſs after dinner, and I ſaw a man in the paſſage taking the lamp, I had no thought of his having bad deſigns, I thought the lamp wanted ſome repairing, and the man wanted to take it down, I ſaw no more of him, the lamp was taken down, the lamp was gone, and I went to my buſineſs.

From the ſight you had of that man, was it the priſoner?——It was rather dark, it was about four, the man was dreſſed in a light-coloured coat, I believe that man was not the priſoner.

### LEWIS LEWIS *ſworn.*

I keep the New London Tavern, the priſoner brought me a lamp on the 13th of December, and ſaid he came from Mrs. Phillips, who kept the houſe ſome time before I took it, he aſked three half crowns for the lamp or elſe he was not to leave it, I then ſent to Mrs. Phillips to enquire whether ſhe had ſent him or not, he followed the perſon that went, I ſent one of my waiters; when the priſoner came back he acknowledged to me that he had told an untruth in ſaying that Mrs. Phillips ſent him, he came back for the lamp or the money, I told him he muſt give a better account of it, and I then gave charge of him to a conſtable, he ſaid he brought the lamp from Chelſea, the conſtable took the lamp with him.

## GEORGE PIERREPONT *ſworn.*

I left the lamp in Mr. Lewis's charge that night, the next day I had it and the priſoner before the Alderman, the Alderman ordered me to advertiſe it, which I did on the 16th, and Alderman Le Meſurier's ſervant applied to me on the 16th, in the morning, and informed me that the Alderman had loſt a lamp, he afterwards ſaw the lamp and ſwore to it as the property of Alderman Le Meſurier, I kept it in my cuſtody till laſt ſeſſion, and laſt ſeſſion, by leave of your Lordſhip, Mr. Lewis put a mark on it.

## WILLIAM WHITE *ſworn.*

I know the lamp, I am ſure of it.

*Lewis.* Here is my mark on it, I am ſure it is the ſame.

## PRISONER's DEFENCE.

On the 13th of December I was coming home about a quarter paſt four, and I ſaw a perſon dreſſed in a light-coloured coat running through Fryers Paſſage, I was running and he put the lamp down, I did not know whoſe the lamp was; I behaved, I acknowledge, imprudently in offering it for ſale, I have no witneſſes, my friends are ſuch as I would not chuſe to bring to ſuch a place as this.

GUILTY.

*Fined 1s. and impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before* Mr. RECORDER.

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## *The Trials being ended, the Court proceeded to paſs Sentence as follows:*

*Received ſentence of Death, 7, viz.*

*William Cowell Davis, William Holloway, *William Shovell, *William Col[illegible], George Sheppard, *Edward Fox otherwiſe Jaggers, John Callaghan.

N. B. Thoſe marked thus * have ſince been executed.

*Received ſentence of Tranſportation for ſeven Years, 24, viz.*

John Montague, John Dunlavey, John Scott, George Dyne, John Ingram, Caleb Only, Charles Hemmings, Samuel Baker, Mordecai Marks, Joſeph Wilſon, William Bartlett, John Drury, Michael Solomons, Thomas Abbott, William Chadwick,

wick, Barney Clarke, John Powell, Daniel Darby (to Africa), George Jones, William Akenhead, John Arnold, Henry Noah, Thomas Edwards, Charles Aſlett.

*To be confined to hard Labour two Years in the Houſe of Correction,* 1.

Hannah Carr.

*To be confined to hard Labour twelve Months in the Houſe of Correction,* 4, viz.

Charles Walton, Thomas Knight, Joſeph Orchard, Margaret Williams.

*To be confined to hard Labour ſix Months in Houſe of Correction,* 5, viz.

Rowland Hughes, Sarah Burman, Ann Green, Elizabeth Brown, Elizabeth Brown.

*To be impriſoned one month in Newgate,* 1.

Daniel Doland.

*To be publicly whipped,* 7, viz.

Rowland Hughes, Newman Hooker, Andrew Peters, James Dawes, John Hankin, George Gregg, Daniel Doland.

*The following Priſoners, on whom Sentence of Death had been paſſed at former Seſſions, received his Majeſty's moſt gracious Pardon, on the reſpective Conditions following, viz.*

Thomas Ives, Henry Jackſon, George Patridge, Mary Greenwood, and Samuel Chapneſs, *to be tranſported for ſeven years to Africa.*

Daniel Gunter, Charles Creſwell, Iſaac Simms, Joſeph Stoddart, William Smith, William Smith, Edward Robinſon, William Gibbs, Thomas Watton, George Robbinſon, Richard Smith, Joſeph Fitzpatrick, Joſeph Jeffs, Henry Murphy, John Oliver, Thomas Brown, Patrick Egan alias M' Grah, George Pidgeon, James Jones, Richard Clark, Stephen Langdon, Samuel Yeldham, Joſeph Sturmey, Berwick Mayton, Thomas Groves, Benjamin Moor, John Williams, Patrick Burk, Francis Primroſe, James M' Intoſh, William Cruſe, John Cox, William Staples, George Nugent, William Burk, William Hayward, John Clayton alias Paddy Oyſter, William Shergold and Edward Preſton, *to be tranſported for the term of ſeven years to ſuch place as his Majeſty, by the advice of his Privy Council, ſhall think fit to direct and appoint.*

And, John Hunter, John White, Thomas King John Henry Palmer, George Morris alias Roberts, and James Duncan, *to be tranſported to ſuch place, &c. during the term of their natural lives.*

*On Condition of hard Labour in the Houſe of Correction twelve Months.*

Sarah Whitehead, Margaret Gardener, Roſe Fitzpatrick.

*On Condition of hard Labour in the Houſe of Correction ſix Months.*

Mary Garret, Drummond Clark.

Judith Phillips, on whom ſentence has been reſpited at a former ſeſſions, was ſentenced *to be confined ſix months in the houſe of correction.*

The next Seſſions will begin on Wedneſday the 22d of February next, at the Old Bailey.

# *Mr. HODGSON*

RESPECTFULLY returns his moſt grateful Thanks to his Employers and Pupils, for the preference they have thought proper to give to his Mode of teaching and writing SHORT-HAND, which he flatters himſelf is at once as conciſe and correct as any other Syſtem; he continues teaching in *four hours*, by *four leſſons*, the whole neceſſary Inſtructions in this much approved Art. He alſo takes Trials and Arguments with the utmoſt Care, which are copied ſo expeditiouſly as to be ſent home the ſame Evening, if required.

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N. B. A few remaining Copies of the remarkable Trial of Meſſrs. Goodridges and Evans, for Forgery; and of John Hogan (a Black) for the wilful Murder of Ann Hunt, may be had as above.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

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PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; the Honourable Sir HENRY GOULD, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable FRANCIS BULLER, one of the Juſtices of his Majeſty's Court of King's Bench; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

| *London Jury.* | *Firſt Middleſex Jury.* | *Second Middleſex Jury.* |
|---|---|---|
| George Dyſon | John White | William Seymour |
| Joſeph Scott | John Hayter | Joſeph Hobbs |
| Joſhua Bowers | William Morris | William Burgeſs |
| Joſeph Weedon | John Jagger | Joſeph Simmonds |
| Joſeph Tinniſwood | William Jackſon | John Abrahams |
| William Smallman | * Thomas Tupp | George Burraſton |
| Thomas Holmes | William Ball | Thomas Holmes |
| John Mayor | Richard Bowling | John Aſpley |
| Charles Mitchell | John Shepperſon | Richmond Barker |
| William Thompſon | John Stanway | Matthew Deere Percivile |
| John Meane | John Edwards | William Cooper |
| Benjamin Blakeſley. | Abraham Parſonage. | Percy Sadler. |

* James Hartſhorn *ſerved part of the time in the room of* Thomas Tupp.

192. JOSEPH RICKARDS was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 11th day of February, at the pariſh of St. Pancras, in and upon Walt Horſeman, in the peace of God and ou Lord the King then and there being, feloniouſly, wilfully, and of his malice afor thought, did make an aſſault, and that h

the ſaid Joſeph Rickards, with a certain iron bar of the value of 12d. which he in both his hands then and there had and held, the ſaid Walter, in and upon the body of the ſaid Walter, did ſtrike and beat, giving him then and there, with the ſaid iron bar, one mortal wound of the length of three inches, of the depth of two inches, and of the breadth of one inch, of which ſaid mortal wound the ſaid Walter from thence to the 19th of February, did languiſh, and languiſhing did live, and upon which ſaid 19th day of February, the ſaid Walter Horſeman did die; and the jurors ſay, that him the ſaid Walter Horſeman he the ſaid Joſeph Rickards did kill and murder.

MARY HORSEMAN *ſworn*.

*Court.* You are the widow of the deceaſed?—Yes.

Was the priſoner a ſervant to your huſband at any time?—Yes, about a year and a half, I believe, to the beſt of my knowledge.

When was he diſcharged from your huſband's ſervice?—I think, to the beſt of my remembrance, it was a month the Thurſday before the deed was done.

What buſineſs was your huſband?——A milk-man.

What was the occaſion of his being diſmiſſed from his ſervice?—It was that he did not do his work againſt his maſter came home.

How old is this priſoner?—I think he is between eighteen and nineteen.

Where did he come from?—Out of Bedfordſhire; I underſtood he went to ſee his mother, in Bedfordſhire, after he was diſmiſſed.

How long did he ſtay away, before he returned to your houſe at Kentiſh town?——I think about a week or ten days.

Did he come to your houſe after he returned?—Yes, he did come to our houſe ſeveral times, and I gave him victuals ſeveral times.

Did your huſband know of that, Madam?—My huſband knew that he had been to the houſe, but he did not know that I gave him victuals.

How did he employ himſelf after he came back to *Kentiſh Town*?—He had very little work to do after he came out of the country.

Then he hardly earned his living, did he?—No, my Lord, he did not, and that was the reaſon I gave him victuals.

Did he lay at your houſe after he returned?—Not to my knowledge he never did.

But do you know in fact that he did, though without your conſent?——No, he never lay a night in the houſe that ever I heard of.

When did this accident happen?——On Saturday morning, the 11th of February, I found it out.

What time in the morning?——It was about ten minutes after two or rather better.

Was you in bed?—I was.

In what room?——In the room under where my huſband ſlept.

Was you called or how?—I have a little girl of four years old lay with my huſband.

A daughter of yours?——Yes, the child called me, that waked the other in the other room, and my little boy after called to me at the top of the ſtairs.

What did ſhe ſay?——I did not hear her call, it waked the other in the other room, my little boy, who lay in the other room, on the ſame floor, he lay along with Trotman, and he called me.

How old is that boy?——Ten years old this September.

What is that Trotman?—A lodger in the houſe.

Is he a man?—Yes.

What is his Chriſtian name?—John.

Did the room where Trotman and your little boy lay communicate with the room where your huſband lay?—Only the ſtair parted them, my little boy came and knocked at my door, and told me his father wanted me, I went in directly, and by the light of the moon, he ſeemed to be quite black with blood from his face to his waiſt, the moon ſhone very bright, and there are two large windows in the room, he was ſitting up in the bed, and as far as his waiſt appeared black and covered with blood.

Did he ſpeak to you, good woman?——

When I ſaw him, I ſaid, Horſemann, my dear creature, what is the matter with you? he ſaid to me, Lord bleſs you! ſomething has run over my face; I ſaid, Lord bleſs you child! run over your face! why you are nothing but blood; he made me anſwer, have you got a candle? I ſaid, no child, I did not wait for a candle; I went down immediately, and got a candle, and when I came up, I found him beat and cut all to pieces; his forehead, and his eyes and noſe were cut all to pieces; I aſked him to tell me how it came, and he ſaid I do not know, do not aſk me, I do not know how it came. I called Trotman up, to go and fetch his nephew to me, and likewiſe to order the doctor and ſurgeons to come, that live at Kentiſh Town, then I went and got the pillow caſe off the pillow to wrap round his head, to try to ſtop the blood, then I got him to lay down in the bed, then I turned myſelf round in the room, and I found a ſtick laying by the drawers between the fire-place and the drawers, I took the ſtick up in my hand, this is the ſtick, but there was no blood upon this.

*(Produces a hedge-ſtake.)*

Did you ever ſee this ſtick before?—I ſaw it at the time it was cut, which was the Sunday before this accident happened.

You never ſaw it in your huſband's room before?——No, it never was there before.

Who cut it?—Trotman and the priſoner went out on Sunday to cut ſome ſticks, and they brought in three.

Who had that?—This was the priſoner's ſtick.

Did he bring it in with him?—To ſay whether he brought the ſtick in his hand, or whether Trotman brought them all in, I cannot ſay.

Why did you ſay it was the priſoner's then?—Becauſe it was a rough ſtick, cut off an elm tree, when it was brought in the priſoner cut it round the head as you ſee.

Did you ſee him do that?——I ſaw him doing it on the Sunday.

What did he do with this ſtick after he cut it round?—I do not know.

Did you ever ſee it after he cut it round till this time?——I have ſeen him with the ſtick in his hand when he has been out of the door.

Have you ſeen him with it more than once?——I cannot ſay whether once or twice, but I have ſeen him with it.

Do let us look at that ſtick.

*(The ſtick handed to the Court; it appeared upon inſpection to have lead poured into a hole in the top of it.)*

Did you ever ſee any thing done to this ſtick beſides cutting it round?—No, I never did; then I took this iron bar ſtanding between the fire-place and the drawers, the drawers are not a yard from the fire-place, it appeared to ſtand leaning one end of it againſt the fire-place, and the other againſt the drawers.

Was there any appearance of blood upon it?—Yes, there were marks of blood upon it, and ſeveral hairs upon the end of the bar, but I believe by carrying it backwards and forwards they are off.

Was the blood freſh?——Quite freſh, it was then.

You could not have any account from your huſband how it happened?——No, he never could give any account till the time he died; it was done on Sunday morning between one and two, I imagine it was, and he lived till the Sunday ſe'nnight following, till the 10th of February.

Was he in his ſenſes till he died?—Yes, he had not the leaſt idea how it happened, he never could tell how it happened.

Was his ſcull fractured?——Yes, it was, but I did not underſtand the nature of any thing of the kind; but it was cut and mangled in a deſperate manner.

What was the reaſon you did not lay with your huſband that night?—My Lord, I did not lay with him for ſix or ſeven nights, I have a little child about fourteen months old, that was very bad, cutting his teeth, and to prevent diſturbing my huſband, as he worked ſo hard, I lay with a woman.

Was your huſband uſed to ſleep ſound?—Very ſound in his firſt ſleep, till he waked about four o'clock, and then he uſed to be very wakefull.

Have you any thing to alledge againſt the priſoner at the bar for being guilty of this? —No other, but by finding the ſtick in the room, and likewiſe the ſtairs being ſo critical, I thought it was impoſſible for a ſtranger to have dond it, without taking any thing.

How could a perſon get into your houſe without being let in?——God Almighty knows, my Lord, I cannot tell how, unleſs he got in, in the evening, and concealed himſelf in the houſe.

When you went to bed, did you faſten all your doors and windows?——I faſtened all the doors, my Lord, the windows down ſtairs are not made to open.

How are they above?——Above they ſlide up and down.

Saſhes?——Yes.

Do you know whether theſe were faſtened?——They were all down when I went up ſtairs, we never did ſcrew them, only ſlipped them up and down at pleaſure.

Did you find any of them up in the morning?——No, never a one of them.

Was there any little room of any kind in your huſband's room, or within it?——No, there was none, there are three cupboards in Trotman's room, they are the length of the room, to put lumber in.

Were theſe cupboards down to the floor? ——No, not down to the floor, I imagine they are a yard from the floor.

Then a perſon to get into one of theſe cupboards muſt have ſtepped upon ſomething?——They might have ſtepped upon the bedſtead, which is under the cupboards.

Is there room for a man to ſtand up in it?——No, they muſt either lay down or ſit in it.

Is there a cupboard in your huſband's room?—No, never a cupboard there.

Your huſband, I find, diſcharged this priſoner from his ſervice, upon account of neglecting his duty, and not doing his buſineſs againſt the time of his coming home? —Yes.

That was his reaſon?—Yes.

Do you know of any enmity between them?—Never in my life.

So you know of no grudge from the priſoner againſt your huſband?——No, my Lord, I never heard anything of the kind.

Do you know whether any thing was taken away this night from your huſband? ——I miſſed nothing but a few farthings, which were in a baſon, in a cloſet where we kept our china, in the room where my huſband lay.

How many farthings were taken away?— I cannot ſay preciſely to the quantity, but I imagine there might be about ſixpenny-worth, there were a great many more that lay in rows, in ſixpenny-worths, there might be half-a-crown's-worth for what I know.

That was all you miſſed?—Yes.

Is this all the evidence you can give?— Yes.

*Court.* Will the priſoner aſk any queſtion of Mrs. Horſeman?—No.

### MARY FULLER *ſworn.*

Did you lodge at Mrs. Horſeman's? ——Yes, I lived there a twelvemonth laſt Chriſtmas.

You lived there at the time the poor man was killed?—Yes.

Can you give any account of that matter? —No, I cannot.

What do you know relative to the priſoner at the bar?—I can give no account, Mrs. Horſeman called me.

Do you know any thing about it?—No.

You lay with Mrs. Horſeman?——Yes, with Mrs. Horſeman and the two children.

Do you remember Mrs. Horſeman being called up in the night?—Not the firſt time, till ſhe came and called me.

Did you go up ſtairs?—I got up immediately, and put my things on, and went up ſtairs.

Was Mrs. Horſeman there at the time you went up?—We both went up together, I could not have patience to ſtay behind, I was ſo frightened.

What condition did you find poor Horſeman in ?——All over blood, all red, covered with blood.

Could he tell how it happened ?—No, he never ſaid a word to me; Mrs. Horſeman deſired me to light a fire immediately.

Do you know any thing of a ſtick ?—Yes, I ſaw the priſoner at the bar ſend for a pipe, and melt lead in it.

How long was that before this poor man was wounded in this way ?—As nigh as I can recollect, it was either Tueſday or Wedneſday before.

How did he melt the lead ?——He put lead in the bowl of a tobacco pipe, and put the pipe into the fire, and I ſaw him take and pour it into the hole of the ſtick.

Look at the ſtick and ſhew us where it was ?——Yes, I will take my oath to the ſtick, here is the place where it was poured in.

*Court.* *(Looks at it.)* Gentlemen, you will look at it, but it ſeems to be of no conſequence, it is only to fill up the hole.

Where was the priſoner when he melted the lead ?——At Mr. Horſeman's houſe, he ſtood directly by the fire, nobody was in the houſe but me, and the child in my lap.

How long before Mr. Horſeman died, did you ſee the priſoner at his houſe ?——As nigh as I can recollect it was four or five days.

Did you ever ſee him at the houſe any time after he melted the lead, till the time Mr. Horſeman died ?—He has come into the houſe after Tueſday, but he has not ſtopped.

Do you know whether he ever lay in the houſe, after he was turned away ?—Never, to the beſt of my knowledge.

Did you lay there every night ?—Mrs. Horſeman, and me, and the two children, lay together every night.

Do you know whether Mr. Horſeman ever ſaw him in the houſe, after he was turned away ?——Not to the beſt of my knowledge.

### JOSHUA JOHNSON *ſworn.*

I am a watchman at Battle-bridge, I met the priſoner at three o'clock in the morning, I was crying the hour.

What morning was that ?—On Saturday ſe'nnight.

Whereabouts was it you met him ?—In Chads-row.

How far is that from Kentiſh-town ?—About a mile and a half, when I met him he wiſhed me a good morning.

Did you know him ?—No, Sir, I never ſaw him before to my knowledge, he paſſed me, and went towards Kentiſh Town.

Do you know this Mr. Horſeman ?—Yes.

Did you know where his houſe was ?—I never was there, I never knew where he lived, I have been told it was by the Old Chapel.

How far might that be from the place where you met him ?——Near two miles.

*Court to Mrs. Horſeman.* Where is your houſe ſituated ?——It is on this ſide of the Anglers, in Kentiſh Town, next door to where the Old Chapel ſtood.

*Johnſon.* He paſſed me, and went towards Kentiſh Town; I had to call a little higher, when I returned, I walked ſharp after him, and he ſtopped againſt my watch-box, and when I was within a few yards of the box, he ſaid, watchman, here is three-pennyworth of farthings if you will accept them.

Did you take them ?—Yes.

What became of him then ?—He went towards Kentiſh Town.

Are you ſure the priſoner is the ſame perſon you met ?—Yes, I am ſure he is the ſame perſon, the moon ſhone very bright.

That is all you know ?—He wiſhed me a good morning, and ſaid it would be four o'clock before he got to Kentiſh Town.

*Court to Priſoner.* Would you aſk any queſtion of this witneſs ?—No, my Lord.

### JOHN TROTMAN *ſworn.*

Did you lodge at Mr. Horſeman's ?—Yes.

What is your buſineſs pray ?—A blackſmith.

Are you a journeyman blackſmith, or how?——Yes.

Where was your room that you lay in?——On the other ſide of the houſe.

Was it upon the ſame floor where Horſeman lay?——Yes, only the ſtairs parted the rooms.

Who lay with you?—Mr. Horſeman's ſon.

How old is he?—Upon my life I cannot tell, about ten years old I believe.

Did you hear any noiſe in the night time?——No, none at all.

What did you hear, what do you know of the matter?——The little girl that lay with her father, came and called for her mother firſt, and then ſhe came and called me.

What happened then?——That waked me, and I heard Horſeman groan; then I called out to him, and aſked him what was the matter with him, he ſaid, Lord bleſs my ſoul, John, ſomething has run over my face; then Mrs. Horſeman, his wife, came up ſtairs, and ſhe aſked him what was the matter with him, and he ſaid the ſame thing to her, that ſomething had run over his face; then I got up directly, and went to Kentiſh Town to fetch his nephew, ſhe deſired me to go.

What was the nephew's name?——William Winkworth, then I fetched him, then I went to Tottenham-court-road, to Doctor Prykes, and Mr. Sallinger, came with me.

Did not you find the doctor at home?—Yes, he was at home, but the ſervant came.

Where does Mr. Sallinger live?—He was at Mr. Pryke's houſe.

When you roſe did you go into the room where Horſeman lay?——No, I did not go in, I looked in at the door and ſaw him, and I went for his nephew as faſt as I could.

Did you ever obſerve an iron bar in the room where Horſeman lay?—No, I never did.

Did you ever obſerve one ſtand there, in the chimney, or any part of the room?——No, I never did, I never did go into the room.

Will you look at that ſtick, have you ever ſeen that ſtick before?——Yes, I cut the ſtick.

How long before this affair did you cut it?—I believe it was a week, or a fortnight, but I am not ſure which, I cut three, but the others were not ſo big as this.

Was the priſoner with you?——Yes, he was, I brought them into the houſe, and I took the leaſt, and the priſoner ſaid he would have this.

Did you ſee him do anything to that ſtick afterwards?——I ſaw him bore this hole in our ſhop at the top of the knob, that was all I ſaw him do to it.

Who put that lead in it?——I do not know, I did not ſee him put it in.

Did you ſee the iron bar after you had been for the ſurgeon?——I ſaw it before I went for the ſurgeon, for Mrs. Horſeman had brought this bar out into my room, when I was in bed, before I got up.

What condition was it in?——It was all over nothing but blood, and the blood was jellied on the bar, or pieces of fleſh, I do not know which.

Where did the iron bar uſually ſtand?—It uſed to ſtand in my room, under my window, it belonged to my window, but the window ſhutter was never faſtened.

Did you ſee any hair upon it?—No, I did not obſerve any.

*Court to Priſoner.* Would you aſk any queſtions of this witneſs?—No.

SARAH ROSE *ſworn*.

Do you know the priſoner?——I know him, he lodged at my houſe.

How far do you live from Horſeman's?—About four doors I believe.

When did he come to lodge at your houſe?—He came to lodge with me the Monday fortnight before.

When did you know him firſt?——I knew him when he lived with Mr. Horſeman.

And after he was diſcharged he took a lodging at your houſe?——No, not till after he had been at his mother's.

Do you know where he was the night this unfortunate accident happened?—— He was not at his lodgings that night.

Had he laid out of your houſe any night before?——He had laid out one night before.

He did not lay at home that night?—— No.

When did you next ſee him?——I never ſaw him afterwards, he did not board at my houſe, he only lodged there.

How many days was it before this night, that he lay out the night before?—To the beſt of my knowledge it was the Saturday after he came to my houſe.

### AMY HALL ſworn.

I am maid ſervant to Mrs. Roſe.

I think the priſoner lodged at that houſe for ſome time?——Yes, he did.

How long?——I cannot ſay, it was above a week.

Do you remember him when he was ſervant to Horſeman?——Yes.

He lodged at your houſe after he left Horſeman's ſervice?————Yes.

Do you know whether he was at home the night that this affair happened?——No, my Lord, he was not at his lodgings that night.

Do you know where he was?——No, I cannot ſay.

Did you expect him home that night?— Yes.

Did you make any enquiry after him?— I went down to Mr. Horſeman's on the Friday night, at a quarter before eleven o'clock.

Who did you aſk after?——I went down, my miſtreſs ſent me to aſk Mrs. Horſeman, if ſhe would be ſo good to go up to Mr. Tompkins's.

Did you aſk any thing about the priſoner? ————Yes, I went to Mrs. Horſeman, and aſked Mrs. Horſeman if ſhe would be ſo good, to go up to Mr. Tomkins's, to inſure No. 6, and after we had done talking about the Lottery, I aſked Mrs. Horſeman if Joe was come home, and ſhe ſaid he was not come home, and I made anſwer, and ſaid, may be he will not come home to night, and ſhe ſaid ſhe dare ſay that he would, and ſhe ſuppoſed if he came home, that he would not come to our houſe, but would come there, and if he flung any thing up at the window, John would hear him, and let him in.

What John?——John the blackſmith; ſhe ſaid, ſhe ſuppoſed he would not come to our houſe, but would come to theirs.

What more was ſaid?——I do not remember any thing elſe.

He did not come home to your houſe? —No, he did not.

*Mr. Recorder.* Did Mrs. Horſeman ſay any thing more to you then?—She ſaid that he laid there one night before, when he laid out.

*Mrs. Horſeman.* I did not ſay any ſuch thing.

*Court to Hall.* He did not return to your lodgings after, did he?——No, he never did.

*Court to Mrs. Horſeman.* This woman ſays, that you told her, that he had laid one night before at your houſe?—My Lord, I did not ſay ſo to her, the words I ſaid to her were, ſhe aſked me if Joe was come home, I ſaid no, ſhe ſaid do you think he will come home to night, I ſaid very likely he will throw ſome dirt up at the window, if John hears him it is a hundred to one but he will let him in.

She ſays, you ſaid he had laid there one night before?——I never did.

You have ſaid in your evidence, that he never lay a night in your houſe after he was diſcharged?——Never, to the beſt of my knowledge he never did.

Never that you heard of?——No, my Lord.

### GEORGE SALLINGER ſworn.

I attended the deceaſed in the firſt inſtance, I recollect it was the [illegible] inſtant, about half paſt three in the morning, when I was called up on the Saturday morning, two young men came to call me up; I went, and immediately on my entrance into the room, I perceived him in a very mangled condition, and covered with blood.

This poor man is dead?———Yes.

Did you examine the condition of his head?———The inner table of the ſcull was totally detached from the upper; there likewiſe was a fracture over the left eye, which intirely broke to pieces the orbit of the eye; there was likewiſe another blow over the right eye, which broke that to pieces, and a piece of the fracture had divided the optic nerves.

When did he die?———On the Sunday morning, about a quarter after ſeven.

What do you impute his death to?——To the wounds he received.

Were his wounds neceſſarily mortal?———They were, and ſuch was the opinion of Mr. Heavyſide, the ſurgeon, whom I called in.

### ——— HEAVYSIDE *ſworn.*

I was ſent for on Saturday afternoon, the day after the accident; I found the whole ſcull ſo mangled, that there was no poſſibility for any art to aſſiſt him.

Was there any poſſibility, humanly ſpeaking, that he could recover?———Utterly impoſſible, no doubt of it; I do not conceive it neceſſary for me to enter into any anatomical account of this affair, but on opening his head afterwards, it very clearly appeared, that it was out of the reach of art to aſſiſt him, from the very firſt moment.

*Court.* Does the priſoner wiſh to aſk either of theſe gentleman any queſtions?———No.

### SAMUEL LOVELACE *ſworn.*

What do you know boy of this affair?———This little boy ſaid he heard the child call its mother.

Did you lodge in the houſe?———Yes.

Who did you lodge with?———Thomas Fuller, I heard the little girl call the mother.

Do you know any thing more of the matter?———No.

What room did Thomas Fuller lay in?——In the front room.

Was that in the ſame room where Trotman lay?—Yes.

What were there two beds?—Yes.

Had you laid there often?———Yes.

Several times?———Yes.

Do you remember any thing of a cupboard in that room?—Yes, there were three in the ſide of the wainſcot.

Are there ſeveral doors to them?—There are doors to every cupboard.

They do not run one into another, do they?—No, they have partitions between them.

Suppoſe a perſon was to get into one of theſe cupboards, could he ſtand upright?—No, he could ſit in, or lay in them.

Was it long enough for a perſon to lay in?———Yes, they are divided one from the other, but long enough to lay down in.

Do you recollect when you went to bed, how theſe cupboards were?———They were all ſhut.

Are you ſure of that?———Yes, it was moon-light.

What led you to take notice of it?———I always look round the room, but in the morning when I waked the door of one of the cupboards was open over my bed.

Do you remember an iron bar that uſed to be in that room where you lay?———I have ſeen an iron bar over the window.

Did you take notice of it that night?—No.

Did you ſee the priſoner that day?——No.

*Court.* After the accident happened did you ſee the priſoner?———Yes: Mrs. Horſeman ſent me to the Anglers to call him to carry the milk that morning, as he knew the walk.

What time in the morning was that?—At four o'clock.

What on the ſame morning her huſband was killed, ſhe ſent you to the Anglers to call the priſoner?———Yes.

This Anglers is a publick houſe I ſuppoſe?—Yes.

How far might it be from Mr. Horſeman's?———Two or three doors.

*Court to Priſoner.* Would you aſk any queſtion of this boy?—No.

*Mr. Recorder.* Who keeps that houſe?

Jane Roſe.

Did you meet with him?—No, I called

four times, and the fourth time he anſwered me over the way, he was coming from London.

Was he in a houſe?——No, he was in the road.

Did he go to milk the cows that morning?——Yes.

How old are you?——Sixteen the latter end of laſt June.

### THOMAS FULLER *ſworn.*

How old are you?——Fifteen, I ſlept with Lovelace, I obſerved the cupboards, they were ſhut when I went to bed.

Did you ariſe the ſame time that Lovelace did?——Yes.

Did you obſerve the cupboards then?—Yes, one cupboard was open.

Do you know any thing more?——Yes, I was in bed, and my bedfellow was aſleep, and I heard a noiſe in the morning.

How long before you aroſe was that?—A good while, it was a little after one o'clock as near as I can gueſs, I happened to be awake, I heard a noiſe.

What ſort of a noiſe?—I cannot tell juſtly what ſort of a noiſe it was, I was between ſleep and awake.

In what room was it you heard the noiſe?—In the room where I lay, over my head.

You lay in the ſame room where Trotman was?—Yes.

What ſort of a noiſe was it?—I cannot ſay.

What ſort of a ſound did it make?—I cannot ſay, my partner nipped me, and I fell aſleep again.

Do you know the priſoner very well?—Yes.

Do you remember when he was turned off by Mr. Horſeman?—Yes, it was on Thurſday in the afternoon that he paid him off, as ſoon as he had done milking; I heard he went into Bedfordſhire, and he came back in a week's time.

Did you ever ſee him at your miſtreſs's houſe after he came back?—Yes.

How many times?—I cannot ſay how many times, he was in his beſt clothes when I firſt ſaw him ſince he came back.

Do you know whether he ever ſlept at your houſe?—I do not know that he ever ſlept at the houſe, one morning Mr. Horſeman and me got up to milk the cows and we left the door on the *ſnack*, we always do, and he always ſends me up to call his ſon Billy, when the three cows came in, I went up to call Billy, and I ſaw an orange on the table, and I aſked how that orange came there, Billy ſaid it was his, and I aſked him who gave it him, and he ſaid Joe Rickards.

Did you ſee Rickards there?——Yes, he was in the place where I got out from, in my place along with my bedfellow.

Can you tell what day that was?—I cannot tell what day that was.

How long was it before this accident?—I cannot juſtly ſay to the truth what day it was.

Was it after he had been down into Bedfordſhire, and come back again?——Yes, my Lord, I ſaw him in bed where I lay, with that blue coat that he has on now, and the child ſaid he gave him the orange becauſe he ſhould not tell he had been there.

Are you ſure it was after he came from Bedfordſhire, when you ſaw him in bed?—No, Sir, I am not ſure whether it was after or before.

Are you ſure it was after he was diſmiſſed the ſervice of Mr. Horſeman?—Yes, Sir, a good while after he was turned away.

### JOHN BERRINGER *ſworn.*

I am headborough for the pariſh of St. Pancraſs, I was ſtanding at my door, I believe it might be about eight o'clock, on the 11th of February, on Saturday morning, and the firſt alarm I had was a little boy told me Mr. Horſeman was almoſt murdered, he ſaid, with an iron bar, he ſaid the houſe was not robbed, it was done out of ſpight, and when I came Mrs. Horſeman took me up ſtairs, and related to me the ſame as ſhe has now, upon which

I went to the next public-houſe, Mrs. Roſe's, and one man ſaid you need not gallop a horſe to death to find it out, and he ſaid the perſon who ſhould have been here laſt night was not at home; which information gave me very great ſuſpicion, and I went and met the priſoner coming home with his milk pails, I turned ſhort upon him and ſaid, why, Joe, your maſter is almoſt murdered, I aſked him if he knew any thing of it, or had heard any information that had been given of any body, he ſaid no, he knew nothing at all of it; I ſaid it was very odd he ſhould ſeem ſo unconcerned about his maſter, he replied he could not help it, for he knew nothing at all about it, then I ſaid to him, Joe, to make ſhort of it, you are my priſoner; I conducted him back to Mr. Horſeman's houſe, with his milk pails on his ſhoulder, he threw off his milk pails in a very great paſſion like, and ſaid he would go directly with me any where, I bid him not be too much in a hurry for that I ſhould have a little talk with him firſt, not do things too raſhly; then I aſked him how he could be guilty of ſuch a thing, I accuſed him, he ſaid he did not know whether he ever did ſuch a thing in his life, that was the reply he made me; I ſaid it was very odd if he did not know whether he ever killed a man or no; no, he ſaid he never did, and I ſaid, no, I ſuppoſe not till now; then I ſaid, well you are certainly guilty, and come up ſtairs with me, and ſee this poor man; upon which I went up ſtairs and made him go with me, and I ſaid, Joſeph, look at that poor unfortunate man! and I ſaid, now can your conſcience let you deny that you have murdered this man, touch him if you dare, and deny the fact; he ſaid he could, he could ſhake hands with him, upon which the deceaſed put out his hand and they did ſhake hands; I then took him to the Rotation Office immediately, and when I took him there, he went under the examination, and I thought it proper for Mr. Fletcher and the Juſtices to get what ſecret information I could, and bring in all the evidences that are here preſent, and Lovelace told me, that he ſaid to him d—n his maſter, one way or another he would work him up; he likewiſe told Thomas Fuller that if he did not conſider his ſore heel, one day or other he would work him up, and he wiſhed ſome accident might fall on him, he ſaid he would be d—ned if he would not work him up one of theſe days.

How long was this before the priſoner left his ſervice?—About two months.

*Court to Thomas Fuller.* Did you ever hear him ſay any thing of this kind?——Yes, he ſaid to me if he did not conſider his ſore heel more than he did, he would work him up one day or another, and he wiſhed ſome bad accident might happen to him.

Had the priſoner ſore heels?——Yes, he tumbled down one day on the ice and cut his heel coming back from carrying his milk.

How long was this before he left his maſter's ſervice?——I cannot juſtly ſay how long, I think it was about a month or ſix weeks.

*Priſoner.* It was only five days after I hurt myſelf before I was turned away.

*Court.* There is a confeſſion of this boy, is not there?——Yes, taken before Juſtice Machin.

*Court.* The Juſtice of the peace ought to be here himſelf, it is a ſhameful neglect of duty not to attend.

*Mr. Garrow.* He is a very old and infirm man.

*Berringer.* I can prove it.

Was you preſent when that examination was taken?——I was not at the beginning, but I was at the latter end and heard it read over.

Was there any promiſe or threatening made uſe of?——Not at all, all the time and deliberation that could be given him, was given him, there was more caution than any thing elſe.

Was it freely and voluntarily made by the priſoner at the bar?——Entirely ſo, for we had got the commitment to Newgate, and all the Juſtices were gone but this gentleman, who is a very old man, he was gone into the back room, then he ſaid before the Juſtice he would go back and tell the whole, for if it was not for one in the houſe, he would not have done it, I ſaw the Juſtice ſign the information.

*(The Confeſſion read.)*

Signed, "the mark of Joſeph Rickards taken the 20th of February, 1786, before John Machin."

"Middleſex, to wit. The voluntary examination and confeſſion of Joſeph Rickards, touching the murder of Walter Horſeman, &c. taken before me, one of his Majeſty's Juſtices of the peace for the ſaid county, who ſays, that about Auguſt laſt, he was hired to live with Walter Horſeman, a cow-keeper, at Kentiſh Town, and that about a fortnight after he had been in the ſervice, he was ſitting one evening with his miſtreſs, Mrs. Horſeman, by the kitchen fire, when ſhe pulled his head on her boſom, and ſeemed very fond of him; that ever ſince that time ſhe has frequently kiſſed him, and this informant has laid hold of her breaſts, and at ſeveral times§ * *
* * * * * * * * * * *
but he has never had any other connection of a private nature than what is before mentioned; but ſhe has frequently told him ſhe wiſhed her huſband was dead; that on Friday, the 10th of February inſt. about ſix o'clock in the evening he ſhut the back door that goes into the yard, and went up ſtairs and hid himſelf in the cloſet, deſcribed by the ſeveral informants in the information, and about two o'clock in the morning he came out of the cloſet and went into the room where Horſeman lay, with the ſtick he left in the room, and now in poſſeſſion of John Berringer the headborough, but on ſeeing an iron bar ſtanding in the chimney corner, he took the bar and wounded the ſaid Walter Horſeman, and ſtruck him ſeveral blows on the head and face, and then made his eſcape out of a window in Horſeman's room, opened the back gates, and run away over the fields, and returned again in the morning to Kentiſh Town, the farthings he gave the watchman he took out of a cloſet in Horſeman's room, and that no perſon whatever knew any thing of the matter but this examinant."

*Court.* Joſeph Rickards, you have heard the evidence that has been given againſt you on this occaſion, what have you to ſay in your defence?

*Priſoner.* I am not guilty, Sir.

Have you any witneſſes to call?—No, Sir, I have not.

What do you ſay about your confeſſion, you have confeſſed yourſelf, and as it is proved at your own deſire and requeſt?—I did go into the room, I was perſuaded by the people on the outſide.

*Court to the Headborough.* Was it his voluntary offer to go back or was he perſuaded by the people to go back?—We were all gone away over the way, and while we were there, there came in news that there was a confeſſion.

Was it by the influence of others, or was it his own voluntary deſire and propoſal?——His own voluntary deſire and propoſal.

*Court to Priſoner.* You hear what this headborough ſays?—I do, it was not my deſire, when I got out of the place ſeveral people were there, and bid me go in and ſay what I did, and they told me that would clear me.

*Court.* Gentlemen of the Jury, this priſoner at the bar is indicted for the wilful murder of Walter Horſeman, and giving him a blow with an iron bar on his forehead, charged to have been done on the 11th of February, and that he languiſhed till the 19th and then died. Mary Horſeman, the widow of the deceaſed, &c. [*Here the learned Judge ſummed up the evidence, and then added,*] Gentlemen, this evidence is only circumſtantial, yet it produces a very ſtrong ſuſpicion certainly in one's mind againſt the priſoner, but to ſay there is any direct teſtimony againſt him, nobody can aſſert, but they lay a very ſtrong foundation to introduce the confeſſion he has made: I ſhould not for one, though he is very near the ſtate of manhood, chuſe to reſt ſingly and merely on his confeſſion, as he is not at full age, though he is above that age of diſcretion, which the law aſſigns to be at the age of fourteen years, and certainly it is near the time that human reaſon is ſuppoſed to be mature, therefore, I thought, and my learned brother, and Mr. Recorder agree with me, that it was extremely proper to have the whole circumſtances of this caſe laid before you by evidence; theſe circumſtances, Gentlemen, you have heard, and I cannot but ſay they operate very ſtrongly on my mind to introduce this confeſſion: Now, the headborough, who ſeems to be a very ſenſible man and maſter of his buſineſs, has given a very full account, I think, to authoriſe and warrant the Court to permit this confeſſion to be read; the Juſtice of the peace is, I find, an old gentleman, or elſe he ſhould have attended the Court, but the priſoner having abſolutely perſiſted in his innocence, until they were carrying him off with the commitment, he, in the preſence of the headborough, voluntarily, as he ſwears, begged and intreated to be carried back again to tell the truth of the caſe before the Juſtice of the peace; the Juſtices were all gone except Mr. Machin, he tells you that all ſort of time was given to him, that he made this confeſſion with all ſort of deliberation, and that it was read to him: I think it unneceſſary to read it over to you a ſecond time, it cannot have eſcaped your memory; it is a full expreſs confeſſion of the fact, and he takes the murder entirely upon himſelf, and declares that no one elſe was concerned in it; there is an expreſſion in it, whether true or not, that he did hear Mrs. Horſeman expreſs a wiſh that her huſband was dead, whether that was the motive or ſpring of this horrid action I cannot ſay: Now he ſays he is innocent, and that with reſpect to this confeſſion, ſome people after he was gone out ſuggeſted to him that it was better he would tell the truth, and that would clear him; that is not very conſiſtent, I think, to ſuppoſe a man who confeſſes he is guilty of a wilful murder, and ſo barbarous a murder as this is, that he ſhould be cleared, that his life ſhould be ſaved by making an ample confeſſion of the crime, but the headborough being aſked again, does expreſsly tell you it was the voluntary wiſh and confeſſion of the priſoner: If you are ſatisfied, Gentlemen, upon the whole, that he is guilty, you will find him ſo; if you ſee any reaſonable doubt, you will acquit him.

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§ Here ſome familiarities were recited too indecent for publication.

*The Jury retired for a ſhort time, and returned with a Verdict*

GUILTY, Death.

*Clerk of the Arraignt.* Joſeph Rickards, hold up your hand, you ſtand convicted of the wilful murder of Walter Horſeman; what have you to ſay, why the Court ſhould not give you judgment to die according to law.

*(Proclamation made.)*

*Mr. Recorder.* Priſoner, you have been convicted, upon evidence which excludes all poſſibility of doubt, of a crime in itſelf the moſt heinous of any that human nature can commit; we are told from ſacred authority that the blood of the innocent cries to Heaven for vengeance and atonement, and the voice of God and man agree, that whoſo ſhedeth man's blood, by man alſo ſhall his blood be ſhed: If ſuch is the nature of murder conſidered in itſelf, how deeply aggravated is your guilt, when we conſider the peculiar circumſtances of your caſe, you have had no palliation from provocation or the influence of ungovernable and fatal paſſions, but actuated by the moſt deliberate and diabolical malice; the unhappy victim of your crime was the maſter whom you had ſerved, who had never injured you, and to whom you owed nothing but reverence and duty; inflamed with the thirſt of blood, yet deliberate enough to form an artful plan, for effectuating your infernal purpoſe, you laid in wait for your maſter's life, and in the dead hour of night when all the innocent part of the family were lulled in reſt and ſeeming ſecurity, you crept forth from your lurking place, and in the defenceleſs and harmleſs ſtate of ſleep, with more than ſavage ferocity you butchered and mangled your maſter in the moſt brutal and inhuman manner; for guilt ſo aggravated as this, all mercy from the laws of your country muſt be excluded; far be it, however, from man to ſet bounds to the mercy of the Moſt High; happy will it be for you if the attonement of your guilty blood, joined with the deepeſt remorſe and repentance during the ſhort time that remains for you to live, ſhould prove ſufficient to obtain that mercy from him hereafter, which juſtice muſt deny you here: In the fervent prayer, that his mercy may ſo work upon your ſinful ſoul as to produce that change which is neceſſary to your ſalvation, it remains only for me to pronounce upon you the awful ſentence of the law, which muſt inevitably be carried into execution, which is, that you be carried from hence to the place from whence you came, and from thence to the place of execution, there to be hanged by the neck till you are dead; and that your body be delivered to be diſſected and anatomiſed, according to the ſtatute, and the Lord have mercy on you ſinful ſoul.

*Mr. Akerman.* My Lord, the priſoner now ſays the accuſation againſt the woman is falſe.

*Proſecutrix to the Jury.* Gentlemen, I beg you will aſk him whether what he has ſaid is true concerning me.

*Proſecutrix to Priſoner.* Am I innocent of what you have ſaid?

*Priſoner.* Yes: *(the priſoner was taking away, but brought back again)* She is innocent of every thing I have accuſed her with.

*Court.* What was the motive that urged you to the commiſſion of this horrid crime?

*Priſoner.* I do not know.

*Court.* It is thought proper by the Court that the ſentence ſhould be executed as near as conveniently may be where the murder was committed, make out the order accordingly.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* GOULD.

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193. THOMAS TATHAM, SAMUEL FRANCIS, HUGH M'DONALD and LEONARD SULLIVAN were indicted for burglariouſly breaking and entering the dwelling houſe of John White, about the hour of one in the night on the 31ſt day of January laſt, and burglariouſly ſtealing therein two hundred and forty yards of ſilk ſerge, value 60l. forty yards of other ſilk, value 12l. 6s. fourteen yards of other ſilk, called ſattin, value 4l. 12s. ſix yards of other ſilk, value 35s. four yards of buff figured ſilk, value 32s. three yards of other ſilk, value 18s. two yards of other ſilk, value 12s. two hundred ſeventy-eight yards of other ſilk called luteſtring, value 62l. fifty-two yards of armozeen, value 17l. and fifty-two yards of remnants of ſilk and worſted, value 12l. his property.

*The caſe opened by Mr. Garrow, previous to which the witneſſes were ordered out of Court by the deſire of Mr. Morgan, Counſel for two of the priſoners.*

### JOHN WHITE *ſworn.*

On Tueſday the 31ſt of January, I went to bed after twelve, I was reading in the parlour, I was not alarmed in the night, and my houſe was all faſt in the morning, I found a wall broke down which came by a ſtaircaſe of the cellar, from a houſe that was empty in Wytch-ſtreet, that was oppoſite to my houſe; and adjacent to it, there was a breach made in the wall, the ſize of a good pane of glaſs, on the right there was a party wall of my neighbour's, and on the left they would have got into a ceſſpool; I miſſed the following articles which I took down from our number book, which we have regularly, and mark off every day.

*Court.* To what value was the whole? —The whole amount is two hundred pounds, the whole amount of thoſe I have found again, are nearly upon a third.

What time did you get up in the morning?—I believe it was a little after ſeven.

*Mr. Morgan, Counſel for Mᶜ Donald and Francis.* Was you up the firſt in the family?——I was not.

Who was?—I believe one James Haydon which is my ſervant.

What time was he up?——I look upon it to be nearly ſeven.

Before or after?——I cannot ſay.

### JOHN CLARKE *ſworn.*

I think it was on Thurſday the 5th, I received information that there were ſome people at the priſoner Tatham's, with a quantity of ſilk; Mr. White happened to be at the office, I took him with me to Mr. Tatham's houſe, in Drury-lane; I think it was No. 65, if I miſtake not; Tatham and the other two were in the parlour; there were Tatham, Francis, and Mᶜ Donald, I know nothing at all of Sullivan; we ſearched the houſe, and in the ſhop under the counter, in the front room, we found ſeveral things; it is a ſhop where they ſell ribbons and handkerchiefs, and things of that ſort, Tatham keeps the ſhop.

What did you find in the back room?—After ſearching that, I aſked what rooms they had, and he told me there was a back kitchen, and I think a one pair of ſtairs; I ſent Macmanus up for the key of the kitchen, and I ſtood by while he took this and a dark lanthorn out of the back kitchen; theſe three men were in the back parlour; there was no property there.

What were theſe three men about?——They were ſtanding upright round the table, I made no other obſervation, there was a paper laying before them, which contained ſome account, that paper, I believe, is in the hands of Mr. Jealous, this was on the Thurſday.

*Court to Mr. White.* Look at the ſeveral articles that are produced?——I do, I have meaſured them ſince the robbery; and they all agree with the number book, and as for the waiſtcoat piece, ſome of the pieces were cut off for my children, and I have them alſo, and they all correſpond.

This piece correſponded with the number oppoſite to this in your number book? —Yes.

*Court.* Can you ſwear that you had ſuch things in your houſe on the 31ſt of October?—I can.

*Mr. Garrow.* Have you any doubt that they are yours?—None in the world.

### CHARLES JEALOUS *ſworn.*

I went into the back parlour, I ſaw Tatham ſitting by the fire, and Mᶜ Donald and Francis ſitting round a little mahogany table, then Macmanus ſecured Francis and Mᶜ Donald, and I ſearched Tatham; on Tatham I found twenty guineas, and upon the table lay a piece of paper with ſome writing upon it; I then left Macmanus in the parlour, and came into the ſhop where I was preſent when the ſilks were found, but not when the ſilk damaſk was found; this is the paper that was on the table.

Did you find anything elſe there?——I found a glove there.

Can you explain what it means?—No, I cannot.

*Proſecutor.* According to the poſition of the priſoners, ſitting round the table, there appeared to be a kind of ſettlement of money, here is 514 which comes near the ſum of the goods which were miſſing (*The paper contained two articles* 310 *and* 204 *and another claſs of figures of pounds and ſhillings,* 19l. 14s.) the 514 yards comes near the goods that are now miſſing, there was a yard that ſeemed not to have been long made uſe off, lay by the place where they were; Mr. Clarke ſaid to the people, what I ſee you have been meaſuring, there lay the yards, and we abſolutely thought this was the money that was found on Tatham, and that the other was the goods which they had ſold which was deficient; there are ſeven hundred and nine yards miſſing, and there are two hundred recovered, now here is five hundred and fourteen.

*Court.* Was any anſwer given by either of the priſoners when Clark ſaid, I ſee you have been meaſuring?—No, I did not take any notice, but they all denied knowing any thing of the paper, though it lay before them on the table, nobody knew any thing of the hand writing or any thing.

That was all the obſervation you made on the paper?—It was.

*(The paper handed to the Court and Jury.)*

*Mr. Morgan to Mr. White.* McDonald and Francis were ſearched, I believe, before you, were they not?——They were ſearched, and there was ſome money.

Who took the money?——One of the officers.

Which of them?——I cannot ſay.

*Court to Clarke.* Do either of you know whether any money was found on either of the priſoners beſides Tatham?——Yes, Macmanus has it.

*Court to Clarke.* In what condition were theſe goods?—They were rather in a rough ſtate, they lay ſimply juſt as they do now, any body that is uſed to ſilk would not let them lay ſo.

## PATRICK MACMANUS *ſworn.*

I went to Francis's lodging, on the ſame day that Mr. Clarke went to Tatham's, I was at Tatham's alſo; at Francis's I found this in a drawer in his lodgings, which was in Newtoner's-ſtreet, this is a piece of crimſon damaſk ſilk which Mr. White owns; the other which Mr. White ſays is the ſame, was found in the back kitchen at Tatham's.

*Mr. White.* This is part of the ſame damaſk, and correſponds with what we have at home, what we found in Tatham's back kitchen, and this correſponds with the admeaſurement, when we took ſtock in October laſt, with the addition of this that was found at Francis's, it makes up the quantity exactly, and it is the ſame pattern.

*Macmanus.* In Tatham's back kitchen, where this ſilk and damaſk was in a trunk, there was a board looked like an ironing-board ſtood out, and there was a piece of brown paper, and under the piece of brown paper, this dark lanthorn lay concealed; this damaſk was not with the reſt of the ſilks, it was in a trunk that was locked, we had the key from Tatham; I went to Francis's afterwards, and found this ſtriped piece in the corner upon a little ſhelf.

*Mr. White.* I called directly to Clarke, and ſaid, here is ſome of my property, I can ſwear to it.

*Mr. Morgan to Macmanus.* You ſearched the two priſoners, McDonald and Francis?—Yes.

You found ſome money upon them?—Yes, I found two guineas and a half on Francis and on the other, there might be a guinea difference, I returned the money again.

You found this piece of ſilk at Francis's lodgings?—Yes.

There are ſeveral lodgers in the houſe, I ſuppoſe?——I do not know, it is a neighbourhood I ſeldom go to.

You do not know what parties reſide in that houſe?—I do not.

*Mr. Fielding, Priſoner Tatham's Counſel.* I want to know whether the goods were not found in different places, they were not all in one ſpot jumbled together?—No, Sir.

*Mr. Morgan to White.* This is not an uncommon pattern, I ſuppoſe?——No, it is not.

You was not the only perſon that bought all that was made of this ſilk?—No, Sir.

Then, Sir, is this not a common pattern for a chair cover?—We look upon it as ſuch.

There or thereabouts?—Yes, I bought them at a ſale, a number of them, ſome I have made uſe of myſelf, and ſome I have ſold.

*Court.* Was the kitchen up ſtairs or down ſtairs?—Down ſtairs, a back kitchen.

*Clarke.* The damaſks were in a back kitchen, in a trunk.

## JAMES HAYDON *ſworn.*

I am ſervant to Mr. White; on the morning after this robbery, I got up about ſeven, and when I came to open the door as uſual, I found a wooden bar that we put by way of jamb to the ſhop door was removed, and I ſaw two of the ſhutters taken down and the goods gone; I ran round to every door, we have four doors, I paſſed by the hole which was on the cellar ſtairs, it appeared to me, that the perſons came in at that hole; I have examined the pieces that were found by our books, and they correſpond with the length and colours, in the numbering book; I have not the leaſt doubt of their being my maſter's property, and of their being in his houſe the night of the robbery; I can particularly ſpeak to the damaſk, theſe two pieces make up the amount of that pattern of the damaſk, which appears to have been loſt.

## PRISONER TATHAM's DEFENCE.

I keep open ſhop in Drury-lane, I frequently purchaſe and ſell things in the ſhop, I attend ſales, and buy wholeſale; finding buſineſs not turn out to my advantage, I frequently bought of hawkers different things at different times, and theſe I purchaſed in the ſame manner in my ſhop.

*Priſoner Francis.* I leave my defence to my counſel.

*Priſoner M'Donald.* I leave it to my counſel.

*The Priſoner Tatham's witneſſes called, but none anſwered.*

## THOMAS WRIGHT *ſworn.*

### *Examined by Mr. Morgan.*

I am a publican, I keep the White-horſe, Fan's-alley, Alderſgate-ſtreet; I know the priſoner M'Donald.

Did he lodge at your houſe in January laſt?——He has lodged at my houſe theſe three months back.

Have you a club at your houſe?——I have.

Had you any club on Thurſday night, the 31ſt of January?—I had.

Is M'Donald a member of that club?—No member in particular, only going backwards and forwards, he was there that night, he was there about nine that night, and ſtaid till about nine in the morning; I am ſure of that, I believe there are ſome others of the members of the club here, I have known him theſe two years, he had always had a very good character, I never ſaw any thing amiſs.

What buſineſs is he?——He uſed to follow rabbiting when I firſt knew him, and dealt in fowls.

*Mr. Garrow.* How long may you have kept this reputable houſe in Fan's-alley?—About ſix months.

You keep it ſtill?——Yes.

In whoſe ward is it?

*Mr. Alderman Plomer.* It is in my ward.

What may be the ſign of your houſe?—The White-horſe.

Did my friend underſtand you right, that this man was in your houſe from nine in the morning till nine at night?——I ſpoke it.

And you mean to ſwear it?—I did ſwear it, I ſwore to the truth; I was at the club all the time, the chairman is at my houſe to get what friends he can.

So your houſe continues open from nine at night till nine in the morning, for all ſorts of perſons to come in and out as they pleaſe?—No, Sir, they had a bit of ſupper, thoſe that ſtaid behind remained, from eleven any body might go out, but not come in; I know nothing of what is done before eleven, the chairman does that, I have this club once a week, on a Tueſday evening.

Has this man frequented it every Tueſday evening, ſince he has lodged at your houſe?——I cannot remember.

What makes you ſure this was the 31ſt of January?—It was the 31ſt by the day of the month, I am ſure, by remarking the bills are always on that day of the month; I have a bill for the chair.

How many perſons might be preſent at the club that night?—I cannot ſay.

What were the expences?—I cannot ſay.

What had they for ſupper?——A piece of boiled beef, I think they had ſome punch, I do not ſell wine, I am ſure they had no wine; I cannot juſtly ſay how many perſons were preſent.

Ten?——I cannot ſay.

A dozen?—I cannot ſay.

Twenty?——I cannot ſay.

Thirty?—I cannot ſay what number.

Were there forty?—I cannot ſay.

Do you believe there were ſo few as forty?——I cannot ſay what number.

Do not you know whether there were ten perſons, or twenty, or thirty, or forty, or fifty?——I cannot ſay to the number, there were about ten, to be ſure about twenty.

Might there be above thirty?——Above forty.

Above fifty?—There might.

How many more people were there beſides Mr. M'Donald?—I cannot ſay.

Who was there beſides him?—I cannot ſay to *any other of the gentlemen*.

Were any of the other priſoners there?——I cannot ſwear they were or were not.

Do you believe they were not there?—I did not take particular notice of no perſon, they might be there, and they might not, I cannot ſay.

Are the other priſoners members of that club?—That night do you mean?

Any night, Sir?——I cannot ſay, I do not know that they were.

Have you ever ſeen them there?——I cannot ſay, I do not know that I have ſeen them.

What made you ſay *that night* juſt now, then?—Why to be ſure, I cannot ſay that I have ever ſeen the other men there, in the whole courſe of my life.

Do you believe that you never ſaw the other before?—I have ſpoke what I have to ſay.

Anſwer my queſtion, Sir?——I do not know that I have.

Do you believe that you never did?—I believe I never did.

M'Donald that lodges in the one pair of ſtairs, is a ſingle man?——I do not know that he is married.

Was he never out?—He might be out, but I did not miſs him; I ſwear to M'Donald being there as my lodger, I know him perſonally to be at the club from nine at night till nine in the morning, he departed from my houſe about nine in the morning.

Are you ſure he was not out before?—I do not know that he was, he might be, I do not know that I miſſed him at all; this was the 31ſt of laſt month.

*Mr. Morgan.* Was he taken up ſoon after?——Yes; on the Wedneſday or Thurſday.

*Court.* What ſort of room was this where the club met?—A long room, with two fire places.

What ſize?——It has four windows in front, I do not know the length of it.

### JOHN EGAN *ſworn.*

I am a member of the club at the houſe of Wright, I was there the 31ſt of laſt month.

Do you admit viſitors?—Yes, friends and acquaintance, I know the priſoner M'Donald, he was at the club that night, and took the chair at ſeven in the afternoon, he came in about a quarter of an hour.

How long did he ſtay?—I kept the chair till two o'clock in the morning, then I had a piece of cold beef for a few of my acquaintance, I could not have ſupper for all that were there, a hundred and odd members, then ſome of us came down into the parlour, and I remained there till after ſix, I never miſſed this man the whole time, I have known the priſoner ſince the year 1783, he was firſt a porter, I never heard any thing bad of him.

*Mr. Garrow.* What may be your way of life?—I am employed moſtly in the navy.

What is your employment?—Any body that chuſes to employ me, that is my employment.

Are you a navy agent?——No, Sir, any body that chuſes to employ me, I have a right to be employed.

I aſk you in point of fact, what your occupation is?——Several people employ me to recover their wages and prize money.

Poſſibly you are an attorney then?——No, Sir.

How long have you been the chairman of this reſpectable ſociety?——Never before that night.

It changes its officer at certain ſtated periods, I take it for granted?——I ſuppoſe ſo.

How long have you been a member of it?——About a dozen clubs, once a week, on a Tueſday evening.

What time did Francis go away that evening?——I never ſaw him to my knowledge till that night, he was there till I left the chair up ſtairs, that was about two, I did not ſee him after ſupper.

As to Tatham, did he go away with Francis or before?—I do not know that I ſaw him at all there, I am not ſure of that, there were above twenty people that I knew.

Did not Sullivan fetch Francis away?——I do not know him.

Was not you at Bow-ſtreet, my honeſt friend?——Yes, I was.

So there were a hundred of you?——Yes, there were a hundred and thirty odd.

All in one room?—Yes.

You, as chairman, I ſuppoſe ſat with a bill and paid?——I paid as the liquor came in.

What might be the expences of the evening?—Only ſixpence apiece, the ſupper I paid for myſelf.

Were there any ladies?——Yes, there were.

And a dance probably?—Yes.

What time did the landlord go to bed?—Mr. Wright's wife went to bed about eleven I believe, and Mr. Wright ſat up till four or five in the morning.

Then he went to bed and ſhe got up?—Yes, he did not get up again after that, I left the houſe at ſeven in the morning, at that time ſhe was there minding the buſineſs, and he was gone to bed.

He was mellow enough, I ſuppoſe?——He was ſober enough.

Will you give me your direction?—You will find me in Blue Anchor-alley, Bunhill-row, at No. 12, next to the Coach and Horſes; I was at the club laſt night, we had not above nineteen.

*Court.* Do you know whether M‘Donald could write?——I cannot ſay.

*Court to Wright.* Do you know?——I cannot ſay.

*Court to Egan.* I think you ſaid you never ſaw Francis after the time you went to ſupper?——No, I did not; M‘Donald was at ſupper, I ſaw him there, I believe it was after five in the morning that M‘Donald was with me, and ſix or ſeven more, there were only about ten that ſupped, we came down ſtairs about two, and ſupped about three; then we had ſome punch after ſupper, I did not leave the houſe till after ſix, and he was there the whole time, I am ſure.

## DAVID COLEMAN *ſworn.*

I am a member of this club at Wright's, I was there the 31ſt of January, between ſeven and eight, and M‘Donald was there then, I ſtaid there till between one and two.

Did he continue there as long as you?—He did.

Have you known him any length of time?——I have known him thirteen or fourteen weeks, I never knew him to be charged with a halfpenny worth of any thing.

*Mr. Garrow.* How long did you ſtay?——Till about one or two, M‘Donald wanted me to ſtay there all night, one Egan was the chairman.

Egan was an acquaintance of yours?—No acquaintance.

What is he?——I believe he is ſomething in the Navy-office.

What, a clerk in the Navy-office?—I do not know, I am not an intimate acquaintance of his; I have known Wright the landlord about two years, I have been a member of the club about two years.

—What is the name of the club?——It is a beer club.

Perhaps it is the laudable ſociety?——It is what you may call a beer club.

How much wine was drank?—I did not drink any, I drank nothing but porter.

There were a good many members preſent, thirty or forty as we have heard?—I dare ſay there were pretty near a hundred, I knew a good many.

Did Francis go away before M'Donald, or after him?——I cannot ſay, I left Tatham and M'Donald and Francis, all three at the time, I am ſure of that.

Can you ſwear as to Sullivan?—I cannot, I went to Bow-ſtreet after they were taken up, but I could not get admitted.

Then Sullivan is the only one that you cannot ſwear poſitively to, when you went away?——Yes.

Did you play at cards?—No, I never do.

How then, ſhuffle-board, perhaps?——No, Sir, only juſt drank a draught of porter, and ſmoked our pipes.

You had a little ſinging?——Generally merry.

And that was all?—Yes.

Had you any ladies among you?—There were ſeveral women.

Any dancing?—Yes, and muſic.

What muſic?——A piper.

*Mr. Fielding.* Did you mean to ſay that Tatham was at the club that night?——No, Sir.

Did you know Tatham?——No, Sir, never in my life.

*Court.* How came you to anſwer the queſtion ſo then, for you was aſked expreſsly for Tatham and Francis, and you ſaid ſo?—I knew nothing at all of Tatham.

*Mr. Fielding.* You do not mean to ſay that Tatham was there?——No, Sir, but Francis and M'Donald were both there that night.

*Mr. Garrow.* Who are you?——I am clerk and warehouſe keeper to Mr. Fidler, a china-man, No. 4, Red-lion-court, Watling-ſtreet.

*Court.* Can M'Donald write?—Yes.

Does he write well?——Not at all well, I do not know his hand to be poſitive, I have ſeen him juſt writing.

Look at that, and tell me whether you believe it to be his hand or not (*ſhews him the paper.*)?—No, Sir, he never wrote ſo good a hand.

CHARLES MURRAY *ſworn.*

I am a ſworn broker, in Leadenhall-ſtreet; I have known the priſoner Hugh M'Donald about three years, he bore a very good character when he lived at Mr. Taylor's; I do not know what he is now, I have not not known any thing of him, for the laſt two years; if I wanted a ſervant, I would have him at this time, I believe him to be a very honeſt man.

*The priſoner M'Donald called two more witneſſes to his character.*

*The priſoner Francis called two witneſſes to his character.*

*The priſoner Tatham called five witneſſes to his character.*

THO. TATHAM,
SAM. FRANCIS, } GUILTY Death.

HUGH M'DONALD,
LEONARD SULLIVAN. } NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* BULLER.

**The next Part will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

## NUMBER III. PART II.

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MDCCLXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

194. THE ſaid THOMAS TATHAM and HUGH M‘DONALD were again indicted for felonioufſly ſtealing, on the 1ſt day of December laſt, twelve pair of ſilk ſtockings, value 40s. the property of John Archer, privily in his ſhop.

JOHN ARCHER *ſworn.*

I live in Sackville-ſtreet, I keep a hoſier's ſhop, I never ſaw the priſoner in my ſhop; on the 1ſt of December, I loſt twelve pair of new white ſilk ſtockings, and one ſingle odd ſtocking, it was a patent ſtocking.

JOHN IDLE *ſworn.*

I am an apprentice to the laſt witneſs; on the 1ſt day of December, I ſaw the priſoner M‘Donald in my maſter's ſhop, it was between eight and nine in the morning, when he came in, he aſked for a pair of ſtockings, I ſhewed him ſeveral parcels, he went out without buying any, the ſtockings were laying on the counter, twelve pair and an odd one, when he came in; and about half an hour after, we miſſed them, and between the time we miſſed them and the time of his coming in, there was nobody there.

Did you ſee him take any ſtockings while he was in the ſhop?—No, I had no ſuſpicion of him; then Mr. Archer went and gave information at Bow-ſtreet.

*Mr. Morgan, Priſoner M‘Donald's Counſel.* When was this?——The 1ſt of December.

How long was it after you miſſed the ſtockings, that the priſoner was taken up?——I do not know.

How long is it ſince you was at Bow-ſtreet?——A fortnight to day.

When you came there, you was deſired to look round the room, and point the priſoner out, was not you?——Yes.

You had never ſeen him from the firſt of December to that time?——Never.

Had you ever ſeen him before?—No.

I aſk you upon your oath, if you could at firſt diſcover the priſoner or point him out?—I knew him directly as I ſaw him, I recollected in my mind, he was the man.

What, without the officer looking at you or giving you a ſingle hint, or ſpeaking to you?——Yes.

Is this a pretty public ſtreet?—Not very public.

Had you breakfaſted when the man that took the ſtockings came into the ſhop?—No.

How long after did you breakfaſt?—About ten minutes.

Where did you breakfaſt?--In the parlour.

Can you now, at the diſtance of three months, ſwear that you breakfaſted in the parlour, and that no perſon could come in and take the ſtockings?——Yes.

Did your maſter go into the ſhop?——Yes, but no ſtrangers nor cuſtomers.

Had you a fire in the parlour where you breakfaſted?—Yes.

How does the fire ſtand with reſpect to the window?—In a corner.

Did you ſit with your face to the fire at your breakfaſt?—No, Sir, I ſat on one ſide looking at the ſhop.

What had you for breakfaſt?—Tea.

What elſe?——Rolls and butter.

Did you butter them yourſelf?——No.

Who buttered them for you?——The maid, ſhe came without coming through the ſhop, there are two doors into the parlour, one into the ſhop, and one into the paſſage, I am very ſure the girl did not come through the ſhop.

Did none of your family go into the ſhop while you was at breakfaſt?——No.

And will you ſay you never turned your eyes off from the ſhop during the whole time of breakfaſt?—I am poſitive nobody was in the ſhop.

Is that an anſwer to my queſtion, did you during the whole time you was at breakfaſt, keep your eyes conſtantly on the ſhop?——Yes.

Conſtantly?——Yes.

You never looked at the rolls nor the tea?——Yes, the door was faſtened, I am ſure of that, I faſtened it, my maſter was down ſtairs then.

How many people have you in family?——Four, there is another apprentice beſides myſelf, and Mr. Archer, and the maid.

Who went to fetch the rolls?——A perſon brings them.

*Court.* This parlour adjoins to the ſhop?——Yes.

Could any perſon come into the ſhop, without your obſerving them, while you was at breakfaſt?——They could not.

It was your buſineſs to mind the ſhop while you was at breakfaſt?——Yes.

There was nobody elſe employed to mind the ſhop alone?——No.

### CHARLES JEALOUS *ſworn.*

I apprehended the priſoner Tatham, and Macmanus took M'Donald in Tatham's houſe, I was preſent, on the 2d of February, M'Donald ſtood round the table on left hand ſide of the ſhop as you go in, I found eleven pair of ſilk ſtockings.

Was there any odd ſtocking with them?——No, here are nine pair which the proſecutor has looked at, and two were delivered to the priſoner's wife back, that were not owned; I carried the ſtockings I found to the office, they were advertized, and the proſecutor come and ſearched them.

*Mr. Morgan.* What were the two pair of ſtockings that were returned?——Two pair of French ones, I returned them to Tatham's wife.

### PRISONER TATHAM's DEFENCE.

Gentlemen of the Jury, I hope you will do me the kindneſs to inſpect into this matter; I have been very unfortunate, and am but young in buſineſs, and inexperienced; but I really had purchaſed theſe things in my ſhop, not knowing them to be ſtolen by different people.

*Court to Archer.* Did you deſcribe theſe things?——Yes, on Wedneſday the 8th of February, the ſtocking trimmer, whoſe name is Thompſon, gave me information, and I went with him, there were eleven pair produced, nine of which were my property, I knew them by the welt, and two letters, and a figure which diſtinguiſhes the quality; I am perfectly clear that they are mine, I am ſure theſe ſtockings were in my ſhop on the night before the robbery when they were miſſed, they were there ready to be ſent to the trimmers.

*Court.* Deſcribe the marks?——B. A. and 6. worked in the welt, the meaning of the mark is, when my father was in partnerſhip, his name was Beckett.

*Mr. Morgan.* It may mean Benjamin Allen you know?—Yes, it may ſo.

PRISONER M'DONALD'S DEFENCE.

I was very ill with a ſprained ancle, five weeks before Chriſtmas, ever ſince the 28th of November; I had a letter from Counſeller Pile in Eſſex, on the ſame day that the boy came up, when I was taken up, and he ſaid he believed I was the man, and the man ſaid, are not you ſure he is the man, and he looked at him with a ſtern countenance, and he ſaid, he was.

*Court to boy.* You have heard what the priſoner now ſays?——I ſaid, I was not very poſitive, but I believed it was the man.

*Priſoner.* He ſaid it ſeveral times.

*Macmanus.* My Lord, the priſoner ſays I looked at the boy, and ſaid, he muſt ſay it was him; when the boy went in the priſoner M'Donald was walking towards him, he went to the fire, and took the poker and ſtirred the fire.

*Priſoner.* There was no poker.

*Proſecutor.* There was a poker, I ſaw him ſtir the fire.

*Court to boy.* Have you any doubt now, whether he was the man or not?——No, Sir, I have not any doubt.

*Mr. Morgan.* I refer to the former trial for the character of the priſoner M'Donald.

*Court.* What are the value of the ſtockings?——About eight ſhillings a pair, that is not the extent of them.

THOMAS TATHAM, NOT GUILTY.

HUGH M'DONALD, GUILTY, **Death.**

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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195. JOSEPH BUTLER was indicted for feloniouſly aſſaulting Edward Poulton, on the King's highway, on the 16th day of February, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one linen handkerchief, value 6d. ſixteen yards of black bombazeen, value 40s. a black ſilk gown, value 40s. a black ſilk petticoat, value 20s. the property of Martha Robinſon, ſpinſter.

EDWARD POULTON *ſworn.*

I am going on fourteen; on Thurſday night laſt, I loſt ſome things between nine and ten in Bond-ſtreet, I was going from Eſſex-ſtreet in the Strand; I was going to Brook-ſtreet, and from thence to Caſtle-ſtreet; going on Bond-ſtreet, I met three fellows juſt facing Cork-ſtreet, and they aſked me what ſtreet it was, and I told them it was Bond-ſtreet, I was carrying a hare that I had, then two of the fellows took it away, and this man took my bundle, I held my bundle, and he dragged me along the ſtreet, he pulled me ſo, I was forced to let go, he did not ſay any thing to me, I called out murder! and he ran away, and dropped the bundle which another man picked up and brought me, the man was taken to the watch-houſe in about a quarter of an hour, I did not ſee him taken, he was taken at almoſt ten o'clock, I know it was the ſame man, for he dragged me ſo far along the ſtreet, that I looked at him all the time he was dragging me, the bundle was tied up in a white handkerchief, I do not know what was in it, it belonged to my miſtreſs's ſiſter, Martha Robinſon; the bundle was taken to the watch-houſe.

Was that the ſame bundle you had?—Yes.

How do you know that, if you do not know what was in it?——I knew it by the handkerchief.

Did not you ſee at the watch-houſe what things were in it?——I did not look to ſee what things were in it.

*Mr. Peatt, Priſoner's Counſel.* What time was this, my little fellow?—Between nine and ten.

A great many people paſſing?—No.

Was you on the foot path?——Yes.

Nobody offered to aſſiſt you?—No, Sir.

Was not you rather ſurprized when the hare was dragged from you?—Yes.

Was you frightened?——Yes.

I ſuppoſe you kept looking at your bundle with a watchful eye, for fear you ſhould loſe it?—Yes.

And I ſuppoſe, the perſon that got the bundle from you, run away?—Yes.

Then he turned his back to you?——Yes.

Then you ſaw no more of him, till you ſaw him him at the watch-houſe?——Yes, I ſaw him again before he was carried to the watch-houſe.

What ſort of handkerchief was this?—A white handkerchief with a little red round the border.

And a mark in the corner?——I do not know.

Suppoſe you had ſeen that bundle in any other place, ſhould you have known your handkerchief again?—Yes.

How would you have known it?——I ſhould have known it by the ſilk gown in the handkerchief, I could ſee it in.

*Court*. Why you told me juſt now, you did not know what was in the bundle?—There was a black gown, I could ſee in the bundle, I ſaw it at one corner.

How could you ſee whether it was a gown, or a cloak, or what it was?——It looked like a gown.

Did you know any thing elſe that was in it?——No.

Was it a black gown?—Yes.

## WILLIAM BENTLEY *ſworn.*

I was ſtanding in Cork-ſtreet, when I heard the alarm was given, I ran down Cork-ſtreet, and perceived a man with a bundle under his arm; I tried to ſtop him, as ſoon as he ſaw me, he dropped the bundle down.

What became of the bundle?—I ſtooped and picked the bundle up, the man went paſt me, Jonathan Oakes, who was ſtanding by, purſued and took him within forty or fifty yards.

Was he ever out of your ſight before he was taken?——Yes.

Can you ſay whether the man that was taken, was the ſame man that you ſaw with the bundle?—Yes.

How did you know him again?——I knew him by his perſon, I ſaw him before he came to me, by the ſhade of the lamp, I remarked his yellow buttons, I knew him more by his clothes than his face; I gave the bundle to the boy.

*Mr. Peatt*. The man was running?—Yes.

## JONATHAN OAKES *ſworn.*

I heard the cry, I purſued the priſoner, I did not ſee him drop any bundle, it was behind ſome trees in Cork-ſtreet; I ſaw the priſoner doing nothing only running up the ſtreet as faſt as he could, he never was out of my ſight, he never was above two yards from me, I took him to the watch-houſe; when I came up to him he blaſted my eyes, and aſked what I wanted, he ſaid nothing elſe.

(*Mr. Bentley produced the bundle.*)

I brought it from my own houſe, I had it from Martha Robinſon the owner.

*Court*. The bundle you picked up, was left at the watch-houſe?—Yes.

## MARTHA ROBINSON *ſworn.*

Where did you get the bundle that you gave to Bentley on Friday night?—I had it from the watch-houſe, it was locked up in a cupboard in the watch-houſe.

Have you any body here to prove that it was the ſame bundle that was left there by Bentley?

*Oakes*. I ſaw the boy carry it to the watch-houſe, and it was opened there that night, directly as it was taken in, the boy was there, I ſaw it contained a gown and petticoat, and ſome bombazeen.

Did not the boy ſee what it contained? No, Sir, I do not think he did, he was ſtanding by the fire at the ſame time, it was tied up, and put in the cupboard with another bundle.

Was any mark put upon it?—No, that was the other bundle that the boy had, that was left at the watch-houſe the ſame time.

*Court to Oakes*. Now, can you ſay it is the ſame bundle?——Yes.

*How?*—I can tell by the handkerchief, I took notice of the border of the handkerchief at the time it was open.

*Court to Boy.* Was this the bundle the priſoner took from you?—Yes, I am quite ſure of that, becauſe the other was in a cheque handkerchief, I ſtood by the fire at the watch-houſe, I did not ſee them open the bundle.

*Court to Mrs. Robinſon.* Did you ſend the boy with this bundle?—Yes, he was going into Brook-ſtreet, he was to carry theſe bundles into Caſtle-ſtreet where I live; this is one of the bundles I gave him to carry, I am quite ſure of it.

*Priſoner.* I leave it all to my counſel.

*The priſoner called three witneſſes who gave him a good character.*

**GUILTY, Death.**

*He was humbly recommended by the Proſecutrix to his Majeſty's mercy.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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196. THOMAS COLBROOK was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Catherine Haines, widow, about the hour of ſeven in the night, on the 10th day of February, and burglariouſly ſtealing therein, one gold watch, value 18l. the property of Thomas Sutherland.

THOMAS SUTHERLAND *ſworn.*

I keep a watch maker's and jeweller's ſhop in my mother's houſe, in Vigo-lane; I loſt a horizontal watch, capped and jewelled, the caſe remarkably ſtrong; I loſt it from Vigo-lane, Sackville-ſtreet, Piccadilly, in the houſe of my mother Catherine Haines; it was a little after ten, on Friday the 10th of this month, I was behind the counter, within a yard from whence the watch was taken.

In what manner was it taken?——By a violent blow made againſt the window, it hung up by a ſmall braſs hook, within an inch of the window, or thereabouts; I was writing behind the counter, I heard the window break, I immediately turned and miſſed the watch, I ran out as faſt as I could, I did not ſee the watch taken from the hook, I miſſed it the inſtant it was taken; I run out and turned to my left-hand, and met my next door neighbour, who was coming out, I took him with me, there was a man ſtanding by, whom I imagined to be an accomplice, who informed me wrong, and ſaid the man was gone to the left; a witneſs that is here preſent, ſaid, he has miſinformed you, Sir, he has ran the other way, upon which I immediately turned round, and found the priſoner in cuſtody, he had been knocked down on the fact being committed, I never recovered my watch again.

JAMES SAGGER *ſworn.*

I was ſtanding the corner of Swallow-ſtreet, about eighteen yards from this ſhop at the time this affair happened, I heard the window break, and I ſaw this priſoner's hand come from the window, he immediately ran acroſs Vigo-lane, into Sackville-ſtreet, then John Lowe took him into cuſtody, I never loſt ſight of him till he was knocked down.

Could you from the place where you ſtood, ſee into Sackville-ſtreet?——Very plain, as far as the watch-box, and there he was knocked down, I knew nothing of the priſoner before; I am a young fellow come out of the country, I keep a little ſhop at Swallow-field, near Reading, I was in town about a little buſineſs, I am ſure it was the priſoner; the priſoner was taken into a public-houſe and ſearched, and nothing was found upon him, except a key, and a pair of ſciſſars, there was no watch.

Did you ſee any ſuſpicious perſons lurking about the houſe?—There was another man ſtanding by the priſoner within three yards of him, at the time the window was broke.

JOHN

### JOHN LOWE *ſworn.*

On the 10th of this month, in the evening, I was going along Sackville-ſtreet, about ſeven, and I ſaw two men lurking about the proſecuter's ſhop window, when I had paſſed the priſoner I ſuſpected them, I clapped my back at the corner of Sackville-ſtreet, and watched them five or ſix minutes, and I ſaw the priſoner put his left-hand in his right hand-pocket, and pull out a rag or handkerchief, and he lapped it round his left hand, and with his left hand I ſaw him break the window, I am ſure of that, but what he took I do not know.

Did you ſee him take any thing?—I did not, I ſaw him break the window, and I ſaw him take his hand out of the window, and as ſoon as he took out his hand, he ran away to Sackville-ſtreet, and I knocked him down.

Did you ſee him put his right hand into that hole that he broke with his left hand?——No, I did not, I then took him into a public-houſe, the corner of Sackville-ſtreet, he was ſearched, and nothing was found upon him.

After he took away his hand from the window that you ſaw him break, did you ſee him hand over anything to the man that you ſaw lurking?——No, I did not, I knocked him down once, and picked him up, and he fell down again, then I picked him up again.

*Priſoner.* Was not I walking along with my hands in my pocket, and did not you come up to me, and ſtrike me over the face, and did not I ſay, do you want to rob me; my Lord, he knocked me over the noſe, and I put my hand into my pocket, and ſaid, do you want to rob me, I had a few ſhillings in my pocket, they ſtripped me, and ſearched me, ſays I, gentlemen, this is not proper uſage, and one ſtruck me, and another ſtruck me.

*Lowe.* His clothes were not pulled off at the public-houſe, they were at the Rotation-office, he did not ſay that I wanted to rob him.

*Court to Proſecutor.* You did not ſee this man break the window, or catch hold of him immediately on your coming out?——No, I did not.

What kind of man was that which put you upon a wrong ſcent?—He was much ſuch a kind of man as the priſoner.

*Court.* In ſuch a buſineſs as this, it ſeems to me to be very improper to put a watch of this value in a window.

*Proſecutor.* I have wires for that purpoſe, but they were not up that night, I am ſo fearful of being robbed, I generally ſhut my ſhop up at night, and leave my door open.

### FRANCIS DEGEZ *ſworn.*

I am a broker and cabinet maker, I live in Little Earle-ſtreet, Seven-dials.

How long have you known the priſoner?——Between ſeven and eight years.

What way of life is he in?—I believe in the portering way.

Have you employed him in your buſineſs?——I have employed his mother, that is the way I have known him, no further; I always underſtood him to be an honeſt young fellow, I knew nothing of this before this very morning that ſhe came to me, I was in bed when ſhe came.

*Jury to Mr. Sutherland.* How long was it before the window was broke, that you ſaw the watch?—Not two minutes before.

When the window was broke, and you went out, did you miſs the watch?—Yes, I did, as ſoon as I went from the door, I met my next door neighbour, and told him of my loſs; it made a report equal to that of a gun, I turned round immediately, and ſaw a vacancy, there were three watches hung there, and this was the centre watch.

*Court to Priſoner.* Do you know either or both the witneſſes?—I never ſaw either of them before.

*Jury.* Who is Lowe?

*Lowe.* I live at Kenſington Gore, I am a hair-dreſſer by trade, I had been at Berwick-ſtreet, to my ſiſter to tea, and that kept me late, I work for my brother-in-law.

GUILTY, Death.

*Proſecutor.* I humbly recommend the priſoner to mercy.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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197. JOHN HOWS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Walknet, about the hour of nine in the night, on the 18th day of February, and burglariouſly ſtealing therein, four ſhillings in monies numbered, the monies of Richard Huffnell.

RICHARD HUFFNELL *ſworn.*

I rent a ſhop and parlour of John Walknet, he lives in the front room up one pair of ſtairs, I ſell ready made clothes, hoſiery and haberdaſhery, the ſhop was broke open laſt Saturday evening, between nine and ten, the ſhop was ſhut up, I ſhut it up myſelf, I was out, there is one ſtreet door which goes to ſeveral apartments, there are two doors, one into the ſhop, and one into the parlour, this was the door that goes into the paſſage; I went out a little after nine, and returned about a quarter before ten, as near as I can gueſs, when I returned the ſhop was open, by ſome means the eſcutcheon that goes over the key hole was broke, but whether it was whole when I went out or not, I cannot ſay.

Did you find the locks or any part of them broke?——No.

Was the door locked when you went out?——Yes, it was, and I had the key in my pocket, I tried both the doors when I locked them, to ſee if they were faſt, which I always do, I miſſed ſome ſilver out of the till, four ſhillings, when I came home I was informed my ſhop was broke open, and the priſoner was taken to St. James's watch-houſe; I left a fire and a candle in the parlour, the candle was miſſing out of the ſtick, the ſtick was left, and there was ſome candle greaſe about the till, I went out at the parlour door, and locked it, and took the key, and I locked the ſhop door on the inſide; I never ſaw the priſoner before; I did not commiſſion him nor any one to take care of my ſhop.

———— WILSON *ſworn.*

On Saturday night laſt, I was going to ſpeak to a perſon that lodges at this houſe, about twenty minutes paſt nine, when I got, I found the ſtreet door open, I went in, and walking acroſs the paſſage, I went againſt two men, it was quite dark, they ſtood at the parlour door, one of them aſked me if I had ever a ſhag waiſtcoat, upon my telling him him I did not belong to the houſe, they went out at the ſtreet door, I went up ſtairs, and deſired the perſon that I went to, to come down and faſten the ſtreet door after me, when we came down, ſhe ſaid, Mr. Huffnell was come home, and ſhe would tell him ſome perſon had wanted him; we went to the ſhop door in the paſſage, and we found that faſt, we then went back to the parlour door, while we was trying to open that, ſome perſon in the ſhop opened the ſhop door into the paſſage, and came out, and went out at the ſtreet door, I ſaw them go out, but not enough to notice them; I then went into the ſhop, and the priſoner ſtood behind the door when I went in, I aſked him if he belonged to the ſhop, he ſaid, he was left in care of it, I then enquired of Mrs. Wilſon, if the man who kept the ſhop had any body to aſſiſt him, I did not know Mr. Huffnell before, ſhe told me he had not, I then took hold of the priſoner, and took him to St. James's watch-houſe; I did not take notice of the till at that time, I returned from the watch-houſe, and the proſecutor came home in five minutes, then I aſked him to look about the ſhop and the parlour, to ſee if he could find any picklock key, but there was none found; there was a candleſtick in the parlour, which ſtood by the drawers, there was no candle in it, after the proſecutor came home, we looked about the ſhop, and ſaw nothing particular, but about the till, ſeveral drops of tallow greaſe were found, the piece of candle was not found, the till was ſhut in, theſe drops of tallow looked freſh, at the watch-houſe the priſoner ſaid, he went in to buy a pair of ſtockings.

*Priſoner*. That gentleman went round the ſhop, and opened almoſt every drawer with a candle in his hand.

### HANNAH WILSON *ſworn*.

I came down with the other witneſs, I called him back, and ſaid I heard ſomebody in the parlour, and while we went to that door, a man opened the door in the paſſage and ran away, we then went into the ſhop, and the priſoner was ſtanding rather behind the door, about a yard within the ſhop; I aſked him how he came there, he ſaid he was left by the maſter of the ſhop to take care of it; I aſked him to tell me what ſort of a man the maſter of the ſhop was, but he made no anſwer to that; the bell that was over the ſhop door was broke down, ſo that the other man went without our hearing him; the laſt witneſs took the priſoner to St. James's watch-houſe, the proſecutor returned in about ten minutes, and I took care of the ſhop till his return.

The door of the ſhop was not broke at all?—No, they got in at the parlour door, we found the door open, the ſcutcheon was broke off the door, but whether that was broke before I do not know, and the lock was picked, and I ſaw ſome marks of tallow on the counter.

*Court to Proſecutor*. Was the door between the parlour and the ſhop locked?——No, there is no lock upon it, I forgot to mention the bell that was hung up as an alarm was ſecured quite down.

*Court to Wilſon*. Was the priſoner ſearched when you took him?—He was not particularly ſearched.

*Court to Proſecutor*. What money had you left in the till?——There were ſix or ſeven ſhillings, and when I came back there was one ſhilling and ſome halfpence left.

### PRISONER's DEFENCE.

I was coming along, there was an alarm that the gentleman's houſe was broke open, and I went to ſee, and they caught hold of me, I was ſearched all over, even my ſhoes, and I had not a halfpenny in the world.

How old are you?—Between fifteen and ſixteen.

### LETITIA RUSSELL *ſworn*.

I have known him ſometime, I work for the lady that his father and mother lives with, his parents are decent honeſt people, and I never knew any thing to the contrary, I have ſeen the youth with his parents, his father is a bricklayer, and his mother lives cook and houſe-keeper to the lady that is here now, I believe he works with his father.

### GEORGE JOHNSON *ſworn*.

I have known him theſe two years; ſince I have known him, he has worked with me about ſix months; I am a painter and japanner, he has behaved very well, I looked upon him while he ſtaid with me to be very honeſt.

### SARAH DENNESON *ſworn*.

I have known him four or five years, his mother has lived ſervant with me three years, he has been at my houſe for three months together with his mother, I never heard any thing amiſs of him, I have truſted him with plate and a great many valuable things, I always found him exceedingly honeſt, there are more witneſſes, who, if here, would all give him the ſame character I have done.

**GUILTY, Death.**

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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198. JOHN LANGFORD and THOMAS PETRIE were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of William Cruſhaw about the hour of ſix in the night, on the 25th day of January laſt, and buglariouſly ſtealing therein, one woollen great coat, value 14s. one pair of corderoy breeches, value 13s. the property of William Barnard.

### JUDITH BARNARD *ſworn*.

I am wife of William Barnard, we live

in the houſe of one William Cruſhaw, in Bowling-ſtreet, Weſtminſter, we rent ſome rooms in the lower apartments; Cruſhaw lives in the upper part; we keep a clothes ſhop, our houſe was broke open the 25th of January, about ſix in the evening, I loſt the things mentioned in the indictment, the ſhop was open and a candle in the ſhop, I never ſaw the priſoners till I ſaw them at Juſtice Abingdon's, in King-ſtreet, Weſtminſter, in about half an hour after; but the things have never yet been diſcovered, they were in the ſhop window, which is a low window, the wooden pannel was forced in, they hung upon a rail within the ſhop, there is a parlour adjoining the ſhop; the wooden pannel underneath the window was forced ſo that a hand might be put in to reach the coat and breeeches which hung on a rail, I heard a noiſe in my parlour and came out as ſoon as poſſible, I ſaw the things were gone, and I run immediately into the ſtreet, the pannel was whole at four in the afternoon, I am clear in that.

——— PARKER *ſworn*.

I am a taylor, I was at Mr. Barnard's ſhop at three in the afternoon, on the 25th of January to the beſt of my knowledge, I ſtopped there ſometime, I ſaw the coat and breeches hanging on the rail, and the windows were all ſafe at that time, I ſtaid a little while, and went away; about twenty minutes after ſix the ſame evening I was ſent for by Mrs. Barnard, and they informed me her ſhop had been robbed, I went to her, and found the things were gone, and the pannel was broke in; I went to the Juſtice's and found the two priſoners there.

WILLIAM WATSON *ſworn*.

I am a gardener and one of the patrol of St. John's pariſh, I came along Bowling-ſtreet, this houſe of Mr. Barnard's is a corner houſe, one window looks into Little Peter-ſtreet and one into Bowling-ſtreet, the two priſoners paſſed by that window.

Did you know the perſons of the priſoners?—I had had information of them before, I knew the talleſt, Langford, before, I watched them for a quarter of an hour, I ſaw them both, during the time I ſaw Petrie paſſing the window, I could ſee them perfectly, I was but a little diſtance, Petrie fixed his back againſt the window in Little Peter-ſtreet, and I ſaw him fumbling along, while at this wooden pannel that he broke in, they both then went up Bowling-ſtreet eying the window.

Did you ſee him break it in?—No, I ſaw him a fumbling, which made me have a ſtrong ſuſpicion that they meant to rob the ſhop; there is a court in Bowling-ſtreet, called Oliver's-court, and they both of them went in there; I ſaw them return and paſs this ſhop, I went to carry my tools home, and I went for my cutlaſs, and I returned immediately, and when I returned the robbery was committed; the men were gone away, I went in purſuit of them; I took them before Juſtice Abingdon, and ſaw no more of them that night.

Are you poſitive thoſe are the two men?—Yes, I viewed them near a quarter of an hour or better, and they were not further from me much than you are, I am poſitive they are the two men, I paſſed them ſeveral times.

JOSEPH PERSIVAL *ſworn*.

I aſſiſted in taking the priſoners, we went together, in Bowling-ſtreet I remarked the priſoner Langford in particular, and I had not a doubt of the other, I ſaw his face; I am as clear of ſeeing Langford as of ſeeing you; I have not a doubt about the other; I came down Bowling-ſtreet, and Watſon ſays them are the two chaps, ſays I directly that is Higby as we call him, that was the priſoner Langford, they were then about three or four doors from the ſhop, I ſaw them go to Barnard's, we all got into an area to conceal ourſelves, and Watſon went to carry his tools home.

Did you ſee the priſoners do any thing?——We ſaw them walk backwards and forwards looking in at the window, then they both joined together about the part where this pannel was broke, the pannel was puſhd in with a knife, we did not ſee them break in the pannel, they were in the dark part of the window, but we ſaw them there, and ſaw them go by with nothing, and then Langford came away with a bundle, it had the appearance of cloaths, it came from the direct ſpot where that pannel was broke, the priſoners ran one one way and one the other, and we tried to overtake them but could not, and in about a quarter of an hour we took them, we met with them in Duck lane both together and took them, they had nothing with them, then we ſearched them, and found on Petrie a knife that ſtrikes a light on the back, and ſome matches.

*Jury.* Was it the top of the pannel or the bottom that was wrenched?—It was the whole pannel, it appeared to have been done with a knife, and the knife we found on Petrie matched exactly with the impreſſion of the wood.

*Court.* The pannel was not taken out? ——Not the outſide, not outward, it was forced inwards, I could almoſt get my body in.

*Priſoner Langford.* Why did he not detect us when he firſt ſaw us?—We ſhould have detected them if we could have got out ſoon enough, we thought that he meant to go in at the door, by peeping in at the door and the windows.

## JOHN GOUGH *ſworn.*

I am conſtable of St. John's.

Is the account that Perſival has given a true account?—I can explain it a little better in ſome reſpects if you pleaſe; firſt I was called by Watſon, he told me there were ſome thieves, I went with him, and we called on Perſival on our way, when we got into Bowling-Alley, almoſt facing the houſe on the oppoſite ſide of the way, we met the priſoner Langford, and I believe Petrie, but I am not quite ſo clear to him as the other; ſays Watſon, there they are; then we went into an area the corner of Tuffton-ſtreet and concealed ourſelves, and preſently they came back round into Little Peter-ſtreet to this place where the pannel was broke out; the low part of the ſaſh they fill up with pannels inſtead of glaſs, and painted dark, which made it rather dark that we could not ſee what they were about; when they came back to Bowling-ſtreet to us to that particular place; immediately I ſaw the cloaths ſlide off the rail, and them two men at that identical place, I could ſee into the ſhop by the light that was in the ſhop, I ſaw very plain the cloaths ſlide off the rail, but I could not perceive their arms ſo plain as if the other pannels had been glaſs, one of the priſoners paſſed us and out-run us, we tried to purſue them, but we knew them ſo well we were in no doubt of finding them again: I do not ſpeak ſo clear to Petrie as I do to Langford: We took them ſoon after in Duck-lane.

Did you obſerve the dreſs of the other priſoner?—Not ſo well my Lord, we found theſe two knives upon them, and one of them matched with the impreſſions that were made on the wood, and it much about fits theſe things, they are rabbitted on the inſide, and bradded in with bradds.

*Jury.* What diſtance was the area you was concealed in?—About thirteen or fourteen yards.

*Court to Mrs. Barnard.* Had you had any occaſion to take notice of this pannel before this evening?—They were all ſecure for what I know.

Do you know that they were ſecure?—I am pretty clear they were, they were all ſafe between three and four.

*Jury.* How high was the rail from the ground where the cloaths hung?—I cannot juſtly ſay, it was breaſt high.

How low down was the pannel?——I cannot ſay.

## PRISONER LANGFORD's DEFENCE.

I have nothing more to ſay than I am innocent, I ſaw them two gentlemen juſt before me, but I had no ſuſpicion of them.

## PRISONER PETRIE's DEFENCE.

My mother ſent me to know what it was o'clock, and I met this priſoner and ſtood talking with him, and they came and took me up.

JOYCE

### JOYCE PETRIE *ſworn.*

Do you remember the evening your ſon was taken up upon this buſineſs?—Yes, I ſent him out to ſee what it was o'clock, I was going out to a night's waſhing, and I never ſaw him till I was told he was taken up.

Where had he been before you had ſent him out?——He was at home in the afternoon, he had been at home for two hours, I ſent him out between eight and nine, I was going out at ten at night, and I waſhed all night.

What time was it they told you he was taken?——It might be an hour and three quarters, between the time he was gone and the time they came and told me he was taken.

Where was your ſon at ſix that evening?—He was at home and had ſome tea with me, and was in a conſiderable while after that, and ſitting by the fire before I ſent him out to ſee what o'clock it was.

What is your uſual tea time?——No ſettled time.

*The priſoner Petrie called two other witneſſes to his character.*

### ELIZABETH HIGBY *ſworn.*

I am mother-in-law to Langford, I came up to London to ſee my ſon, and to eat a bit of ſupper with him, and then I heard the report he was taken up; I had not ſeen him for ſeven years, he had been at ſea with Admiral Hughes.

JOHN LANGFORD, GUILTY, **Death**.

THOMAS PETRIE, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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199. WILLIAM PIGOT was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Thomas Murphy, about the hour of two in the night on the 13th day of February laſt, and burglariouſly ſtealing therein, ſeven ſilver teaſpoons, value 10s. one ſilver pepper-box, value 5s. one paper box, value 2d. one broken gold ring, value 6d. one thouſand four hundred and forty copper half-pence, value 3l. four hundred and eighty copper farthings, value 10s. and one horſe-piſtol mounted with braſs, value 3s. the property of the ſaid Thomas Murphy.

### HANNAH MURPHY *ſworn.*

I am wife of Thomas Murphy, he keeps the ſign of the Court-houſe in Court-ſtreet, Whitechapel; the houſe was faſtened up the night of this robbery, and the cellar window was faſtened, I heard no noiſe in the night, I got up a quarter before ſeven, my huſband came down ſtairs juſt before me, and he ſaid, make haſte down, for the houſe has been broke open; I came down in three minutes after, when I came down I ſaw the bar door was broke open, and the till in the bar, the till goes with a lock; I loſt a large quantity of halfpence that were looſe, and one five-ſhilling paper, they were done up in a piece of brown paper and tied up with pack-thread, they were all looſe, except the five-ſhilling paper, I loſt ſeven tea-ſpoons and the things mentioned in the indictment, it appeared, by ſome of the boards being broke away, as if ſomebody had put in their hands and unbolted the cellar window; no other part of my houſe was broke on the outſide, they came at the bolt by breaking away the boards; the priſoner was a cuſtomer of ours ſome time, he uſed to live higher up in Whitechapel, but I do not know whereabouts, he is a copper-ſmith I believe; afterwards that morning I heard from the watchman, William Brown, that this priſoner was taken, and theſe things were found upon him; the watchman came to me at nine in the morning, I went before Juſtice Staples, the priſoner was at the bar, and I ſaw my teaſpoons and pepper-box, and ſome halfpence, I could not know the halfpence, but I knew the five-ſhilling paper, (*the ſpoons and pepper-box, and the five ſhillings worth of halfpence produced and depoſed to,*) two of them are marked H. W. one is marked S. G. and a cypher on the other, and two that are plain, here is an I, and the other is G. E. W. and the other two plain, I have had them five or ſix years, I am ſure they are all mine, I have obſerved the marks on thoſe that are marked many times, the pepper-box has no mark upon it particularly, I am ſure it is mine; here is the piſtol, I have ſeen it in my bar ſeveral times, it was not my own, it was left in my care by another perſon; this paper box is mine, and within the box is a bit of paper written on; there is a nutmeg in it now, but there was nothing but a ſlip of paper in it, I am ſure it is my box, I am ſure of the paper of halfpence, they are tied up in a clumſy manner.

*Mr. Knowles Priſoner's Counſel.* Whereabouts is this cellar window of yours?—It opens into Court-ſtreet.

How many months before this matter happened had you obſerved theſe boards?—No months nor days, I never ſaw it before the night of this robbery.

Do you and your huſband live alone in this houſe, or have you any ſervant?——I have a ſervant.

How many lodgers have you?—A man and his wife.

No more?——I have ſome people worked up ſtairs, but they do not lodge in my houſe.

Are you quite ſure they could get their hand in where this bolt was unbolted?—Yes.

Do not you know that other people have tried ſince this matter happened, and could not do it?——No.

Have they not told you that they tried, and that it could not be ſo?—No.

Can you ſwear that all your lodgers were in bed at this time?—They were all up ſtairs at that time, I always ſee the doors faſtened before I go to bed.

Did you ſee all your lodgers come in that night?——I cannot ſay I did, but it is a thing impoſſible that my lodgers ſhould come into this houſe that way, my lodgers were all in the houſe before I went to bed, I was the laſt perſon that was within the cellar.

Did you happen to try the cellar window?—I ſaw it bolted ſafe the ſame night, my huſband and me were both in the cellar, and we went to bed immediately.

Are you quite ſure that this breaking of the boards was a freſh breaking?—I never ſaw it broke before, if it had been broke before I muſt have ſeen it; you cannot go in and out of the parlour without ſeeing it.

*Court.* But however, whether it was broke or not, you are ſure that window was bolted juſt before you went to bed?—Yes, it was.

*Court.* Then if the door was broke before, if any man put in his hand and put back the bolt, it is a burglary.

WILLIAM BROWN *ſworn*.

I am a private watchman in Whitechapel road ſide, I took the priſoner in Broker's-row, about half paſt two on the Monday night, I found this horſe-piſtol upon him under his coat, I did not ſearch him any further till I took him to the watch-houſe, there he was ſearched in my preſence, and there were a large quantity of halfpence looſe in his pockets, and there was this brown paper with halfpence in it, and ſeven ſilver tea ſpoons; and a ſilver pepper box was found upon him, and this paper box, there were found ſome pieces of a gold ring, Mrs. Murphy ſent her ſervant to my houſe, and I went about nine, and ſaid, I had taken a man with with ſome ſilver ſpoons, and a pepper box; I ſaw the bar door had been broke open, I ſaw Mrs. Murphy before the Juſtice, when the priſoner was there, the things were produced before the Juſtice, the woman ſwore to them.

*Mr. Knowles.* Did Mrs. Murphy ſhew you the cellar window?——I did not aſk her.

Have you ever ſeen the window?——I have, and it appears to be freſh broke.

Was the priſoner ſober when you took him?—No, I thought him rather ſtupid in liquor, I would not ſpeak harm to the *gentleman*.

Did you find any implement of houſe-breaking upon him?——No, but in the ſtruggle, he drew the ramrod of the piſtol from me againſt my will.

### JOHN FOSSETT *ſworn.*

I was ſtanding about fifty yards from my ſtand, I ran to aſſiſt, and I helped to take him to the watch-houſe, I ſaw ſome halfpence taken from him looſe, and in a paper too, and the ſpoons and pepper box were taken out of his left hand pocket, and this little box, and a broken gold ring was taken out of his right hand breeches pocket, the proſecutor ſwore to him; Mr. Glanceman has had them ever ſince.

### RICHARD GLANCEMAN *ſworn.*

I am the night beadle, I produce theſe things that I found on the priſoner at the watch-houſe, all but this piſtol, I produced them at the Juſtice's, I have had them ever ſince.

### PRISONER's DEFENCE.

I have nothing at all to ſay, any further than I was very much in liquor when I went before the Juſtice, I leave it to my counſel.

*Mr. Knowles to Proſecutor.* Was not he at your houſe that night?—Yes, he was, he had only one pint of beer.

Was he ſober?—I do not think he was ſober, when he had the pint of beer.

*The priſoner called three witneſſes who all gave him a good character.*

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* GOULD.

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200. **GEORGE CHARLEWOOD** was indicted for feloniouſly ſtealing, on the 4th day of October laſt, one bay gelding, price 5l. the property of John Houſeman.

### JOHN HOUSEMAN *ſworn.*

I am a ſtable keeper in Crown-ſtreet, St. Ann's, the priſoner applied to me for a horſe, for one Mr. Edy; the priſoner was a poſt-boy that I knew by ſight; he ſaid, there was a chaiſe going to Barnet, and he wanted this horſe to accompany the chaiſe, to carry the ſervant, and to return with the chaiſe again, I know the horſe was delivered by my man, I ſaw him brought out by my man, and delivered to the priſoner, the hire was to be paid afterwards, he was worth five pounds, but I would not have ſold him for twice five pounds; I found him at one Mr. Johnſon's, in Whitechapel, he was then Mr. Johnſon's property, Mr. Johnſon came and gave me the intelligence himſelf, he keeps hackney coaches, I did not ſee the horſe till I ſaw him at the Rotation-office, there I ſwore to him, it was the ſame horſe the priſoner had from me, I had had the horſe between three and four months, I am ſure it was my horſe, I can bring twenty people to prove it; I underſtood afterwards, that inſtead of going to Barnet, he ſold the horſe in Lemon-ſtreet, Goodman's-fields.

### JAMES WOOLDRIDGE *ſworn.*

I live cloſe by the premiſes of the proſecutor, and I was paſſing by his yard, and I went in about ſome buſineſs, I ſaw the priſoner take the horſe from Mr. Houſeman's ſervant, and ride it out of the yard, I aſked him where he was going with that horſe, I ſaid the horſe had a bad knee, and if he did not take care he would ſtumble; he ſeemed to make light of that, he ſaid, he was going no further than Barnet; he went the way that goes to Tottenham-court-road, which goes to Barnet, he might go that way to Mr. Edy's, but it would be a third part further.

### ROBERT SUGDEN *ſworn.*

I bought the horſe of the priſoner, *that there gentleman* that is ſtanding here, it was the day of Croydon fair, I think it was Tueſday, it was in October, I am ſure that was the day; it was a bay gelding, his knees were moſt terribly broke when I bought him at the Black-horſe, Lemon-ſtreet, Goodman's-fields; it was between three and four in the afternoon, it appeared to have been very hard rode, there was a piece of fleſh hung over his knee, where it had been torn.

*Court to Wooldridge.* You ſpoke of one broken knee, do you know whether there were two broken knees or one?——Yes, both knees were blemiſhed, but one worſe than the other; I loſt ſight of the man after he had gone about twenty or thirty yards.

*Sugden.* When I ſaw him, one of his knees looked as if it had been freſh done, one of his knees was all over blood.

*Wooldridge.* When the priſoner took it, it was not freſh.

*Sugden.* The horſe appeared to be rode hard beſides, he was all of a ſweat, I was to give the priſoner a guinea, and half a crown, there was a ſaddle and bridle on the horſe, that I ſuppoſe were worth three pounds, but that I did not buy; I knew the young fellow for five or ſix years, he lived with one Mr. Skammell, at the Black Horſe, in Lemon-ſtreet, which made me buy the horſe of him, I do not deal in horſes, it is the firſt horſe I ever bought in my life; I bought it to ride, but found it did not anſwer my purpoſe, and I ſold it to one John Johnſon two days after; he lives in Catherine Wheel-alley, Whitechapel, for two pounds fifteen ſhillings; this horſe was then produced, and the proſecutor owned it, and ſent it to his houſe.

*Court.* It is a good buſineſs that, is not it?—No, my Lord.

You was under examination at the Rotation-office?——Yes, I delivered up the property, that is, I was the loſer of the money, when Johnſon told me the horſe was advertized, and I was preſent when Johnſon delivered back the horſe to Houſeman, he took the horſe home with him; I was at the Rotation-office ſix or ſeven days after, I cannot tell the day; Juſtice Staples granted me a warrant to take the party if I found him, which I did not.

Did Mr. Houſeman ſee the horſe that night?—Yes.

Did you ſee the horſe that Houſeman claimed?—Yes.

Was it the horſe you bought of the priſoner?—The very ſame horſe.

*Court to Houſeman.* Did you ſee this Sugden at the Rotation-office?—Yes.

*Jury to Sugden.* What buſineſs are you?——A ſaleſman and dealer in clothes.

Where do you live?——In Great Exchange, Roſemary-lane, here are ſome gentlemen that know me and my family extremely well.

### JOHN JOHNSON *ſworn.*

I live in Catherine Wheel-alley, Whitechapel, I bought this horſe of Sugden, he had a broken knee, I thought he would ſerve me as a hackney-coachman, I do not know where he had been bought, but they told me at Croydon-fair, and that the gentleman threw him down in coming home.

What did you give for it?——Two pounds fifteen ſhillings, and ſpent half a crown.

Did you know this Sugden before?——Extremely well.

What is he, a horſe dealer?——No, but I knew Mr. Skammel's hoſtler, we often buy horſes with broken knees, they are no blemiſhes to us; I keep a hackney coach that works in the ſtreet.

A broken kneed horſe is no objection?—No, none, nor a blind horſe, any thing anſwers our end that will only go forwards.

Was you at the Rotation-office?——I was the man that went up to Mr. Houſeman's, and told him that a friend of mine had the property, and I wiſhed for my money, that was the truth if I could have got it back again; I was the perſon that took the horſe to the Rotation-office from my ſtables, and Houſeman ſwore to the horſe, and I would not let him have it without; I made him make an affidavit before Juſtice Staples, Sugden was there, and it was the very horſe I bought of Sugden,

den, I have had all the money from Sugden, he gave me part, and I ſummoned him for the reſt.

What would this horſe have been worth to you?——I look upon him not to be worth a great deal at that time his knee was broke and very much blemiſhed.

## PRISONER's DEFENCE.

The Tueſday that Croydon fair was, I ſaw a man riding up Oxford-road, with a blue coat and boots and ſpurs, I was at breakfaſt, I hailed him, he ſaid, will you have any thing to drink, ſays I, you have a poor horſe, yes, ſays he, I bought him yeſterday at Croydon fair, I wiſh you would do with him as well as you can; I took him into Whitechapel, and ſold him for one pound three ſhillings and ſixpence, and Sugden bought him of me.

## MATTHEW HOTCHKINS *ſworn.*

I happened to be the ſame morning at a public houſe, at the Buffalo's Head, the corner of Newman-ſtreet, Oxford-ſtreet.

*Court.* What morning was it?—The day of Croydon fair.

At what time?—I look upon it to be about ten in the day, or between that and eleven, I cannot be particular to half an hour.

What happened when you was at this Buffalo's Head?——The priſoner at the bar was there, and had ſome beef-ſtakes, there were one or two more that were in company, the priſoner aſked me to eat with them, and whilſt we were eating them in the tap-room, there came up a man on horſe-back, juſt after we had done he came to the door, and the priſoner knowing him they had a drop of gin, I believe, to the beſt of my knowledge together, he came in, and ſaid, he wanted to ſpeak with him, and took him out, and away they went together, and what they did I do not know; at the ſame time I ſaw the man deliver the horſe up to the priſoner, the ſame time he told him to do as well as he could with him, but what was the meaning I could not tell, I know nothing further, I left them, that is, they went off and I ſaw no more of them.

Did you go out of the room to look at this horſe?——Yes, I did.

What ſort of horſe was it?——A bay horſe, with broken knees, and more than that, I ſaw the ſame horſe in Mr. Houſeman's ſtables, and I knew him again.

How long after was that?——It might be about four or five days, I cannot juſtly ſay, it was ſomewhere thereabouts.

What are you?—A gentleman's coachman, I am out of place.

Who was your laſt maſter?——Young Mr. Bird.

Where does he live?—In Berkley-ſquare.

Did you live with him any time?—Yes, about nine months in the whole.

Did you live in his houſe?——No, only drove him as a job, I am a job ſervant, a hackney ſervant.

You drove him nine months?—I drove him and was likewiſe groom to him together nine months.

*Court to Houſeman.* Was the priſoner in cuſtody when you was at the Rotation-office?—No.

How long was it afterwards?——About three weeks or a month, that he was taken.

Before what Juſtice was he carried?—The Rotation-office, in Litchfield-ſtreet.

*Court to Hotchkins.* Was you at the Rotation-office in Litchfield-ſtreet, when the priſoner was taken?——No, I was not.

How happened that?——I do not know any thing of his being taken, he did not know where to find me.

Had you been acquainted before?—Yes, I have known him ſometime, never to have much acquaintance, or know where to find him, or he me.

Then you did not know any thing of this horſe being ſtolen?——Yes, I heard the horſe was ſtolen, but I did not know who ſtole it.

You did not hear that the priſoner was accuſed of it?——No, not that he was accuſed of ſtealing the horſe.

Did you know any thing of the man that delivered this horſe to the priſoner at the Buffalo's-head ?——I know the man very well by ſight, but I do not know his name, nor I did not know the priſoner's name then, I could ſoon find the name of that man that brought the horſe, but I did not give myſelf any trouble in going after it; nor at that time, I did not know the priſoner's name any further than knowing him by ſight.

Did the priſoner know where to find you ?—No, he did not, only that I heard of it, and I came to ſee him.

From the love of juſtice, I ſuppoſe ?——Yes, I did.

*Jury* What day was it that you ſaw the horſe at the Buffalo's Head ?——Upon my word, I cannot juſtly tell the day, but it was in the morning I remember very well, I cannot juſtly ſay, whether it was Monday Tueſday or Wedneſday, it was Croydon-fair, but Croydon fair is two or three days.

How long had you been acquainted with the priſoner before this happened ?—I have known the man for ſome years.

What name did you uſe to call him by ?——It is a vulgar name, but we uſed to call him Snaptrace, and ſome called him Squintum.

Was you in a club together ?—No, Sir, clubs are things I ſeldom go to.

## JAMES FINCH *ſworn.*

I have known the priſoner ten years.

What are you ?—I keep a public houſe.

Whereabouts ?——At London Wall, I have kept it about half a year; I never heard but the priſoner bore a very good character, I knew him before I kept a public houſe.

## JOSEPH CHARLEWOOD *ſworn.*

Are you any relation to the priſoner ?—Yes.

What relation ?——I am his brother, I have ever known him honeſt and induſtrious, but very credulous and unthinking; and it ſeems in my opinion, he has been tricked into this buſineſs, by the artifice of a fellow who has eſcaped with impunity; I therefore truſt, that the Gentlemen of the Jury will conſider the caſe of the priſoner at the bar, with that candour and deliberation, which will ever diſtinguiſh their ſenſe, feelings, and virtues, and that their opinion will go with mine, that it was not an act of the priſoner's to defraud, but merely an action of ſtupidity; I have ever known him honeſt and induſtrious, he was left very young, he is a year older than me, I am twenty-five laſt October; but he is very eaſy of belief, he has not the diſcerning ſenſe which ſhould protect him from the artifice and deception of others, he has not that ſenſe which would keep him from the artifice of the world; and, my Lord, on the examination in Litchfield-ſtreet, Houſeman and his hoſtler were both there, and his hoſtler who is the man that delivered the horſe to the perſon that hired him, was told he was to appear upon the trial, I have tried to ſubpœna him, but that man is kept out of the way; it ſeems to me to be a combination on the part of the proſecutor to a degree of malignance, and to obtain a reward: I hope therefore, Gentlemen, you will pity my feelings, and conſider that it is my unfortunate brother's caſe I plead.

*Houſeman.* I ſaddled the horſe myſelf, and my man took him out to the priſoner.

Where is that man ?——He is with me now, he has never been out of the way.

Has any body been enquiring after him ?—I have never heard any thing of it.

*Court.* Gentlemen of the Jury, the Judges have determined upon a ſimilar caſe to this, the caſe of Pares, that if the Jury are ſatisfied upon the circumſtances, that at the time the priſoner obtained the horſe, he then meant and intended not to go to Barnet, but to go and ſell the horſe, that that was a felonious taking, that was the determination in the caſe of Pares, there is a nice diſtinction, which as it runs ſo near, like ſplitting a hair, it is my duty to mention it, that is this; if on the circumſtances, you think that the man really did intend at the time he came to hire or borrow the horſe, to borrow it or hire it for the purpoſe of going to Barnet, as he ſaid, nd that he proceeded on the way, and then afterwards returned, in that caſe it would not be a felonious taking; but it muſt be his intention at the very moment of obtaining the delivery to behave in that fraudulent manner; if you conceive the intention to have ariſen afterwards, that will not amount to a felonious taking: another thing I take to be perfectly clear, that is, that ſuppoſe upon this evidence, you ſhould be ſatisfied that the priſoner did go to Barnet with this horſe, and returned with the horſe, and after he returned, inſtead of delivering it to the owner, ſold it; there I take it to be clear law, independant of Pares's caſe, that he was guilty of felony, becauſe you ſee the end and purpoſe of hiring a horſe would be then over; now with regard to that you recollect, this horſe quite freſh bled at his knees, he was cut, and the fleſh hanging over his kneees, and with all the appearance of being hard rode, now if you ſhould be of opinion that the man rode this horſe to Barnet, and came back again, the difference is from eleven to four, or half after four in the afternoon, then moſt clearly he will be guilty without any doubt; on the other hand, ſuppoſe you ſhould not be ſatisfied that he did take it to Barnet, then you will conſider whether on this evidence, you are ſatisfied that he did obtain the horſe at that moment, with the purpoſe of diſpoſing of it.

**GUILTY, Death.**

*Court to Jury.* Gentlemen, you will be ſo good as to ſay, whether you go upon the firſt point, that at the time he took the horſe, he had an intention to ſteal him.

*Jury.* Yes, my Lord.

*Mr. Baron Perryn to Jury.* Gentlemen, the Jury declared the very ſame thing in the caſe of the King and Pares, in 1779, Mr. Juſtice Aſhurſt tried that, and he ſtated it as my brother Gould has done, and left it; he reſerved it for the opinion of all the Judges, and they were of opinion it was felony, and I believe the man was afterwards executed; and the Jury ſaid they were of opinion that the horſe was obtained by Pares with intention originally to ſteal it, and that the pretence of going to Surry was a mere pretence and colour, and that at the time he had an intention to ſteal it: this is the caſe of the priſoner in my opinion, for this man comes in the name of one Edy, and inſtead of going to Edy's ſtables, he rides away with it.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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201. **HANANEL FONSECA** was indicted for feloniouſly ſtealing, on the 7th day of January laſt, one cloth cloak, value 3s. and three pounds of herb tobacco, value 3s. the property of Mary Wilks, widow.

MARY WILKS *ſworn.*

I loſt the things on the 7th of February, in the neighbourhood of Whitechapel, two men met me, and ſhuffled me about, one took my handkerchief, I do not know which it was; then another Jew ſtopped him, and ſaid, do not you be affraid my dear, you will have your things again, and going along through another paſſage, I met the priſoner with my things, and he chucked them between my witneſs and me, and the other Jew ſaid d—n me, I owe her a ſpite.

*Court.* What buſineſs had you there?—I had been to carry ſome goods, I am ſure the priſoner took my cloak and the tobacco between him and the other, I never ſaw any of theſe people before; the priſoner told Juſtice Staples, that he took the cloak but not the parcel.

Was the examination taken in writing?——Yes.

*Court.* Then I cannot receive parol evidence of this.

*Mr. Peatt, Priſoner's Counſel.* What time of the day was this?——Three in the afternoon.

Then you had dined I ſuppoſe?—I had.

And took a chearful glaſs after dinner.

——I am ſure I had drank nothing, he told Juſtice Staples, that he had made me drunk, I had drank nothing but a little drop of cold beer.

Was there a good many people about you in this narrow ſtreet?——There was a great deal of Jews and other men, I ſaw all the action and tranſaction, there are a parcel of dirty boys, there was nobody ſpoke to me, but the other man and him.

How come you to recollect him?—Becauſe I do, if I could not ſwear to him, I would not.

Why do you ſwear to him?—I can ſwear to him in any place in England, that he is the man that took my cloak, he is the man I met and chucked them down.

Did you at any time during the courſe of this day, ſay you could not tell whether the priſoner or any other man took your cloak?——I did not, they are falſe people that ſay ſo.

BENJAMIN READ *ſworn.*

I was coming through the paſſage, the corner of Broad-place, Caſtle-ſtreet, I belong to Whitechapel pariſh, and as I was coming through a little alley, I met the priſoner and another lad or two running with the woman's property, I made a reply to them, ſays I, you have been and made a *hawl* ſomewhere, they made a reply to me, with an oath, and ſaid let me paſs you, they paſſed me, I did not ſtop them then, I went through the place into Wingfield-ſtreet, and there this woman was crying, and ſaid, ſhe had loſt her property, a Jew man ſaid, do not cry, I will ſhew you where you can have your property, we went through this place again, and met this young fellow coming to bring her property; ſhe then ſaid, this is the man that took my property, and I took him before Juſtice Staples; I am not an officer, but I imagine that having examined the property and not finding it valuable enough, he was coming to bring it her again, ſhe gave me charge of him, and they took it out of his hand.

*Mr. Peatt.* Did they ſay any thing in your preſence about her ſtealing the property from another perſon?——They never ſaid a word of that ſort in their life to my knowledge.

PRISONER's DEFENCE.

I was going along, and this woman was crying, and I ſaid, I will run after the people, and get you your property again, and I went and took it from the people, and was bringing of it back again to her.

MARY COLEDOCK *ſworn.*

Do you know Mary Wilks the proſecutrix?——No, I do not, but that woman was in company with me to day, I happened to go promiſcuouſly into the Bull's-head, in the Old Bailey, and ſhe came in and aſked me to ſhew her into the back yard; and while I was there, ſhe fell a trembling, there ſhe ſaid, ſhe wiſhed ſhe had never called out ſtop thief; ſays ſhe, I have been robbed by two women in Wingfield-ſtreet, of three pounds of tobacco, and a red cloak; then we parted, and went there again, and the proſecutrix was there again, and ſhe ſaid, the man was not brought up yet; ſays I, I think you told me you was robbed by two men and two women, ſays ſhe, I did not know which out of the four did rob me, any further than the priſoner that is now in cuſtody, he ſaid before the Juſtice, he took the cloak from me, but who took the tobacco I do not know.

*The priſoner called two witneſſes to his character.*

GUILTY,

*To be whipped and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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203. JOHN CARTER was indicted for feloniouſly ſtealing, on the 17th day of January laſt, four live geeſe, price 18s.

and one live gander, price 3s. the property of William Iley.

WILLIAM ILEY *ſworn*.

I live at Harrow, on the 17th of January, I loſt four geeſe, and a gander out of an out-houſe, I am a poor man, I do not know the priſoner.

Did you ever find theſe geeſe, and this gander again?—Yes.

In whoſe poſſeſſion?—In the poſſeſſion of Ralph Barnard, the man had taken them I ſaw them there afterwards, the priſoner owned after he was taken, that he had them from my houſe.

RALPH BARNARD *ſworn*.

I live in Hanger-lane, I ſaw the priſoner in poſſeſſion of ſome geeſe, the 17th of January.

Did you ſtop him?—Yes, I ſaw him loitering about the buildings, and we ſuſpected him; he had four geeſe and a gander in a bag, I have the bag here, the geeſe were dead, I took him into cuſtody, a few words paſſed, and I aſked him where he had them from, he told me from William Iley; I went to the proſecutor's, and he owned them.

*Court to Proſecutor.* Were there any particular marks to diſtinguiſh them?——No otherwiſe than by their feathers.

PRISONER's DEFENCE.

I pray the mercy of the Court.

GUILTY.

*Whipped.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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203. JAMES CLARKE and JOHN GREEN were indicted for feloniouſly ſtealing, on the 17th day of February, one bag, value 6d. one baſket, value 12d. and one hundred and fifty pounds weight of Ruſſia tallow, value 4l. the property of Thomas Wale.

THOMAS WALE *ſworn*.

I live in Shadwell High-ſtreet, I am a Tallow-chandler, on the 17th of this month, I called my ſervant up at five to make candles, after he came down ſtairs the clock ſtruck, he did not know the time when he came down, the act of parliament is ſo ſtrict we dare not begin before five, while he was enquiring the clock he was informed ſome tallow was loſt, which had been in the cellar under my dwelling-houſe, this place that I commonly work in is detached from the houſe about twenty yards; when we came to examine the door that had been locked was open, and the lock wrenched; they called me and told me I had been robbed, I got up and ſaw the tallow gone.

JOHN ENNEVER *ſworn*.

I miſſed ſome tallow, I know the ſack it was in, when it is produced.

ROBERT MABERLY *ſworn*.

I was going in my courſe to ſurvey, I ſurveyed my firſt courſe, on my double (what we call the double is going twice to each houſe) a man paſſed me and turned round to look at me, and I having my dark lanthorn in my hand I turned to look at him again, this was at half paſt three in Ratcliff-highway, it being a lightiſh morning, I perceived ſomething light coming upon me, then I perceived it coming nearer, and then I put my light under my coat, and I ſaw the priſoner Green run over into Parker and Henry's yard, I ran after him, he ran from the oppoſite ſide of the way, he put down the baſket and tried to eſcape over ſome little rails that were there; I called for the watch, and he ſecured him, then we went and took the baſket and carried him and it to the watch-houſe; the baſket contained Ruſſia tallow.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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[PRICE SIX-PENCE]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, *&c.*

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### *Continuation of the Trial of James Clark and John Green.*

*Ennever.* After I received information from the exciſe officer, I went to ſee what I miſſed, and I miſſed a ſack and baſket, with about two hundred weight of tallow in it, I knew it by having chopped it, and I knew the ſack by the corner where I tied it up.

JOHN OSBORNE *ſworn.*

I am a watchman belonging to Wapping, I was ſetting in my watch-box about half paſt two in the morning, and I heard ſomebody coming along very nimble, and I ſaw two men run down Black-horſe-yard, I immediately unbolted the door, I ran down after them, and caught the priſoner Clarke by the collar, and aſked him what he had got there, and the other man called out Tom; I aſked him what it was, he ſaid it was only a bit of tallow; I brought him back to the watch-houſe with me, I took him to the watch-houſe, and the next day to Mr. Juſtice Smith's, and the proſecutor claimed it; I aſked him where he got it, he ſaid from on board a ſhip down at Blackwall, I told him he muſt be detained till the morning, I know nothing further.

EDWARD PRIOR *ſworn.*

I came to the aſſiſtance of the exciſe officer, I likewiſe ſaw the baſket, I jumped over the rails and ſearched the ſhed, and found him in the vault, he was in a great heat when I collared him, I am ſure nobody elſe was over the pales, for I examined the place.

*Court to Maberly.* Was the man the watchman brought out the ſame man you ſaw get over the pales?—Yes, I am quite ſure of it.

PRISONER CLARKE's DEFENCE.

I belong to the Ariadne, I was out in her the laſt ſeaſon, and when the ſhip lay at Deptford I got liberty to come on ſhore, I could not come but at night, coming along Ratcliff-highway, two men came acroſs the way and aſked me to cary a load, one of them ſtaid by me, and ſaid it was to carry a bag which had Ruſſia tallow in it, he ſaid it was ſmuggled, I was carrying it along, and the watchman came and told me to ſtand, I have been at ſea fourteen years.

*The priſoner called one witneſs to his character.*

PRISONER GREEN's DEFENCE.

I came on ſhore that night about eight,

I was out late and I went into this yard till the morning.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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204. THOMAS WILLIAMS was indicted for feloniouſly ſtealing, on the 16th day of January laſt, three handkerchiefs, value 5s. one muſlin handkerchief, value 2s. and one pair of cotton ſtockings, value 2s. the property of Angus M‘Kenzie.

ELIZABETH M‘KENZIE *ſworn.*

I am wife of Angus M‘Kenzie, he lives in St. Martin's Church-yard; this boy lived ſervant with us three weeks, we loſt the things mentioned in the indictment in January; I did not miſs the things till they were brought to me on the Sunday evening by Mr. Mander, he brought two handkerchiefs and a pair of cotton ſtockings, they were my property, the boy lived with me at the ſame time.

WILLIAM MANDER *ſworn.*

I keep a public-houſe in St. James's-ſtreet, and on Sunday night my wife went up ſtairs in the ſervants room, ſhe found this ſmall bundle, the boy was out with beer, and we aſked the man whether he knew any thing of it, when the boy came in we aſked him whether it belonged to him, he ſaid it did, I aſked him how he came by it, and he ſaid a boy gave it him, I aſked him what boy; it appeared to me very unlikely that a boy ſhould give him theſe things; he ſaid it was a boy that drew beer at the Catherine-wheel, near me, but he was not there now, I enquired and found out where the boy lived, I found him in St. Martin's Church-yard, at the proſecutrix's; I ſhewed her the things, they were her property, ſhe adviſed me to ſend for my boy, and we ſent for him up ſtairs, and the priſoner owned he had taken the things out of his maſter's ſhop and given them to my boy.

Were any promiſes made him?—None at all; my boy is here, his name is John Smith, I left the things that night with Mrs. M‘Kenzie.

*(The things depoſed to by the proſecutrix.)*

The ſtockings are mine marked with the letter A.

JOHN SMITH *ſworn.*

The priſoner ſaid he had a good place, ſays I, I am glad of it, and ſays he my miſtreſs finds me in victuals and cloaths; ſays he I have theſe things, I will give them to you; I have known the priſoner about five months.

PRISONER's DEFENCE.

I have nothing to ſay.

GUILTY.

*To be twice whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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205. MARY WILLIAMS was indicted for feloniouſly ſtealing, on the 2d day of February, one ſilk gown and coat, value 30s. one bombazeen gown and coat, value 28s. a cloak, value 3s. an handkerchief, value 2s. the property of Diana Harriſon, widow, in the dwelling-houſe of Letitia Baker.

DIANA HARRISON *ſworn.*

I am a widow, I was going up ſtairs, and I heard ſomebody in my bed-room, and when I came to the top of the ſtairs I ſaw my room door broke open, and the priſoner ſtanding at the door, I had left it locked about half an hour before, and took the key in my pocket; the priſoner had ſome things in her apron, I loſt the things mentioned in the indictment, the value of the ſilk gown and coat is about thirty ſhillings, it would ſell for that, the bombazeen gown and coat is about twenty-eight ſhillings, it would ſell for that; a ſilk cloak which I value at three ſhillings; and a ſilk handkerchief, not worth more than two ſhillings; I know the things, the ſilk gown and coat I had worn many times, I have no doubt about any of this property: I aſked the priſoner who ſhe wanted, ſhe ſaid ſhe wanted one Smith a ſhoe-maker; I told her there was no ſuch perſon lodged in the houſe, ſhe ſaid there did, and it was an orange warehouſe; I aſked her what ſhe had in her apron, ſhe ſaid they were for Mr. Smith, I aſked her to let me ſee them, ſhe refuſed, I aſked her again, ſhe ſaid they were her own; I told her if they were ſhe would not be aſhamed to ſhew them, ſhe ſaid if I would let her come down I ſhould ſee them, I did ſo as far as the landing place, I aſked her again to let me ſee them, and ſhe again refuſed, I told her I believed they were my property; I called the lodgers on the ſecond floor to come and take the child out of my arms, and I called for more aſſiſtance, and the lodgers of the firſt floor happened to be coming through the paſſage, and aſked what was the matter, we examined her apron againſt her inclination, and there were the things that are mentioned in the indictment, that lodger took them out of her apron, and the other lodger tied them up, I have had them ever ſince.

*(The things depoſed to.)*

### ELIZABETH HASSEL *ſworn.*

I lodge in the ſecond floor in Mrs. Baker's houſe, ſhe is a ſingle woman; I heard Mrs. Harriſon call, and when I came out ſhe was ſtopping the priſoner on the landing place on the firſt floor, I ſaw the things taken out of her apron which are here, which Mrs. Harriſon claimed, I am convinced the priſoner is the ſame perſon which took the things.

### RICHARD BROOK *ſworn.*

I lodge at Mrs. Baker's, in the room adjoining where Mrs. Harriſon lays, I was coming through the paſſage and heard high words, and the priſoner at the bar refuſed to ſhew what ſhe had in her apron; ſo I called another man and turned theſe things out of her apron, I am ſure to the priſoner, we took her to the watch-houſe directly.

### PRISONER's DEFENCE.

When I went up to this perſon I trod upon theſe things, I picked them up, and would have come down to have ſhewn them to this gentlewoman in the parlour, ſhe would not let me; the things were taken out of my lap by force; I trod upon them by accident, I came to ſee Mr. Smith of High-ſtreet Marybon; I never was nigh the room nor in the room; I was ſearched, I know nothing of the things.

*Court to Proſecutrix.* In what manner was your door broke?——The ſtaple was forced.

Was there any body there but her at this time?——Nobody but her, and I am ſure I locked the door, I tried it after, and I took the key out.

*(The Jury deſired to look at the property.)*

GUILTY.

*Of ſtealing to the value of 20s.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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206. ROBERT NEWMAN was indicted for feloniouſly ſtealing, on the 13th day of February, ſix ſilk handkerchiefs, value twenty-ſix ſhillings, the property of Charles Haſkew, privily in his ſhop.

### CATHERINE HASKEW *ſworn.*

I live in John-ſtreet, Oxford-road, I keep a haberdaſher's and milliner's ſhop, I loſt ſix ſilk handkerchiefs out of my ſhop, they were lying in the window, and were found on the priſoner; the priſoner came into the ſhop as I was ſitting in the parlour, he aſked me to ſerve him with a halfpenny-worth of black ſilk, he paid for it, and then went from behind the door, the ſhop window was behind the door, I ſaw him take a piece of ſilk handkerchiefs, as ſoon as I ſaw them in his hands, I ſcreamed out thieves! he carried them off with him, I followed him till he was taken, he got about fifty yards, I did not get the handkerchiefs again, he owned he threw them under the coaches in Oxford-road, we went to look for them, but could not find them, I believe the priſoner came into the ſhop the Saturday night before, for a halfpenny-worth of ſilk, about nine; this was on the Monday, I cannot ſay I recollected him again when he came in, but I am ſure he is the man that come in on Monday night, the halfpenny-worth of ſilk was found upon him, but not the handkerchiefs, I ſaw it found upon him, he was not out of my ſight till he was taken, but the mob increaſing, I could not diſtinguiſh him from the reſt.

### JOHN WALDO *ſworn.*

I heard the cry of ſtop thief! I am a patrol, I purſued the priſoner and took him, and brought him to the ſhop directly, and a halfpenny-worth of white ſilk was found upon him.

### JOHN NICHOLS *ſworn.*

I am another patrol, I was along with the laſt witneſs, I aſſiſted to take the priſoner; we wear white coats, in Marybon, and a great many people ſaid, you ſhould not be taken by them white angels, they call us white angels on account of our coats; I ſearched the priſoner and a halfpenny-worth of white ſilk was found upon him; I heard the priſoner deſire the gentleman, from whom he ſtole the handkerchiefs, to be favourable to him, and he would tell me where he flung them, he ſaid, he flung them under the firſt ſtand of coaches, they went to endeavour to find them, and took the lanthorn, and could not find them, he had ſo many confederates after him; I ſuppoſe there were above a hundred people after him.

Did they appear to be friends or enemies?——Some of them ſeemed to be great enemies.

### PRISONER's DEFENCE.

My mother has got a large family of children, and I wanted ſome bread, and my father has but one leg, and I took the things for bread; the family were all crying for want of bread, and my father was very ill at the time.

GUILTY,

*Of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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207. ANN GALLOWAY was indicted for feloniouſly ſtealing, on the 15th day of February laſt, one woman's black callimanco petticoat, value 13s. the property of Ralph Steel, privily in his ſhop.

### ——— TUCKLER *ſworn.*

I am ſhopman to Mr. Steele, the proſecutor, he is a mercer in the pariſh of St. Ann, Soho, the priſoner came to my maſter's ſhop, the 15th of February, about five in the evening, and aſked to look at ſome childrens great coats, ſhe ſaid ſhe kept a ſhop in Monmouth-ſtreet, and wanted ſome to ſell again, I ſhewed her ſeveral, at laſt ſhe pitched on one, and agreed for price, and paid me five ſhillings and ſixpence for it, then ſhe looked at ſome other great coats, I ſhewed her ſeveral of them, and the parcel ſhe bought, ſhe had before her, ſhe had a large cloak on, and I thought ſhe had ſomething made the cloak ſtick out rather more than common behind, I then went paſt her and laid my hand on her cloak, and I felt ſomething as I thought, like a ſtuff petticoat, I then went and ſhut the door, and put a little bolt on it, and came back, and aſked her to try on one of the great coats, I told her, I was ſure they would fit her, ſhe heſitated ſome time, at laſt I inſiſted upon her trying one on, and pulling off her cloak, and as ſhe pulled off her cloak, the petticoat I have here fell from under her arm; I had ſhewed this petticoat to another cuſtomer, not five minutes before the priſoner came in, it lay on the counter; and before I pulled off the cloak, I looked on the ground, to ſee if there was nothing upon the ground, and there was not; after the coat dropped from her, I took it up, and charged her with it, ſhe was taken into cuſtody, and ſhe began abuſing me very much.

Did you ſee her take it off the counter?——No, I did not, I never ſaw her take it till I ſaw it ſtick out behind.

What value is it?—It is valued at thirteen ſhillings, but it is worth more money than that.

*Priſoner.* There were two other people in the ſhop.

*Court.* Is that ſo?—Yes, there were ſome people at ſome diſtance.

Did any of theſe perſons obſerve her take the petticoat, and put it under her cloak?——No, my Lord, they did not.

Had you ever ſeen this woman in the ſhop before?——Yes, ſhe had been a cuſtomer many times.

Did you know where ſhe lived?——She told me ſhe kept a ſhop in Monmouth-ſtreet, but I found ſhe had left that ever ſince Chriſtmas, ſhe did keep a ſhop in the ready made line.

*Jury.* Is that the coat upon the child ſhe has with her?——I believe it may, it is the ſame colour.

## PRISONER's DEFENCE.

I went into Mr. Steel's ſhop to buy this little coat, I did not ſay I lived in Monmouth-ſtreet then, but he knew I had lived there; he aſked me ſix ſhillings and ſixpence for the coat, I gave him five ſhillings and ſixpence for it, he lifted it up, and put it under my arm, and I told him, that I wanted one of a dark colour; he went up ſtairs and fetched one, and aſked me to try it on, I told him, I did not like the colour nor the buttons, he offered to change the buttons, I took off my cloak, and he fitted on the great coat, I told him it was too tight, he wiſhed me to have it, and he went behind me, and ſaid, it fitted me very well, and he picked up a petticoat, the young man had been there wrapping up ſome petticoats, and he ſaid, I dare ſay you have had this petticoat under your cloak.

*Court.* Is the account ſhe gives true?—Some part of it is; about fitting on the coat.

*Court.* Did the petticoat drop down when ſhe firſt pulled off her cloak?—Yes.

*Court.* It is very extraordinary if you thought ſhe had been guilty of a felony in ſtealing this, that you did not proceed to charge her?——I heſitated with myſelf, whether I ſhould let her go off quietly, as ſhe had been a cuſtomer before; and then I thought to let her go, when I had got her, as we had loſt ſo many things, was not right.

*Court.* Might not it have been bruſhed off the counter?—No, it could not.

Could not ſhe have taken it up by miſtake?——I am confident it was a petticoat ſhe had under her arm by the feel.

*Jury.* Was ſhe willing to pull off her cloak, or did ſhe heſitate?—No, ſhe heſitated; ſhe ſaid, ſhe would bring a lady to ſuit herſelf, but when I went paſt her, I felt through her cloak, and it felt like a ſtuff petticoat, it was not half a moment before I charged her with the petticoat.

*Jury.* Did you charge her with the petticoat, before you tried the great coat, or afterwards?——Afterwards.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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208. PATRICK RIDLEY was indicted for feloniouſly ſtealing, on the 17th day of February, one linen ſheet, value 1s. one towel, value 2d. two check aprons, value 1s. two aprons, value 2s. one gown,

value 4s. one waiſtcoat, value 18d. two pair of cotton ſtockings, value 2s. two linen table cloths, value 6d. three pair of ſtockings, value 3s. the property of Sarah Turner.

### SARAH TURNER *ſworn.*

I live in Queen-ſtreet, Lincoln's-Inn-fields, I loſt the things mentioned in the indictment, on the 17th of this month; I am ſervant to a gentleman, theſe things were taken from the houſe, I know the things, they have no mark on them.

*Mr. Garrow.* I believe they are your maſter's property?——The five aprons are mine, and a gown, and twelve pair of ſtockings, the reſt were my maſter's, which were in my care; there was a cry of ſtop thief! I was in the kitchen, I did not go up ſtairs directly, but before I got up ſtairs the ſhop door was opened, and the things were put in; I know nothing of the priſoner.

### JOHN DOW *ſworn.*

Laſt Friday night, about a quarter or twenty minutes after eight, I was ſitting in my own parlour, I live in Little Queen-ſtreet, I went to the door, being informed by my ſon, and in three minutes I ſaw a man looking very earneſtly up at the one pair of ſtairs window, and preſently a bundle came out, he opened his hands, and received it in this manner; I hallooed out ſtop thief! he dropped the bundle, and ran away; I went acroſs the way, and there was ſome clothes laying upon the payment, a ſheet, a towel, and a checque apron while I was picking them up, the priſoner jumped out of the one pair of ſtairs window, I went to lay hold of him, but he got away from me, I got up Great Catherine-ſtreet, I followed him, and cried ſtop thief, and I ſaw a man a little way before me croſs the way with a lanthorn in his hand, and he laid hold of him, I never loſt ſight of him, this is the ſame perſon that jumped out of the window, that was taken by the other man, I went with him directly to Juſtice Walker's, he was ſearched, and there was found upon him, a knife, and two penny-worth of halfpence, no linen nor any thing elſe, he ſaid, before the Juſtice, that he was coming along the ſtreet, and ſaw a man in a white coat running down the ſtreet, and he run after the man.

### THOMAS WELCH *ſworn.*

I am a watchman, I ſaw the priſoner in Great Queen-ſtreet, laſt Friday, he was running away, and the laſt witneſs cried ſtop thief! and I ſtopped him.

Was there any body running before the priſoner, that he was in purſuit of, or was he running away?——No, there was nobody before him, I took him before the Juſtice, I am ſure the priſoner is the perſon I ſtopped.

### PRISONER's DEFENCE.

I drank tea with my mother, about half after ſix, and going to my maſter's for a laſt, I heard the cry of ſtop thief! there were a hundred and fifty people running, I was running up Queen-ſtreet, and the watchman ſtopped me.

*Court to Welch.* Was there theſe people running which he ſays?——There were a good many people after him, I did not ſee any body before him.

*The priſoner called his maſter and four more witneſſes, who all gave him a very good character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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209. THOMAS FREEMAN and JOSEPH DYER were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Robert Broughton, about the hour of ſix in the night, on the 24th day January laſt, and burglariouſly ſtealing therein, three ſilk handkerchiefs,

chiefs, value 6s. one cotton handkerchief, value 12d. and one worked muſlin apron, value 12d. his property.

*The witneſſes examined apart at the requeſt of the priſoners.*

### ROBERT BROUGHTON *ſworn.*

On the 24th of January laſt, between ſix and ſeven, the window of my ſhop was broke open, at that alarm I run out of doors, I keep a chandler's ſhop and pawnbrokers; I ran out and found ſome things had dropped from the window, and others ſtolen out; the priſoners were apprehended in a few minutes afterwards, theſe are the things which were taken away from my houſe, which had dropped about fifteen or twenty yards near my houſe; Joſeph Tyſon took them up, theſe are my things, they have ſufficient marks for me to ſwear to them; here are tickets on two or three of them, that I can ſwear to, I know the marks, they are my wife's writing, they were put into the window for ſale, and I knew the people they belonged to.

### JOSEPH TYSON *ſworn.*

On the 24th of January laſt, in the evening, coming home paſt the proſecutor's houſe, I heard a glaſs give a ſmaſh, and I ſaw the two priſoners at the window, there was no one elſe near it, I was about ſix yards from them when they dropped the property; there were handkerchiefs, and ſome aprons, one or two, I picked them up in a hurry, the handkerchiefs were either ſewed together or pinned together, but the apron was ſeparate from the others; theſe are part of the things that I picked up, but whether they are the whole I cannot tell, I am ſure they are the ſame that I picked up. I delivered them to the proſecutor directly; ſtooping to pick the things up, I loſt ſight of the priſoners, and in the courſe of ten minutes or leſs, I ſaw them again, a woman apprehended them.

Had you any knowledge of the priſoners before this time?——No; I did not cry ſtop thief! there was a woman before them, ſhe clapped hold of the youngeſt of them, and called out for the proſecutor, the priſoners never offered to ſtir, they ſaid, they were going to the White Raven, to get a pint of beer; I will venture to ſwear they are both the people that broke the window; there was light from the window and the lamp, and they were under it.

*Priſoner.* This man ſaid, he was twenty yards off me, and he ſaid, I was the moſt likely perſon.

*Tyſon.* I hear what he ſays, but it is very falſe, there was no other perſon but the woman.

What time was it?——Soon after ſix.

### SARAH BYLE *ſworn.*

I ſaw two or three people ſtanding by the proſecutor's window on this night, and when I had gone five or ſix yards, the window was broke; the people that were under the window run away, I apprehended one of the priſoners.

Do you know that either of the priſoners were either of theſe perſons that broke the window, or were either of them ſtopped by you?——Yes, I take them to be the ſame people, I once before ſaw Joſeph Dyer, and as to Thomas Freeman, I have known him above ten years; I am ſure he was one of the perſons that was under the window.

Did you take notice of the perſon of Dyer at this time that you ſtopped him?——Yes, it might be ten minutes paſt ſix, when the window was broke.

When you ſtopped Dyer, did you make ſuch obſervations on his perſon, that you can poſitively ſwear he is the perſon you ſaw at the window?——I cannot poſitively ſwear he is the ſame perſon, I can ſay he is the ſame perſon I took hold of; I ſaw the priſoner Freeman at the window ten minutes before the robbery was done, and I ſaw the window broke, and I am poſitive Freeman was there at the time, and another, if not two with him.

*Priſoner Freeman.* Before the Juſtice, that woman ſaid, ſhe could not ſwear to me.

*Mrs. Byle.* I would not have wiſhed to have been brought here, but I told Mr. Staples that he was the man, and I believed Dyer to be the other.

Pri-

### Prisoner Freeman's Defence.

I was going to look after my father, and this woman came after me, and ſaid, I was a likely perſon to do it, and they took this priſoner and me, and the man could not ſwear to me the firſt time.

### THOMAS JENKINSON *ſworn*.

I have known Freeman ten years, and have always known him to be an honeſt lad, I live in Long-alley, Moor-fields.

### Prisoner Dyer's Defence.

My mother is very bad, and my maſter is taken to the King's Bench, and he cannot be here.

*Court to Byle.* Was there any body before the Juſtice?

*Priſoner Freeman.* When I was taken, this gentlewoman ſaid, ſhe took us, becauſe ſhe ſaw us looking on the ground.

*Byle.* They were both there, and another perſon in their company.

**Both Guilty, Death.**

*Tried by the firſt Middleſex Jury before Mr. Baron* Perryn.

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210. CORNELIUS CRONE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Elizabeth Bell, about the hour of three in the night, on the 13th day of February, and burglariouſly ſtealing therein, one hundred and fifty pounds weight of lead, value 20s. the property of Joſeph Kirkman.

### THOMAS BELL *ſworn*.

I am grandſon to the proſecutrix, ſhe is a ſingle woman, ſhe lived in High-ſtreet, St. Giles's, ſhe rents a houſe; it was broke open on the 13th of January, about ten we went to bed, about ſix in the evening I ſaw the houſe was ſafe, it was the window of the ground floor that was broke open, it had been a ſhop, but was ſhut up at this time; it was in the front of the houſe, I looked at that window about ſix in the evening, it was ſhut, and a parcel of rubbiſh laid againſt it.

How is it faſtened?——I believe it had been nailed ſometime before, but I did not examine it to ſee whether it was nailed that evening, it had been nailed for four or five nights, it was uſually kept bolted.

Was there any ſhutter to it?—Yes, outſide ſhutters.

Nailed?——There was a bolt withinſide to the ſhutters, I believe it was not faſtened on account that they could not get into the room, at ſix o'clock, I did not examine whether the nail was in, but as I paſſed it, I ſaw there was a great deal of rubbiſh lay on the outſide of the window, and the window ſhutters were both cloſe, but whether nailed or not, I cannot ſay.

Did you obſerve at all after ſix till you went to bed?—Not to my knowledge; the next morning I was called up about ſeven, and informed of the robbery, I went to look at the window, and I ſaw the window broke open, it appeared that the bottom part of the ſhutter was wrenched open, and the top and bottom of the ſhutters were broken, and the ſaſh was lifted up; I did not ſee that the window was broke.

Was any other part of the houſe broke?——Not that I ſaw.

Was any thing taken out of the houſe?——Not that I know of, I know nothing more of the matter.

*Jury.* Do you ſleep in the ſame houſe?—Yes.

### JOHN ABRAHAMS *ſworn*.

I live at No. 24, Tottenham-ſtreet, I ſaw the ſhutters nailed about a week before the robbery was committed, on Monday the 13th of February; I ordered the workmen to lay a quantity of rubbiſh againſt the ſhutters, and when I left the building, which was about five, the ſhutters were quite ſecure; and when I came in the morning, the rubbiſh was removed, and the windows open, and the lead gone.

Was it neceſſary to remove the rubbiſh in order to open the ſhutters?—We could not get the ſhutter open before, that room had been locked up for a week, but not the reſt of the houſe.

**WILLIAM TOMKINSON** *ſworn.*

On Tueſday morning, when I came to work, about half paſt ſix, I found a quantity of lead lay in the yard, and the ſhutter was broke open, and the bottom ſaſh lifted up; there was half a hundred weight of lead, the lead was the property of Mr. Kirkman, it was left in the houſe, it was put in the parlour; and I looked in the morning, and found the lead, ſome of it was gone away, and ſome little remained, I did not take notice how much.

What quantity of lead was there in the whole that you took off Mr. Kirkman's houſe?—That I cannot ſay.

Did you try the lead with Mr. Kirkman's houſe, to ſee whether it fitted or not?——No.

**DANIEL BURBRIDGE** *ſworn.*

I cut this lead into five ſeveral pieces myſelf, and carried them into the front parlour of Elizabeth Bell, and that piece which is here now, I know to be the ſame lead that came off Mr. Kirkman's building, I know it by the ſhort piece that is here; *(Produced)* and here is a place I cut with my hatchet.

**JAMES GUNNING** *ſworn.*

On the 14th of this month, I ſaw the priſoner going with this lead on his back, I ſaw him going from the fence of the houſe when he took the lead, I purſued him and took him with the lead to the watch-houſe.

**JOHN GARDENER** *ſworn.*

I was paſſing through St. Giles's, the 14th of this month, about three in the morning, and I heard the fence crack in the boards, and I made up towards it, and ſaw the priſoner going off with the quantity of lead upon his back, I purſued him, and he threw away the lead, and I took him about fifty yards from Mr. Bell's houſe.

**GEORGE MIDDLETON** *ſworn.*

On the 14th of this month, about three in the morning, my partner, the laſt witneſs, and I were walking in St. Giles's, I am a patrol, and we heard the cracking of boards, and we made up to a fence, by Mrs. Bell's houſe; I ſaw the priſoner with a load on his back, and we followed him up to his lodgings, he was about fifty yards from the fence when we firſt ſaw him, he never was out of our ſight, we aſked him no queſtions.

**WILLIAM DAYSELL** *ſworn.*

I am a watchman, juſt above where the robbery was committed, I heard the beat of the witneſs Gunning's rattle, I took charge of the priſoner, and as ſoon as the other men were out of ſight, the priſoner began to wreſtle with me, and I took him to the watch-houſe, and they brought the lead after; and going along, he ſaid, did you ſee me with the lead upon my back; I ſaid, no; he ſaid, if you do not let me go, I will have both your ears off before Saturday night in you box; and at Middle-row, he again attempted to kick up my heels.

*Priſoner.* I know nothing of the lead.

*Court.* Have you any witneſſes?—Yes, I have witneſſes, but I have not them here now.

*Court to Bell.* Do you know this man?——No, I ſleep upon the ground floor, that was the ſame that this lead was in, and between this room where I ſlept, and the room where this lead was, there is a kitchen.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* BULLER.

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211. **HENRY THOMPSON** and **THOMAS HARRIS** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Iſabella Chapman, about the hour of three in the night, on the 5th day of February, and burglariouſly ſtealing therein, thirteen pew-

ter diſhes, value 15s. twenty-ſix pewter plates, value 20s. one fiſh pewter plate, value 1s. one pewter cullender, value 1s. one ſatin cloak, value 20s. three ſilver tea ſpoons, value 5s. one table cloth, value 6d. three aprons, value 1s. one pair of ſhoes, value 3s. two ſixpences, value 1s. forty-ſix halfpence, value 1s. 11d. fourteen China bowls, value 40s. and a piece of lead, value 1d. her property.

ISABELLA CHAPMAN *ſworn.*

I live in Union-court, Holborn-hill, I keep the Angel public houſe, my houſe was broke open, on Sunday morning, the 5th of February, I was in bed at one o'clock, and at two I heard the watch-man, my family were all in bed, I go up generally the laſt, my houſe was very ſecure, and the watchman called me when he came at four o'clock, my cellar door was broke open, and my ſtreet door was broke open on the inſide, they got into the parlour, and wrenched the lock off the door of the ſtair-caſe; I loſt the things mentioned in the indictment and the value therein, I left four ſixpences in the till for change, with about one and elevenpence in halfpence, the China bowls were taken down all ready to take away, they were carried from the bar into the kitchen, the pewter was carried away; the pewter was found in a *ruination* place, in George-court, between Union-court and Field-lane, covered with dirt, between eleven and twelve on the Sunday morning; my cloak was put in a bag, and my aprons and ſhoes, but they did not take them, becauſe they were diſturbed, the priſoners were taken a little after four in the morning, in the next yard.

Did you know any thing of the priſoners before?——Yes, I have ſeen them ſeveral times.

Were they cuſtomers to your houſe?—Caſually, they came in now and then.

*Mr. Knowles, Counſel for Priſoner Harris,* Then in fact nothing was taken out of the houſe but the pewter?—No.

Where does this court that you live in, lead down to?——It leads into Hatton-garden.

Does not it communicate with Field-lane?——I ſuppoſe you know as well as I do.

Does not the court where you live communicate with Field-lane?——I told you it carries you down between Union-court and Field-lane.

Then all the cuſtomers of your houſe are the gentlemen about Field-lane?——No, Sir, I do not know any thing of them.

What do you know of Mr. Philip Briſtow?—I know him, his father and mother lived in Union-court.

Has not he been very intimate in your houſe?—No, he has a houſe of his own.

Has not he been the moſt intimate friend you have had theſe ſeven years?——No, Sir, he has not, if I had no better friend than him, I ſhould have none.

I have not done with you yet?—But I have done with you then.

Do you know Harris?—Yes.

Did not you once charge him with robbing you?——No, Sir, I did not, I cleared Harris from that when the conſtable came.

Had he not firſt of all been committed on your charge?—No, he had not, I gave no charge of him.

Did you never give charge of him to Juſtice Blackborrow?—I was never before Juſtice Blackborrow.

Not for a ſilver tankard?—No, I did not give charge of him.

*Priſoner Harris.* I can prove it.

Was not he committed on your charge?——No, I did not charge him with a ſilver tankard, it was one drunken Tom they call him.

Did not you firſt charge him with it, and afterwards declare that you knew that he did not know of it?——I will not anſwer you any more.

*Court.* You muſt anſwer him.

*Mr. Knowles.* Did not you firſt of all charge this man with the robbery, and afterwards ſay he knew nothing of it?——Does Bob Pearce put that in his head.

That matter was agreeably ſettled, was

not it ?—Nobody was tried for this robbery, he was in the club room, you may catch me, if you pleaſe.

They were taken in the next yard ?——They got over the tyles, into the next yard.

Did you ſee them get over ?—No.

Was that place where the priſoners were found in, the way from your houſe to the ruinous place where the pewter was found in, or was it not ?—No, it was not.

### JANE HUDSON *ſworn.*

I live in the proſecutrix's houſe, I am a ſervant there.

What time did you go to bed that night? —A little after twelve, I heard the watchman call between three and four, and he alarmed us that the houſe was broke open, I came down immediately.

What condition did you find the houſe in ?——The bar was ſtripped of all the bowls, the cellar door was broke open, the lock broke, and the ſtreet door was open, not broke that I know of.

What was miſſing ?——All the pewter was gone out of the houſe, I have lived in this houſe five years, there were fifteen pewter diſhes taken away, and a fiſh plate, a pewter cullender ; I found the cloak, and the bag on the kitchen floor, there were a pair of new ſhoes, and three coloured aprons, theſe bowls were in a cloſet on the over night, and the aprons and ſhoes in a drawer, the cloſet door was locked, and the key was in it ; the pewter was found the ſame day, in ſome ruins, covered with ſome lime ; the priſoners were taken within two minutes after I came down ſtairs, I ſtood at the door while the watchman took the firſt, they were taken the very next yard to us.

*Mr. Garrow.* How long have you lived in this family ?—Five years.

A public houſe, a pretty notorious one, I believe it is ?——No, Sir.

You deny that ?——She keeps a very regular houſe.

Perhaps, regularly irregular ?—No, Sir, we ſhut up the houſe at eleven.

Your miſtreſs has been a little unlucky, ſhe has been robbed before ?—Yes.

She loſt a ſilver tankard ?—Yes.

How long ago was that ?—The day after Chriſtmas-day.

What was the value of that tankard ?—I do not know, it was a full quart tankard.

Your miſtreſs went to the Juſtice's ?—No, Sir, but a perſon who was in the houſe at that time took the man.

What man ?——Mr. Ramus.

Was it ſix or ſeven guineas that Mr. Ramus gave your miſtreſs ?—He did not give any thing at all.

Do you mean to ſwear that ?——I did not ſee him give any thing, I will take my oath, my miſtreſs never told me ſo.

Upon your oath, do not you know by ſome means or other, that your miſtreſs received ſix guineas upon that occaſion ?—I heard ſay ſo, but I did not ſee it.

Now I aſk you again, did not you hear your miſtreſs ſay it ?—Yes, I did.

*Court.* This moment you ſaid, you did not hear her ſay ſo ?——Ramus was not taken up for it, it was one Thomas, I cannot recollect the man's name, it was one Thomas Walker ; Ramus was the man that took him into cuſtody, Ramus was in company.

*Court.* You admit you did hear your miſtreſs ſay ſhe had ſix guineas to make it up ?—Yes.

The man was diſcharged in conſequence? ——Yes.

*Court.* That was very bad behaviour in the woman, but the Jury will judge of her credit, it is no reaſon becauſe ſhe was robbed once, that ſhe ſhould be robbed every day.

### EDWARD MASON *ſworn.*

I am a lodger of Mrs Chapman's, about four in the morning, on the 5th of this month, I was awaked by the watchman knocking and calling Mrs. Chapman up, I thought ſomething was the matter, and I bid the ſervant girl get up, ſhe got up, and going by my room door, ſhe deſired me to come down, ſhe ſaid ſhe was afraid ſomething was the matter ; I got up, and come down with my coat on, and her cry when I was half way down ſtairs, was that ſhe was robbed; with that I came down, and as ſoon as I came into the tap-room, I laid hold of the poker, I ſaid, if any body is here, let us ſee who they are; the watchman was there, and he and me went to the door to go into the next yard, there was another watchman waiting, and they opened a door, and went into the next adjoining yard; while I ſtood within the paſſage, with the poker in my hand, I heard one of the watchmen ſay, here we have got him; they returned with the priſoner Thompſon, I knew him directly, and ſays I, Harry, what in the name of God are you doing here; they brought him into the tap-room, and they left our watchman Ware with him, and me and the other watchman went out again into the ſame yard, and found the other priſoner Harris in the neceſſary; the priſoners are the men, Harris was ſitting in the neceſſary pretending to be aſleep, we brought him into the tap-room to the other, and with that I left the two watchmen with the two priſoners, and I went up ſtairs to put on my clothes, and when I returned they were gone with them to the watch-houſe, and a neighbour came in, and we ſearched round, and could not find the pewter; I found the cellar door broke open, and the lock wrenched off, it was hanging on one of the nails; as I was going down the ſteps, I ſaw the little window out that goes out of the yard, into the cellar, about eight or nine inches wide, that was knocked out; I went into the cellar, and looked round with a candle, I could find no property there, but the lamp was lighted, and was burning on the ſide of one of the buts, the tyling of the yard was all broke, and ſome garden pots with a few trees in them were all knocked down, four or five of them, and the ſky-light was broke, and I ſaw the print of the fore part of a man's foot, all mud and dirt juſt freſh done, as if he had been getting out of one yard into another; and one Baſſet a conſtable found the pewter, I ſaw a cloak, three aprons, and a pair of now ſhoes in a bag on the kitchen floor, which Mrs. Chapman claimed.

*Mr. Garrow.* How long have you lodged in this houſe of Mrs. Chapman?—Four years come April.

You found Harris in the neceſſary in the next yard?—Yes.

He appeared to be aſleep?—He pretended to be aſleep.

Did you find any other of the property?——No.

Did you examine that neceſſary to ſee if you could find any thing?—No.

Did you find any tools or implements of houſe breaking?—No.

The property that was found, was found in a different direction, inſtead of being found on the ſide of the houſe where Harris was found, it was on the other ſide?——Yes.

*Court.* How far was the place where the pewter was found, from Mrs. Chapman's houſe?——About ſixty, eighty, or a hundred yards, it is but a little way.

Was it as far as to the wall of Newgate?——I cannot tell for certain, it is I ſuppoſe above a hundred yards, as nigh as I can tell, it is a contrary way where they were found, it is going out of the houſe, and turns up a court to a dunghill, there was nothing found on the priſoner.

RICHARD WARE *ſworn.*

I am a watchman in Union-court, I called up the proſecutrix at four o'clock, and found the cellar window open, I perceived a light between the ſhutters, I hit againſt the ſtreet door, and it was open; I took the priſoner Thompſon in the next adjoining yard, one M'Leard, a city watchman, was with me, and Maſon was ſtanding at the door of the next houſe: I brought Thompſon into the tap-room, and took care of him while the other two went back; they returned in the ſpace of two or three minutes, they brought with them Thomas Harris, the other priſoner; there are only ſome deal boards between Chapman's yard and the adjoining yard, where we took them. I did not obſerve any thing particufar about the partition ; I obſerved where they got over, which is a tyling about ſeven feet high, there are ſome garden pots and a bit of a ſky-light, and when I alarmed the people of the houſe I heard the pots fall and the ſky-light break ; we went to the next houſe, and the door was on the latch ; I knew the houſe, and the woman that keeps the houſe has lodgers, it is hardly ever faſtened, and we lifted up the latch and went in, and I went to the yard door, but I am not poſitive whether it was bolted or not ; I found Thompſon in that yard, that yard might be two yards wide and three yards long, it is a very ſmall yard ; Mr. Beſwick found the pewter, I was not preſent.

### THOMAS M'LEARD *ſworn.*

I am a city watchman, I was preſent at taking Thompſon, the other watchman, Maſon, was at the taking the other, with me, he was not with us when we went into that yard firſt, only the watchman and me ; Thompſon was ſtanding in the yard when we came in, we ſaw no other at that time ; we took him into the tap-room, and left the other watchman with him ; then Maſon and me went into the yard again, and looked into the neceſſary, the door of the neceſſary was not faſt, and there we found the priſoner Harris pretending to be aſleep ; we took him into the tap-room, and I went into the yard belonging to the proſecutrix, after they were taken to the watch-houſe, and I ſaw the garden pots taken down, and the ſky-light broke.

Where were theſe garden pots ?—They were at the top of the pent-houſe, between the two yards.

Did you obſerve any thing elſe there about this pent-houſe or ſky-light ?—No, Sir, we went away to the watch-houſe with them ; I was not preſent when the pewter was found.

### MARY LUDLOW *ſworn.*

I live at No. 12, in Union-court, next door to the proſecutrix : the 5th day of February, being Sunday morning, about the hour of four, I heard a noiſe like the falling of tiles ; I liſtened a little, thinking it was a fire ; I looked through the glaſs of the caſement, and I ſaw the pots that were on a ridge between the two ſheds, with ſhrubs and trees in them, were down, and I heard the breaking of glaſs, and the tiles rattled about, and I ſaid, for God's ſake who are you, or what are you ; I ſaw a man come over the tiles feet foremoſt, and he came down all of a lump, I ſaw his legs come over the pent-houſe ſliding, and I ſaid, for God's ſake where is the fire ; the man did not anſwer me, and I thought he was killed : I run then to the fore window, and he fell all of a lump into my yard, mine is the next yard that joins to Mrs. Chapman's, and I run to the fore window, and knocked as hard as I could ; I heard ſomebody call watch, watch, and I thought they ſaid Scott, Scott, which is the maſter of the engine, and two watchmen came, and I ſaid, for God's ſake break open my door, for I cannot find the key, (I have been burnt out twice before) they opened the door and came in ; the watch ſaid, it is not fire, it is thieves ; then ſaid I, there is a man come over the tiles into my yard ; then ſays the watchman, we have got him, but I did not ſee him take the firſt man ; the watchman came in at my fore door.

How did they get into the yard ?——One of them unbolted the back door ; I took the box iron and opened the caſement ; ſays I, pray give me a light, for it appears to me, by the great noiſe of the garden pots, and the tiles falling, that there muſt be more than one, and he ſaid there is nobody here, and I ſlipped on my under petticoat, and went to the door, and ſaid, have you looked on the tiles ; no, ſays he ; ſays I, have you looked in the neceſſary, and he ſaid no, and he opened the door of the neceſſary, and there ſat that young man, Harris, I ſaw him there.

Was the neceſſary houſe ſhut when you came down ?——I was in the yard ſome minutes before twelve, and I looked round, and there was neither man nor mortal there ; I then went into Mrs. Chapman's houſe, and ſaid there is another, give the watchman ſome help, and Maſon took the poker, and came in and ſaid, it is Tom Harris, by G—d.

*Mr. Garrow.* What is your name?—Mary Ludlow.

Is not your name Briſtow?—No, Sir.

I thought you was the wife of William Briſtow?——No, Sir, he was the Earl of Bedford's groom ſome years ſince, he was a lodger of mine twenty-three years ago.

How high did you ſleep on this night?—I laid on the ground floor, even with the yard.

Have you any window ſhutters?—No, but I nailed the window up.

Have you any lamp in that yard?——No.

What time in the morning?——About four.

A moon-light night?——Star-light.

What may be the ſize of this yard of your's?——From the pales I think it is not above a yard from the window.

How far is it from George-alley?——One window out of George-alley comes into my yard; I have ſeen the dunghill.

How far is it from your houſe?——I think it is not ſo far as the length of this Court to Newgate; George-alley communicates with Field-lane, it is a neighbourhood for poor families to live in, there are but three families in our houſe, very regular and decent people.

ALEXANDER SCOTT *ſworn.*

About four in the morning of this month I heard a cry, and I thought they ſaid Scott, but they ſaid watch; I live about five doors from Mrs. Chapman's, I looked out of my window, and I heard the rattling of tiles, and I thought it was fire; I ran down with my pole-axe in my hand, and juſt as I ſhut my door, ſays they, here is the other; I ran directly to Mrs. Chapman's, and both the priſoners were in the box in the tap-room, cloſe to the bar; I ſaw a caſe knife on the top of the table, and I thought it prudent to remove it to another box, and I ſtood over them with my pole-axe; then more aſſiſtance came; I went into the kitchen, and upon the floor I ſaw the bag, with ſomething in it; I opened it, and put all the things in it out upon the floor in the kitchen, there was a black ſatin cloak, a new pair of leather ſhoes, a table cloth, three linen aprons, two of them new, one of them worn, and I put them into the bag again, and tied them up, and then looked into the kitchen, and there was the china bowls, the pewter was all gone off the ſhelf in the kitchen; Jane Hudſon goes into the bar, and ſays, before God here is Harris's ſtick; this is the ſtick, I marked it, Maſon can prove it is his ſtick, Maſon has kept the ſtick ever ſince.

*Maſon.* I was going to mention it, but was ordered down, I had been to the watch-houſe, and when I came back this ſtick was found.

Do you know whoſe ſtick that is?——It is the priſoner Harris's, I know it, for a few nights before this affair happened, I had this ſtick in my hands for nigh half an hour from the priſoner Harris; a perſon came to ſpeak to him, and I was in the ſame box ſitting where he was, and the ſtick fell, and I took it up, and went and examined it very much, and another man that was in company with me aſked me what wood it was, and we agreed it was aſh; and if this ſtick was amongſt a thouſand, I could ſwear to this ſtick, that was at the ſame houſe the robbery was committed.

Was you preſent when Harris was taken out of the neceſſary houſe?——Yes.

Had he any ſtick in his poſſeſſion then?——He had none when he was taken, nor when he was brought to the tap-room.

*Scott.* The maid brought it out of the bar.

*To Maſon.* What did you do with the ſtick when you had it half an hour?——Harris aſked me for it, and I returned it to him.

Did he leave it in the tap-room that night?——He went away ſoon afterwards.

And did he carry the ſtick with him?—To the beſt of my knowledge he did; I examined it very particularly, not thinking any thing of the kind would happen.

Have you any imagination that he left the ſtick behind him that night?—No.

*Proſecutrix.* This ſtick was found behind the ſtreet door; I faſtened the ſtreet door over night, and there was neither ſtick, nor any thing elſe, behind the door at that time.

*Jane Hudſon.* I found the ſtick behind the ſtreet door, and I gave it to my miſtreſs in the bar, it was juſt after they went out to the watch-houſe; I went to ſhut the ſtreet door, and I hit it with my foot; my miſtreſs ſaid, this is Harris's ſtick, the maid has found it behind the door; my miſtreſs ſaid, I ſaw it in Harris's hand.

Had you had occaſion to go out at that ſtreet door?——No, Sir, we went up ſtairs to bed immediately, and Mr. Maſon.

Had you ſeen that ſtick behind the door that day?——No, Sir, I had not, it was not there when I went to bed; I looked to ſee if Mr. Maſon had faſtened the door, and there was nothing behind the door at all; I have ſeen him have a ſtick in his hand before, but I did not take any notice of it.

*Mr. Garrow.* Are you ſure you did not ſay to Scott, before God, here is Harris's ſtick?——I might ſay ſo; I ſaid to Mr. Scott, I have found a ſtick, and it is Harris's, I believe; when he came back from the watch-houſe I ſaid ſo, I did not ſay ſo when I firſt found it.

Upon your oath, did you ſay any thing to Scott about it, or did your miſtreſs ſay ſo?——My miſtreſs ſpoke firſt, and I ſpoke afterwards.

*Court to Proſecutrix.* Look at that ſtick; did you ever take notice of that ſtick?——It is Thomas Harris's ſtick.

One ſtick is exceeding like another; what induces you to ſay that is Thomas Harris's ſtick?——The girl went to ſhut the door, ſays ſhe, Madam, here is a ſtick, ſhe brought it in, ſays I, this is Tom Harris's ſtick.

Why did you ſay ſo?—Becauſe I ſaw it ſo often in his hand, I have had it in my hand when I have dreſſed him a bit of ſtake.

Did you ever take any particular notice of that ſtick, to be able to ſwear to it again?——Yes, that is the ſtick.

*Mr. Garrow.* You ſtick to that, that it is the ſtick?——Yes, Sir.

Yours is a very well accuſtomed houſe?——It is.

You have a good many cuſtomers?——No, I have neighbours ſhare, I do not ſerve any body in Field-lane.

How many perſons might come into your houſe with ſticks?—I do not know, I never minded any.

Now give us ſome reaſon why you minded Mr. Harris's in particular?—Mr. Harris brought a piece of beef on Wedneſday night, and deſired I would dreſs it for him, he came the next morning, it was a bit of briſket beef; I ſaid, what are you going to do with that, it is not fit to broil, and I propoſed to make ſome ſoup of it.

But how come you to take notice of that common aſh ſtick?——Becauſe I have had it in my hand, and I moved it when I went to lay the cloth for him.

Are there not a hundred ſuch?——Yes, thouſands.

Did you cut your name in it?—What ſhould I for.

What do you ſay about the tankard, did you hear what ſhe ſaid about the ſix guineas?——Yes.

Is that falſe or true?—It is not falſe.

*Court.* You have no right to make her accuſe herſelf.

THOMAS BESSETT *ſworn.*

I have found this pewter in a ruinous place, the 5th of this month, which was Sunday, between twelve and one, as near as I can recollect; I imagine it may be forty yards, as near as I can gueſs, from Mrs. Chapman's houſe, there was ſome rubbiſh lately thrown over it.

*(The pewter produced and depoſed to.)*

PRISONER THOMPSON'S DEFENCE.

As I was coming along, I heard the

watchman call out watch ! and then afterwards thieves ! I run into this paſſage with the watchman, I got ahead firſt, and the watchman laid hold of me, and he took me into the proſecutrix's houſe.

### PRISONER HARRIS's DEFENCE.

As I was coming to Mrs. Chapman's, I believe it was about one, I cannot particularly tell; I was rather diſguiſed in liquor, I wanted to go into the yard, I lifted up the latch, I knew this houſe, I went to the neceſſary, and there I fell aſleep.

*The priſoner Thompſon called two witneſſes to his character.*

**BOTH GUILTY, Death.**

*Tried by the firſt Middleſex Jury before Mr. Juſtice* GOULD.

212. **WILLIAM HOUGHTON** and **THOMAS HORTON** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Mary Humfries about the hour of two in the night, on the 15th day of January laſt, with intent her goods and chattels, in the ſaid dwelling-houſe then being, feloniouſly and burglariouſly to ſteal.

### GEORGE LAW *ſworn.*

I live with Mrs. Humfries, a baker, in Bambridge-ſtreet, St. Giles's; on the 15th of January her houſe was broke open, about half paſt two on Sunday morning we were alarmed by the watchman, we got up and let the watchman in, and he came in and found two men in the ſhop, I never ſaw them before, the priſoners are the men, they never got away from us.

Was any part of the houſe broke ?——The bake-houſe door was broke, and I do not know whether it was faſtened up over night or not; when I ſaw it, the bottom was broke a piece off, this is the piece, I do not know how they got in, the door was wrenched open, and this piece was wrenched off.

### MARY HUMFRIES *ſworn.*

I keep a baker's ſhop in Bambridge-ſtreet, St. Giles's; I have two parlours even with the ſhop, I ſleep in the back parlour; about half paſt two, on the 15th of January, I was alarmed by the watchmen and rattles in the ſhop, I called to my man, and came out of the back parlour, I miſſed nothing but two ſhillings and two-pence halfpenny that I left on the table on Saturday night, I looked about the parlour and found theſe pieces of wood that were broke off my beaufet, I ſaw the door and it was broke and a-jar, it joins the ſhop, it was under the ſame roof as the dwelling-houſe.

### THOMAS SERJEANT *ſworn.*

I faſtened the door about eleven at night, the night before, and locked it.

Which door was it ?——The door that ſhuts to, I faſtened the door with a lock and key, I faſtened them both, I ſhut it down, I am ſure I faſtened it at that time, I tried it afterwards, and the board was ſhut down, I ſaw it the next morning and it was broke.

### GEORGE THOMPSON *ſworn.*

I am the watchman that belongs to that round, and coming along pretty cloſe to this door, I found it broke and wrenched open, I knocked thinking ſome of the ſervants laid below, and one of the men aſked who that was; I anſwered, the watchman; he aſked what I wanted, I told him the place was broke, and the man aroſe and opened the ſhop door, while I ſtood at the ſhop door, while he was dreſſing himſelf, having no light, I put in the light, and William Houghton and Thomas Horton ſtood between the flower ſacks and the counter; I took them both there, I ſearch them for fear of my life, and when I found they had no fire arms, I thought my life was my own; I ſprung my rattle for aſſiſtance, we ſearched the houſe and found nothing elſe, only the beaufett broke, and this piece broke off; I took them both to the watch-houſe.

### PRISONER HOUGHTON's DEFENCE.

I was going along, coming from the Running-horſe, I tumbled down the cellar, and could not get up.

### PRISONER HORTON's DEFENCE.

I have nothing to ſay.

*Watchman.* I aſked them no queſtions, and the priſoner Houghton deſired I would not uſe them ill.

### JOHN BARLOW *ſworn.*

I know the priſoner Houghton about eleven or twelve months, he worked with me making ſcowering paper, he behaved very honeſtly to me; he left me five or ſix weeks ago, he left me on the Saturday morning, and on the Sunday I heard he was in trouble.

### HARRY MOORE *ſworn.*

I am a weaver, I have known him about three years, a ſober, honeſt, juſt, and faithfull lad to me, while he worked with me, which was about ſixteen months.

BOTH GUILTY, **Death.**

*Tried by the firſt Middleſex Jury before Mr. Juſtice* BULLER.

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213. JOHN MEARS was indicted for feloniouſly breaking and entering the dwelling houſe of Thomas Parr, about the hour of one in the afternoon, on the 17th day of January laſt, Elizabeth Parr, Peter Parr, and Ann Nicholas then being in the ſaid dwelling houſe, and feloniouſly ſtealing therein, three pieces of gauze, containing thirty-ſix yards, value 3l. his property.

### THOMAS PARR *ſworn.*

I live in Watling-ſtreet, I keep a gauze warehouſe, the priſoner entered my houſe about one in the day, on the 17th of January; this is the parcel I loſt.

*(Depoſes to it.)*

*Court.* How do you know they are yours?—By the tickets.

What is the value of them?——Three pounds, I ſaw theſe gauſes about ten minutes before the theft was committed, I never ſaw the parcel opened till now, ſince that time.

*Mr. Peatt, Priſoner's Counſel.* How many partners have you?——None.

You deal very largely in gauze?—I deal in gauzes, not very largely.

This gauze is a very common ſort?—Yes, I have ſold quantities of it.

Do you ever ſell goods with that mark upon them, Sir?——I always ſend them with the marks on, and with particular tickets.

If you had ſeen them three pieces of gauze, in any ſhop twenty or thirty miles out of town, a day or two after, ſhould you have known them from your ſhop mark to be the gauze you loſt that particular day?——I ſhould have known it to be my own mark, I ſhould have known it to have been gauze that was in my ſhop at that time.

There are other gauzes of that ſort?—I do not know that I ſhould have known it unleſs the tickets were on.

Now from the probability of knowing theſe figures, can you take upon you to ſwear they are yours?——I think I could, I can ſwear to the hand writing of my young man who made theſe figures.

Can you take upon you ſafely to ſwear that you would know the figures of your clerk in diſtinction to others?—I could be pretty ſure, I do not know I could ſwear to it.

*Court.* Have you any doubt about it?——None in the leaſt.

Is the mark the ſame as your ſhop mark?——The figures are the ſame, here is one of my own figures, I could not be ſure it was my gauze, unconnected with this ſtory.

Or that it was gauze that was in your ſhop, at that particular moment that you deſcribe?——No, I could not.

*Court.* If you had ſeen theſe figures at any other particular place, ſhould you have known them to be yours?—I ſhould.

Then having your figures to your gauze ſhould you have any doubt but they were your own?——No.

### PETER PARR *ſworn.*

I live in Thomas Parr's houſe, being up ſtairs, I heard the garret door open, and I ſaw through the glaſs door, the priſoner running out, I purſued him, and at the corner of Bread-ſtreet, I ſaw him tying the parcel round his coat, he ſtruggled and tore his coat, he was brought back to the warehouſe, he fell down on his knees, and confeſſed he did it.

What became of the parcel?——I took the parcel, he delivered it up to me, I found it upon him, I carried it home to the warehouſe; this is the parcel.

Do you know whether the door was ſhut or open?——It was ſhut, I am ſure of it, for the bell does not ring otherwiſe, and I heard the bell ring; the priſoner was out of my ſight half a minute, I never ſaw the priſoner before.

*Court.* Do you know the figures on theſe gauzes?——Yes, ſome of them are mine, I know by the figures they are the ſame gauzes that were in Mr. Parr's warehouſe.

Did you ſearch in the warehouſe to ſee if any had been taken away?——I looked before I went, and miſſed that parcel.

*Mr. Peatt.* Can you know them figures from other figures that you have made on other goods?—Yes.

Who was in the houſe?——Elizabeth Parr was in the houſe, and the maid ſervant Ann Nicholas.

### PRISONER's DEFENCE.

I leave it to my counſel.

### JOHN WORRALL *ſworn.*

I was coming along Bread-ſtreet with my cart, when this young man took the parcel from the priſoner, and he broke looſe from him, and he called out ſtop thief! and I followed him and took him in Cheapſide, and brought him to the warehouſe of Mr. Parr, and there the priſoner owned in the warehouſe that he had taken a parcel out of the warehouſe.

*Mr. Peatt.* Did you ſay any thing to him?——I ſaid, if you are innocent of it, go back to the warehouſe where this young man lives, I made no promiſes nor any body elſe in my hearing.

*The priſoner called one witneſs who gave him a good character.*

GUILTY, Death.

*Tried by the London Jury before Mr. Juſtice* BULLER.

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214. SARAH PARRY was indicted for feloniouſly aſſaulting Owen Clutton in a certain dwelling houſe, on the 13th day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a ſilver watch, value 3l. a ſteel chain, value 6d. a ſeal, value 6d. and a key, value 2d. his property.

### OWEN CLUTTON *ſworn.*

I am a gentleman's ſervant, I have ſeen the priſoner at the bottom of Oxford-road; and on the 31ſt of January, I was going to ſee a friend, this priſoner and another met me and laid hold of me, and aſked me if I would not give them ſomething to drink, I told them I could not very well afford it, I conſented to give them ſome porter, and I went with them to a room in Wells-yard, Bambridge-ſtreet; I do not know the name of the perſon that keeps the houſe, it was a private houſe, I ſtaid there till it was too late for me to go home, and the priſoner told me, I was welcome to ſtay there all night, ſo I thought as I was too late, I might as well ſtay and take a nights lodging, the other woman ſtopped and drank part of two pots of porter; they were whiſpering and then ſhe went away, and we went to bed, and had not been in bed above half an hour, I had not been in ſleep, when there came back the ſame woman and two men, and the priſoner jumped out of bed and let them all three into the room.

Was you awake then?——Yes.

You felt yourſelf in a very perilous ſituation?——Yes, one of the men when he came in, came and laid hold of my ſhirt collar, and threatened my life, if I did not get off the bed, and go about my buſineſs.

What did you do?——He pulled me up from the bolſter, and in the mean time my breeches were gone from under my head; and ſoon as I aroſe from the bed, I went to feel for my breeches and they were gone, I had my watch in my pocket, and a couple of ſhillings; it was a ſilver watch, I am ſure I had that when I came into the room, I put it into my waiſtcoat pocket, I found all the reſt of my clothes, but not my breeches, I went down ſtairs, and when I came up ſtairs again, this priſoner and the other woman were in the room, and I could not find my breeches, and I begged of them to get a light that I might find them: I had ſearched about, but when the light came I found them, and put them on, and was going down ſtairs to leave the place, I gave them very good words, and the priſoner pulled hold of me by the arm, and called the two men up ſtairs to come and ſearch me, becauſe I had ſaid before, I had loſt my watch and my money, thinking it was in my breeches pocket, and forgetting I had put it into my waiſtcoat pocket; when ſhe had hold of me, ſhe called in the other two men, and one of them came in, and ſwore a great oath, and ſaid he would pull my bloody life out, if I did not produce the watch; the priſoner had hold of me by the right arm at that time, ſo that I could not have the liberty of my arm, and he ſnatched my watch from me; that was the man that had hold of my throat, the ſhort one that took my watch, and the other went away; the two girls had hold of me, I tried to get after the men, and I believe I broke the hinge of the door, I went to call the watch, and the women came down, and before the watch came, they both run away.

Was this houſe inhabited by other perſons?——I do not know who was in it, I was in the one pair of ſtairs.

What became of your two ſhillings?——That was gone at the time I loſt my breeches from under my head; I found the patrols, and they came with me to the ſame houſe, by the deſcription I gave, and we found the priſoner wrapped up in the bed-clothes, with all her clothes on in the ſame room, I am ſure it was the ſame woman! I never got my watch again, the woman was taken by the patrols to the watch-houſe and lodged there all night, and the next day carried before a Juſtice of Peace.

*Priſoner*. I was not the perſon that laid hold of him, I was in the room ſome diſtance behind him.

*Court to Proſecutor*. Had ſhe hold of you at the time your watch was taken?—Yes, for I could not get my hand to my pocket to get it out, without ſome difficulty.

*Priſoner*. He delivered his watch out of his own hand, into the young man's hand, to ſee what what it was o'clock, and he went off with it.

### THOMAS DALTON *ſworn*.

I am one of the patrols of St. Giles's, I know nothing more than the apprehending of this woman, and upon her examination ſhe begged the favour that we would ſearch for theſe other people, and ſhe gave us an account of their parties and directions, we ſearched for them but could not find them, William Dawſon was the perſon that ſhe lived with, Edward Oliver ſhe ſaid had the watch from him, and Sarah Oliver was the other woman.

### JAMES DAY *ſworn*.

I am a patrol, I went with the gentleman, and found the priſoner rolled up in the bed clothes, and I could find no other perſon.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
**And Publiſhed by Authority.**

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THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

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## *Continuation of the Trial of Sarah Parry.*

### PRISONER's DEFENCE.

That gentleman went home with me, we had two pots of beer, and two quarterns of gin; when we had been in bed about an hour, I was awaked out of my ſleep, and the door was burſt open, and two men and a woman came into the room, I could not tell who they were, and a light was produced in the room, then I ſaw who they were, and he had got his clothes on, and charged me with having his watch; he ſaid he had loſt two ſhillings; I inſiſted on his ſearching his pockets, and laid hold of his arm that he ſhould ſearch, and he took his watch out of his waiſtcoat pocket, and gave it to one of the young men to ſee what it was o'clock, and the man went off with it.

*Jury to the Patrol.* She gave you names that you were to make a ſearch after?——Yes.

Did you on your enquiry find that there were people of that name?——Yes, there were.

*Jury to Proſecutor.* After in your fright you had declared you had loſt your watch, who gave notice then?——As ſoon as ever I ſaid, I had found my watch, the priſoner ſaid, here, here, come and help and ſearch this man, he ſays, I have ſtole his watch; no, ſays I, I have it; then when the man threatened me ſo, I took it out of my waiſtcoat pocket, and he laid hold of me by the throat, and with the other hand ſnatched it away.

*Court.* Are you now in place?—I loſt my place on that account.

*Jury to Proſecutor.* Was you quite ſober when they picked you up in the ſtreet?—Yes.

Had you any gin?——There was one quartern of gin, and two pots of porter.

And you felt yourſelf quite ſober?——Quite ſo, I went to the watch-houſe, and gave a deſcription of the room, and the bed.

*Jury to Officer.* You ſaw the proſecutor at the watch-houſe, did he appear to be perfectly ſober?——He ſeemed to be rather flurried, but by no means in liquor, he gave us a particular deſcription of the room, a hole in the window, and the bed on the right hand.

GUILTY, Death.

*Tried by the ſecond Middleſex Jury befor*
*Mr. Baron* PERRYN.

215. **JOHN LOCKLEY** was indicted for feloniouſly aſſaulting William Lindſley, on the King's highway, on the 13th day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, twelve pair of ſilver watch caſes, value 5l. and one bag, value 1d. the property of Thomas Gibband.

### WILLIAM LINDSLEY *ſworn.*

I was fifteen the ſecond of laſt month, I know the nature of an oath; I ſaw the priſoner in St. John's-ſquare, Clerkenwell, the 13th of January, I am an apprentice to Thomas Gibband, he is a watch-caſe maker, it was between five and ſix in the evening; I had twelve pair of ſilver watch-caſes which I had been fetching from Goldſmith's Hall; the priſoner came behind me, and pulled me backwards, and when I was down, he ſtruck me about half a dozen blows on my head, I am ſure it was the priſoner, then he took hold of the bag where the watch caſes were, and dragged me along by it about two yards, and then he d——d my eyes, and gave me a ſudden blow on my ſide, and ſnatched the bag at the ſame time, he ran away with the bag, and I got up directly, and ran after him, and I cried out ſtop thief! and he ran up Badger-yard, and in the middle of that yard there are ſome poſts, and the poſts ſtopped him, then I got up cloſe to him; he got up to the poſt, and turned round the corner not ſharp, but into the road, ſo that I never loſt ſight of him; then he run up Red-lion-ſtreet, and was apprehended and ſtopped; Mr. Young ſtopped him, I ſaw him all the time, I came up and ſaw Young and him together, he had thrown the bag and watch-caſes down Mr. Haines's area, the corner of Badger-yard.

*Mr. Garrow, Priſoner's Counſel.* This happened in St. John's-ſquare?—Yes.

Which ſide of the ſquare?—On the left hand ſide from here.

There the ſquare is open?——Yes.

What ſort of weather was it?—It was a remarkable light night.

What made that?—The moon juſt came out.

The perſon came behind you?—Yes.

What part of the ſquare did he come from?——I cannot tell that, I did not ſee him till I felt him.

He gave you ſome violent blows?—Yes.

Did not he ſtun you?——No, as ſoon as ever he got the bag, he ran away, and I got up and cried ſtop thief! he ran up Badger-yard, on the left hand ſide the ſquare, which is more than two hundred yards where we ran to Mr. Haines's.

How many corners might you have to turn?——One, out of Badger-yard, into Red-lion-ſtreet.

You went before the Magiſtrate that night?—Yes.

Do not you remember ſwearing before the Magiſtrate, that you only believed that to be the man?——No, Sir, I do not; when he dragged me along the ground, I had a full view of his face, beſides I never loſt ſight of him, the area of Mr. Haines's, is the corner of Badger-yard, it is not a twentieth part the length of this Court, not ſo far as from me to you; I did not ſee the caſes found.

### SAMUEL YOUNG *ſworn.*

On the 13th of January I was going up Red-Lion-ſtreet, it was about half paſt five in the evening, it was a very light night, I had juſt paſſed the end of Badger-yard on the oppoſite ſide of the way, on a ſudden I heard the cry of murder and ſtop thief, I turned round as quick as poſſibly I could, and I could ſee nobody in the ſtreet but the priſoner at the bar running from the corner of Dr. Haines's houſe, running on the pavement, the priſoner ran up towards the ſide that I was on, and by the time that he got acroſs the way, the boy and three or four people came out of Badger-yard, and they cried out ſtop him, I then ſtood, and the man paſſed me, I was going to knock him down, but he paſſed me, I then ſtooped forwards

wards and caught hold of him, and he ſaid let me go, and I believe he ſaid d—n you, or ſomething of that kind.

Did you ſee any other perſon running in the ſtreet?——My Lord it is ſo clear, and I believe Red-lion-ſtreet is well known in this court, I ſaw no man in the ſtreet, I could ſee from the top to the bottom, I had not been I ſuppoſe half a minute while I was ſtruggling with him, before the boy and the other people came up, and the boy ſaid give me my watch caſes, give me my watch caſes; the priſoner ſaid nothing to my recollection, only ſaid he had not got them, ſeveral people came round and wanted to ſearch him, and one of the perſons that came firſt up, that laid hold of him with me was accuſed of picking a gentleman's pocket, or his hand in his pocket, or ſomething of that ſort, I therefore thought I was in a ſituation I did not much like, and I deſired they would ſend for a conſtable, and that ſomebody would aſſiſt me, and nobody would, I then ſaid to the priſoner, friend as the boy ſays you have taken his watch caſes, I will take you to the magiſtrate myſelf, I then rather exerted myſelf, and took him to Juſtice Blackborough's; when we were there they propoſed to go back to the place to look for the watch caſes, and while we were there a meſſage came that they were found in Dr. Haines's entry.

### THOMAS GIBBAND *ſworn.*

The firſt witneſs is my apprentice, I am employed in the watch caſe branch; on the 13th of January I ſent the lad at five o'clock to Goldſmith's Hall to fetch twelve pair of ſilver watch caſes that had been there to be ſtamped, and before ſix I was informed he was robbed, I immediately went out and met the priſoner in cuſtody of Samuel Young, I then went before Juſtice Blackborough, where my apprentice ſwore poſitively to the priſoner's being the man, I ſent ſome of my men to ſearch the areas from the parts he came from, and while we were in the Office news was brought that they were found in Dr. Haines's area, I went and ſaw them delivered from Dr. Haines to the conſtable.

### WILLIAM BRACKNEY *ſworn.*

*(Produces the watch caſes.)*

I received thoſe from Dr. Haines, and they have been ever ſince in my cuſtody marked T. G. and the ſtamp at Goldſmiths Hall.

*(Depoſed to).*

### PRISONER's DEFENCE.

I was going along Red-lion ſtreet, and a man caught hold of me and ſaid I was the perſon.

### ROBERT ASHMORE *ſworn.*

I live in Bridgewater-ſquare, I am a watch-maker, I have known the priſoner five or ſix years in the ſquare; my opinion is this, I always looked upon him to be an honeſt hard working lad, and as good a lad as ever was, I have known him theſe ſix years very nigh, ever ſince his maſter came into the ſquare, he worked for Mr. Ward in the ſquare, Mr. Ward is a watch-maker, I know this, that if he had been a rogue he might have robbed me very often, he was the laſt perſon I ſhould ever have ſuſpected of robbing me, he might have taken many things, he had always acceſs to my houſe.

### WILLIAM ELMORE *ſworn.*

I live St. Sepulchre's pariſh, I am a watch caſe gilder, I have known him ſeven or eight years, a very honeſt induſtrious young man as ever I knew.

### THOMAS PAYNE *ſworn.*

I am a carpenter, I live at No. 4, Newin-ſtreet Shoreditch, I have known him ten years and upwards, his father worked with me, at that time as worthy a young fellow as ever I heard tell of, I never heard amiſs of him, he might have robbed me.

### THOMAS WARD *ſworn.*

I am in the watch buſineſs, the priſoner now at the bar came to me as an errand boy, his behaviour was ſuch I took him apprentice, his time expired the 2d of laſt November, and ever ſince that time he has worked journeyman with me, and he was at work with me the day he was accuſed of that tranſaction, I have truſted him with a great many caſes, I have had half groſſes and dozens and dozens, and I never miſſed a caſe in my life, I look upon ſo him honeſt that I would take him again to day.

*Court*. Had you ſent him that day to Goldſmith's Hall ?——No, he never went of any errands for me after he was out of his time, he went to dinner about a quarter after one as near as I can tell, he loged ſomewhere in Holborn.

Was it the road to his lodgings to go through St. John's Square ?——He might or he might not.

GUILTY, **Death**.

*He was humbly recommended to mercy by the Proſecutor and Jury.*

*Tried by the London Jury before Mr. Baron* PERRYN.

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216. ROBERT DAVIS was indicted for that he not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 30th of January laſt, at the pariſh of St. Paul, Shadwell, feloniouſly, wilfully, and of his malice aforethought, in and upon one William Watſon, in the peace of God and our Lord the King then and there being, did make an aſſault, and that he the ſaid Robert Davis, with a certain gun, value 5s. loaded and charged with gunpowder and divers leaden ſhot, at to and againſt him the ſaid William Watſon, did ſhoot off and diſcharge, he the ſaid Robert then and there well knowing the ſaid gun to be ſo loaded and charged as aforeſaid; and he then and there by the force of the gunpowder ſo diſcharged as aforeſaid, him the ſaid William upon the left breaſt did ſtrike, penetrate, and wound, giving to him ſo as aforeſaid, in and upon the left breaſt, one mortal wound of the breadth of the eighth part of an inch, and the depth of ſix inches, and one other wound of the breadth of the eighth part of an inch, and of the depth of four inches, of which mortal wounds he languiſhed till the 31ſt of January laſt, and languiſhing did live, and on which ſaid 31ſt day of January laſt, he the ſaid William Watſon did die, and ſo the Jurors ſay that he feloniouſly, wilfully, and of his malice aforethought, him the ſaid William Watſon did kill and murder.

He was alſo charged on the coroner's inquiſition with the ſaid murder.

### SAMUEL CLIFTON *ſworn*.

I am a private in the Coldſtream regiment of guards, I live in New Gravel-lane, I am quartered in St. Catherines.

*Court*. On the 30th of laſt month was you at the houſe of a Mrs. Angus ?—Yes.

Does ſhe keep a public houſe ?——No, ſhe keeps a private houſe, there are ſome lodgers in her houſe, but I do not know how many.

Where does ſhe live ?——In the middle of New Gravel-lane.

What brought you there ?—I live facing there, and ſometimes I go to the houſe.

Do you know the priſoner Mr. Davis ?—Yes.

Where is his habitation ?——Facing her on this ſide the way.

What way of life is he in ?——He is a pawnbroker.

The evening of the 30th of January did you obſerve any thing reſpecting the priſoner ?—On the 30th of January, I went over to Mrs. Angus's at ſeven in the evening to ſupper, I ſtaid there till eleven; as I came down at eleven o'clock, I ſtopped the courſe of two minutes inſide the houſe, I was going home, and I heard the report of a gun, while I was withinſide the houſe, as ſoon as ever I heard the report of the gun, I went inſtantly to the door, I opened the door myſelf, and I ſaw the priſoner up one pair of ſtairs with his windows open, and a gun in his hand, and a light in his room; and I ſaid to Mrs. Angus, the gentlewoman of the houſe, for God's ſake!

here is Mr. Davis, he has got a gun in his hand, what he is going to do I cannot tell? and ſhe and her ſiſter both came to the door.

Was the deceaſed in the inſide of the houſe at that time?——Yes.

Did he come to the door alſo?—No, he was withinſide the houſe, and when we ſtood at the door, Mrs. Angus, and her ſiſter, Mr. Davis preſented the piece and pulled the trigger, he preſented it ſtrait acroſs.

*Court.* Then if it had been fired at that time, it muſt have taken a direction over your heads?—I do not think it would have touched us.

Did the gun go off when he pulled the trigger?—It did not, he pulled the trigger twice, then he dropped the gun down on the floor by the ſide of him.

You being on the ground floor, and he in the one pair of ſtairs room, can you ſay what he did?——I ſaw him very plain, he then went to the other ſide of the room, and picked up another gun.

Is Mr. Davis a dealer in guns?——Not that I know on, he then went and fetched another gun, and he preſented the piece at us, and it went off immediately, as we were ſtanding at the door.

Then that gun was preſented in a different direction than the firſt?—I cannot ſay it was pointed the ſame as the firſt, it was pointed ſtraight, but it came ſo quick, that I could not tell whether it was a piſtol or a gun.

What did you obſerve next?——While we ſtood at the door, the gentlewoman of the houſe was frightened, and at the ſame time, Mr. Thomas came up to us, and ſpoke to us, he is the beadle of the night, and Mrs. Angus ſaid to him, there is nobody here but this young man, and my lodgers.

What did the beadle ſay?——He ſpoke to Mrs. Angus, and ſhe ſaid there is nobody here but thoſe that belong to the houſe, as ſoon as Mr. Thomas went away, Mr. Davis fetched up the piece that he had had in his hand before, and that did not go off, and then I ſaid to Mrs. Angus, Mr. Davis has got another piece in his hand, and before I could ſpeak the words out of my mouth, he preſented the piece, and point it to the perſons at the door.

Was that piece preſented the ſame as the former?—It was preſented in a line to me, when he preſented the piece to me, it was not cocked, and while he was cocking the piece, I took one motion, a platoon exerciſe, to my left hand, then the gun went off, and this William Watſon received the contents, he ſtood inſide the houſe juſt behind me; while he was cocking the piece, I took a ſtep to the left, and as ſoon as the piece went off, Mr. Angus's ſiſter cried out, Davis has killed Mr. Watſon, and when I turned myſelf to the door, the man dropped down before my face, and ſhe cried O! you have ſhot my hand, the deceaſed lay on his back, he never ſpoke a word afterwards.

Did he live ſometime afterwards?——He lived till a quarter paſt ſix in the morning.

Did you ſee any thing of the priſoner afterwards?——When I ſaw the man fall, I cried out to Mr. Thomas directly, I cried out murder! murder! Mr. Thomas here is murder done! Mr. Thomas came up directly.

Did you ſee any thing of the priſoner?——We ſaw the priſoner, he came over directly as ſoon as ever Mr. Thomas came into the houſe.

What was his behaviour when he came over?——When he came over into the houſe, he looked at the man that was ſhot, and he ſays, the poor innocent man who never did me any harm in my life time, let nothing be wanting, but ſays he to me, I thought it was you.

*Court.* Let me take thoſe words correctly; he ſaid, I thought the accident had happened to you?——Yes, he thought the accident had happened to me, he ſaid, I thought it had been you, three or four times.

Then he addreſſed himſelf to you, he ſpoke to you?——He ſpoke to me.

He ſaid ſeveral times, I thought it had been you?—Yes.

Had any quarrel ſubſiſted between you and the priſoner at the bar, or any enmity between you?——No further than a pot of beer.

What do you mean?——We had a few words about a pot of beer.

When?——That day.

But was the quarrel of ſuch a nature or had proceeded to ſuch a height, that you have any reaſon to apprehend he ſought your life?—No, Sir, I cannot ſay I had.

Had he made uſe of any expreſſions indicating malice towards you?—No, Sir, not in the leaſt.

Then it was ſome trifling quarrel about a pot of beer?—Yes.

The priſoner when he came into the houſe and ſaw the unfortunate man in the ſituation that you have deſcribed, deſired that all poſſible aſſiſtance might be given him?——Yes, he did, and deſired that nothing might be wanted for him.

Was any body ſent for, any ſurgeon, or any perſon?——Yes, there was a ſurgeon ſent for before he came over.

That was immediately?—Immediately as it was done.

Did you ſee the ſhot?——I ſaw the ſhot in the ſurgeon's hand taken out of the man's heart, five ſhot.

What kind of ſhot were they?—I cannot ſay exactly, but I think they were No. 2.

That is a large ſhot?——Yes.

Did the priſoner at this time ſay any thing that he did not apprehend the gun was charged, or any thing by way of excuſe?——No, I heard nothing of that ſort, I ſaw no more; I ſtaid there till a quarter paſt ſix, and I ſaw the man die.

What were your apprehenſions of his death, that it was that ſhot?——There was a ſhot went in through his eye, and his noſe, I ſaw a great many ſhot down his arm and his body.

You have been in company with the deceaſed before this accident happened?—He had been backwards and forwards to my houſe before, then he was in perfect health.

Then you cannot have any doubt in your mind, but this ſhot was the cauſe of his death?—I cannot ſay.

## JAMES HORSFALL *ſworn.*

I live in Ratcliff-highway, near Old Gravel-lane, I was the ſurgeon that attended this man, theſe are the ſhot, they have never been out of my poſſeſſion.

You are not ſportſman enough to know what number they are?——No, I am not.

*(The ſhot ſhewn to the Jury.)*

You attended the deceaſed?——I did; when I went to ſee him, it was about a quarter before twelve, he was then laying on the floor about a yard from the door, I deſired them to raiſe him up, and I examined the body; the priſoner Mr. Davis ſtood at my left hand, and obſerved to me, that there was no charge in the gun, to which I remarked, there appeared to have been ſome, for on removing his cloaths there were nothing but ſhot holes about his breaſt, the body was perfectly cold at that time, there was no pulſation in his heart, I ordered my aſſiſtant to endeavour to draw ſome blood from him, but he would not bleed; I had not the leaſt idea of his bleeding, but merely for form ſake more than from any expectation of his bleeding; I endeavoured to put ſome brandy down his throat, in order to ſtimulate the conſtitution, but there was no ſwallowing, there was not the leaſt ſenſibility remaining, he was dead to all intents and purpoſes, he barely breathed and continued ſo to do, till ſix in the morning, I ſtaid with him an hour; upon removing the breaſt bone, I obſerved the ſhot had penetrated the heart in ſeveral places, in diagonal lines, a great quantity of blood having extravaſated the cavity of the breaſt, in ſhort they paſſed right through the heart, and lodged ſomewhere in the back, the ſhot I have produced in Court, were the ſhot I took from about the heart and lungs, and there is not a doubt, I believe, remaining, but they were the cauſe of his death.

*Mr. Silveſter.* Upon the priſoner's telling you there was no charge in the gun, I do not know whether you went over to his room and found that the charge had been drawn?——No, Sir, I did not.

Had any number of robberies been committed in that neighbourhood, that required guns to be charged and kept in readineſs in caſe of attacks?——On the Saturday morning before the murder on the 28th, the houſe was robbed where this murder was done.

So that the keeping a number of guns charged for preſervation againſt thieves, was a neceſſary precaution?—Not to my knowledge.

### ANN ANGUS *ſworn.*

I was preſent at the time of this accident, I ſtood at my own door.

Had you made any obſervations about the priſoner or his houſe before that accident?——I had ſeen him at the window, I ſaw him with either a gun or a piſtol, I really am not ſure which.

When you ſtood at the door, who was in your company?——The deceaſed was on the left ſide of me, and Clifton was there, he had bid me a good night.

Was your ſiſter with you?——I cannot ſay, ſhe ſays ſhe was, but there was another woman on the other ſide, that I have not ſeen ſince the next day, ſhe went away, her name is Elizabeth Dockettz; I was in the middle, and this woman was on the off ſide, and the deceaſed was on the left ſide.

Was it before the report of that gun, that the man was killed, or the former?—I cannot ſay that.

Was you preſent at the time, that the man received the wound?——I did not ſee him fall, I was cloſe alongſide of him, I might as well have been killed, and the woman and the gentleman that is at the door now.

Was there any quarrel or enmity ſubſiſting between you and the priſoner?——No, Sir, none.

You lived in harmony and friendſhip?—Always, Sir, I immediately called out, and ſaid, O dear! what have you done, you have killed a man, and he immediately came over to my houſe.

When he came there what was his behaviour?——He took up the man's head, and ſaid O dear! what have I done! I have killed a man that never gave me any offence; O what would I give, a hundred pounds, two hundred pounds, nay a thouſand pounds; O dear, fetch a doctor, ſpare no expences; Mr. Thomas, the beadle of the pariſh, he came and fetched the doctor, it was not altogether above a minute and an half from the beginning of the accident, then they put me into my own back room, and the deceaſed was put on a chair, he lived many hours after, I went to lay down being fatigued, the priſoner attended the deceaſed all night, and was very melancholy, and was ſorry for what he had done, and ſaid, he could not give that back which he had taken.

*Mr. Garrow.* The priſoner did not ſeem to be a man that had an intention to take away the life of this man?—No, Sir, I ſaw him in the morning about eleven, at a houſe that he uſes, and I believe, he was not out of his ſhop all day, beſides I never ſaw him ill treat any perſon, I did not know of any ill will between him and Clifton.

I take it for granted you was ſo taken up with the accident that you did not go over to Davis's houſe, to ſee if he had drawn out the ſhot of the piece?——No, Sir.

How long have you lived oppoſite to Davis?——I have been in the houſe nine years, I am a tenant to him, he is a moſt harmleſs inoffenſive man, bore no enmity to any body, very ready to ſerve, and very backward to do unkindneſs; my houſe had been lately robbed, that called me to the door, to talk to Mr. Thomas, my houſe had been broke open, and they had ſtripped me of all they could find, the neighbours have kept firing every night ſince Mr. Davis has been in trouble, for we are not ſafe in our beds.

Do you recollect whether this poor man had his ſhoes on when he came, or was in a ſtate preparing to go to bed?—I did not obſerve, he came over directly when he was called.

### PETER HANSON *ſworn.*

I lodge at Mrs. Angus's, I was preſent at the time of this accident, I was at the door, and went from the door again, I ſaw the priſoner in his houſe.

Had he any fire arms in his hands?—I cannot ſay, I ſaw he had ſomething, but I did not know what it was, I returned to the fire place, and directly I heard the report of a gun.

Was that the report which immediately preceded the death of the deceaſed?——Yes.

After this did you ſee the priſoner?——He came over in his ſtocking feet, and took hold of the deceaſed, and lifted him up from the ground.

What did he ſay?——He ſaid, Lord! have I killed an innocent man.

Did he ſay any thing more in your hearing?——Yes, he cried out, ſend for a doctor immediately.

Did he ſay any thing more in your hearing?——No.

Do you know whether the priſoner had any ill-will to Clifton the ſoldier, or to any body elſe in that family?——No, I do not think he had.

*Mr. Silveſter.* I believe he is the moſt harmleſs man in the neighbourhood?——So far as I know.

Did he come without his ſhoes?——Yes, the moment he heard the accident, as faſt as poſſible.

### JOHN THOMAS *ſworn.*

About half after eleven, I heard the report of a gun, I ſaw the flaſh, I and the officer of the night were going by, I ſaw Mrs. Angus at the door, and ſome other perſons with her, I cannot tell who, I ſpoke to her, I ſaid it is almoſt time for you to go in doors and ſhut up your houſe, and ſhe replied directly that ſhe had been robbed the Saturday before, I aſked her of what, and ſhe ſaid ſome braſs candleſticks, and different things what they could catch off the mantle piece, and I told her I was ſorry for it, and then I wiſhed her a good night; a little time after, when I got about twelve or fifteen yards from the houſe, I heard the report of a gun or a piſtol, I did not return immediately upon hearing the report, I went a few ſteps further, and then I heard a cry out Thomas, Thomas, murder, murder! that brought me back to the houſe, and there I ſaw the deceaſed laying on the floor; in the interim of time, Mr. Davis came in, and he exclaimed and lifted up his hands and ſaid, what have I done? and he deſired ſomebody to go for a doctor; and I aſked him if I ſhould go, and he ſaid yes, and I ſaid where ſhall I go, and he ſaid go to Dr. Glouſter, and there were two women knocked at the door, and I knocked, and he looked out of the window, and I told him to come directly, for there was a murder done in the lane, and he ſaid he would not come; I then went to Mr. Horſefall, and he came directly, I came back with Mr. Horſefall, and he looked at the man and told us to lift him up on a chair, and I ſtood alongſide of the man and he tried to draw blood, the priſoner was walking about the room all the time and wringing his hands, and expreſſed great concern.

Did you ſee any thing further?——Only the doctor gave him what relief he thought proper, he poured ſome brandy down his throat, then I carried him to bed, after I had put the man to bed, I ſaid Davis, how came you to do ſuch a thing, ſays he, God knows Thomas, I thought I had drawn the charge, the charge lays over the way now, if you will come and ſee it; and I ſpoke to the officer of the night, and I ſaid is it not better to take Davis into cuſtody, and he ſaid gentlemen I am here do any thing with me you pleaſe, I will go with you any where; and he offered to ſurrender himſelf directly, ſo we went our rounds and returned again, and he ſaid he would ſurrender in the morning, and I believe he did.

*Mr. Garrow.* You had no idea he would run away?——No, I had not, if I had thought ſo I would have taken him.

Do you know whether he had his ſhoes on?——I did not go over about the charge, Elby was not there, Stratford was there, he is in a dying ſtate, and his wife and child; there are plenty of thieves and whores too in Gravel Lane, there had lately been a robbery in the priſoner's own houſe, he told me they had taken ſome lead, he told me that night he was going to have a private watch; I have been a beadle for three years, I never knew any harm of the priſoner in my life.

## PRISONER's DEFENCE.

I leave it to my counſel.

*Mr. Silveſter*. My Lord, I beg leave to quote a caſe as ſimilar to this, which Mr. Juſtice Foſter recites, fol. 263, and is reported by Keeling, "which, (he ſays) I think an extreme hard caſe and of very extenſive influence; a man found a piſtol in the ſtreet, which he had reaſon to believe was not loaded, having tried it with the rammer; he carried it home, and ſhewed it to his wife, and ſhe ſitting by him, he pulled up the cock, and touched the trigger, the piſtol went off, and killed the woman; this was ruled manſlaughter. It appeared that the learned editor was not ſatisfied with the judgment; it is one of the points he in the preface to the report recommends to further conſideration; admitting that the judgment was ſtrictly legal, it was to ſay no better of it *ſummum jus*. I cannot help ſaying, that the rule of law I have been conſidering in this place touching the conſequences of taking or not taking due precaution, does not ſeem to be ſufficiently tempered with mercy; manſlaughter was formerly a capital offence, as I ſhall hereafter ſhew, and even the forfeiture of goods and chattels upon the foot of the preſent law is a heavy ſtroke upon a man, guilty 'tis true of heedleſs incautious conduct, but in other reſpects perfectly innocent; therefore where the rigor of law bordereth upon injuſtice, mercy ſhould, if poſſible, interpoſe in the adminiſtration. It is not the part of Judges to be perpetually hunting after forfeitures, where the heart is free from guilt; they are miniſters appointed by the Crown for the ends of public juſtice, and ſhould have written upon their hearts that ſolemn engagement his Majeſty is under, to cauſe law and juſtice in mercy to be executed in all his judgments. This I have ſaid upon a ſuppoſition that the judgment reported by Keeling was ſtrictly legal; I think it was not, for the law in theſe caſes does not require the utmoſt caution that can be uſed; it is ſufficient that a reaſonable precaution, what is uſual and ordinary in the like caſes, be taken: the man in the caſe under conſideration examined the piſtol in the common way, perhaps the rammer which he had before tried was too ſhort, and deceived him, but having uſed the ordinary caution found to have been effectual in the like caſes, he ought to have been excuſed. I have been the longer on this caſe, becauſe accidents of the moſt lamentable kind may be the caſe of the wiſeſt and the beſt of mankind, and moſt commonly fall amongſt the neareſt friends and relations; and in ſuch a caſe, the forfeiture of goods rigorouſly exacted, would be heaping affliction upon the head of the afflicted, and galling a heart already wounded paſt cure; it would even aggravate the loſs of a brother, a parent, a child, or wife, if ſuch a loſs under ſuch circumſtances is capable of aggravation. I once upon the circuit tried a man for the death of his wife by the like accident: Upon Sunday morning, the man and his wife went a mile or two from home with ſome neighbours to take a dinner at the houſe of their common friend; he carried his gun with him, hoping to meet with ſome diverſion by the way, but before he went to dinner, he diſcharged it, and ſet it up in a private place in his friend's houſe; after dinner he went to church, and in the evening returned home with his wife and neighbours, bringing his gun with him, which was carried into the room where his wife was, ſhe having brought it part

“ of the way; he taking it up, touched the trigger, and the gun went off and killed his wife, whom he dearly loved. It came out in evidence, that whilſt the man was at church, a perſon belonging to the family privately took the gun, charged it, and went after ſome game, but before the ſervice at church was ended, returned it loaded to the place from whence he took it, and where the defendant, who was ignorant of all that paſſed, found it to all appearance as he left it. I did not enquire whether the poor man had examined the gun before he carried it home, but being of opinion upon the whole evidence, that he had reaſonable grounds to believe that it was not loaded, I directed the jury that if they were of the ſame opinion, they ſhould acquit him, and he was acquitted.”

*Court.* If the jury are of opinion upon this evidence that the priſoner had an enmity to Clifton, and meant to kill Clifton, whereas he killed the other, I have no doubt but it is murder.

*Mr. Juſtice Gould.* If you obſerve, he tries the gun twice, and then lays the gun down, and fetches the other.

*Mr. Silveſter.* This was the gun that would not go off the firſt time.

*Mr. Garrow.* My Lord, I am on the ſame ſide with my learned friend Mr. Silveſter, and I hope you will forgive my ſaying a few words in addition to what he has ſaid: I do not conceive that my duty neceſſarily calls upon me to ſay a word, becauſe I am ſure I ſhould do injury to the impreſſion which the diſcourſe of the learned judge which he has juſt read muſt neceſſarily make on the minds of the jury. I conceive the argument goes the full length of aſking the Court for an acquittal; I had not the ſmalleſt conception that there was any thing in this caſe that could in any view of it in which it could be put, put the priſoner into the peril of being convicted of murder. I know if there was a ſtrong and conſcientious doubt whether the priſoner, intending to commit one illegal act, committed another, which was not in his contemplation, that that in the eye of the law would be murder; but is that at all like this, or rather is not this exactly like the caſe ſtated in Keeling: it is manifeſt that the priſoner's object was not to attack the peaceful ſubjects of the kingdom, but to give notice to thoſe that had already aſſaulted his peaceful dwelling, and it is in evidence by the beadle of the pariſh, that he had been driven to the neceſſity of appointing a private watch, and in the interim this man becomes his own watchman, which he had authority to do, in the doing of which he was committing no crime, he was committing no offence againſt the peace of the kingdom, and he diſcharges his firelock, either to try it, or to give notice to thoſe that were lurking thereabouts; this it appears was the priſoner's intention; and that his firſt piece was diſcharged without any thing that could do miſchief is manifeſt on the face of the evidence; for Clifton has told you, that the piece was fired off from a window of Davis's againſt the window oppoſite, and no accident happened; but then it may be ſaid, he afterwards tried another. My Lord, if it is lawful to have one inſtrument, God knows the miſerable ſtate of ſociety would very well juſtify him in having another: Mr. Davis diſcharged one piece, which he found fit for his purpoſe, and he attempts to diſcharge another; it does not go off; he then tries a ſecond piece which had once miſſed fire, he diſcharged it in the ſame ſituation, then this melancholy accident happened; and what is the conduct of Mr. Davis as ſoon as it did happen? is it the conduct of a guilty man? Is it the conduct of a man that meant to ſhoot Mr. Clifton? Is it like the conduct of a man that meant to commit an offence againſt any moral duty? Why, he goes over with as much anxiety as any of your Lordſhips would have felt to reſcue a man, who by accident in the ſport of the field you had been the occaſion of killing; he ſtays at the houſe all night; he offers to ſurrender himſelf to public juſtice; thoſe to whom he ſurrendered, did not refuſe to take his word, they were the jurors on the occaſion; they came to him in the diſtance of three hours, and they again refuſe his ſolicitation to be taken into cuſtody; he continues there ſtill till all the world are awake, and then he goes and ſurrenders himſelf into the hands of public juſtice. My Lord, take it upon the evidence of Clifton himſelf, this man had had a little quarrel with him; why, he is the beſt judge whether it was a malice of ſuch an extent as might provoke the very worſt man in ſociety to follow it up with a murder; Clifton ſays it was a trifling quarrel about half a pot of beer: your Lordſhip aſked him, "Whether the quarrel was of "ſuch a nature, or had proceeded to ſuch "a heighth, that you had any reaſon to apprehend that he ſought your life?"—He ſays, "No, I cannot ſay I had." "Had "he made uſe of any expreſſions indicating "malice towards you?" your Lordſhip alſo aſked, to which he replied, "No, not in "the leaſt." Then, my Lord, let us ſee whether this is not preciſely in point with the caſe in Keeling; in that caſe an accident happened, not with ſmall ſparrow ſhot like this, which pierces the heart and breaks ſome of the blood veſſels, otherwiſe there is not another part of the human body in which it could poſſibly have produced death; this man draws the charge, he ſhakes out the ſhot in order to diſcharge his piece to give the alarm; ſome few ſhot ſtill continue in the piece, without his knowledge. You may ſay, by his neglect death has enſued; I lament it, and ſo does the priſoner: All I aſk is, that neither his life nor liberty ſhall be in jeopardy. I know that Engliſh Judges and juries do feel the force of the maxim, that judgment ſhould be tempered with mercy; I know that juries rather prefer to find a man innocent than guilty, then I am ſure they will very gladly coincide with Mr. Juſtice Foſter, that it is a very hard law, becauſe a man has not examined his piece with that ſcrupulouſneſs which he ought, that therefore he is to be put in peril of being convicted of murder, and that at leaſt he muſt be convicted of manſlaughter. Your Lordſhips may have heard of a caſe at the proof of cannon at Woolwich; a man was found dead, he was at a great diſtance from the proof, upon examination of the body a pin's head was found to have entered into the heart of the man, a pin's head which had been in the cartridge; now would any body ſay, that if by accident a pin's head had found its way into this piece, which he had charged only with gunpowder, and that pin had found its way into the heart of the deceaſed, and therefore becauſe he had not examined that charge, with that ſcrupulous nicety, that he ſhould be put in peril of his life, or that any Jury ſhould convict him even of manſlaughter? My Lords, for theſe reaſons which I have had the honour of ſubmitting to your Lordſhips; I take the liberty with great deference to your Lordſhips, but with great confidence in the caſe, to ſubmit that he ought not to be put in peril, but if there is any doubt on the caſe, thank God, we are prepared with that ſort of proof, that will amply convince the Jury of the innocence of the priſoner at the bar!

*Court*. Then I deſire you will enter into that proof, for I am ſure there is no proof of it yet: let either Clifton or Mrs. Angus ſtand up.

*Court to Clifton*. What is the diſtance between the priſoner's one pair of ſtairs window, and the door of the houſe where you ſtood?—Twelve yards.

### JAMES ALLEN *ſworn*.

I live almoſt oppoſite to this houſe.

Is it uſual to fire off their pieces in the evening?—It is, I have been robbed myſelf, in July laſt, and I diſcharge my piece twice or three times frequently in the courſe of a week: in the evening of the day after this accident, there was a mob collected round the door in the evening, and nobody there but a young perſon in the ſhop, a woman, I went over to deſire the ſhop might be ſhut up to keep the mob out, then one of the officers from Shadwell came in, I went up with him, and took the candle, and a little girl went up with me, and I deſired her to pick up the ſhot, which ſhe did, and it is here; ſhe picked up as much, I believe, as half the bowl of a tobacco pipe would contain, and there were two black marks which appeared to be circular, as if by the muzzle of the piece againſt the floor in order as I thought to knock out the ſhot.

What ſort of ſhot were they?——Four, I believe.

They were not twos, were they?——No, Sir.

Did you make any obſervation about any thing elſe?—No, when my houſe was broke open and robbed, I ſent to Davis, I was without fire arms, and deſired him to lend me one of thoſe pieces, which he did, I charged it to defend my property, when I came to draw it, there was no ſcrew to the ram rod, I got a ſcrew made to it, and afterwards when Mr. Davis wanted a gun I ſent it home with the new ram rod to it, and the new ram rod was much ſhorter than the old one.

How long have you known Mr. Davis?—Theſe four years.

What is his character for humanity and temper?—I look upon him to be a jocoſe ſociable man, I have rather ſeen him put up with inſults rather than return them.

*Jury to Allen.* How many guns were fired that night did it appear?——I cannot ſay.

*Court.* How many guns did you ſee in the room of the priſoner, at the time you went up?——No more than one, and that gun the officer took away from Mr. Davis's room that night.

*Mr. Juſtice Gould.* The ſurgeon ſays, he ſaw a good many ſhot holes, and he ſays he reckons there might be about thirty, now you ſee acroſs this ſtreet the ſhot cannot ſpread much, now ſuppoſing theſe thirty might remain: I ſuppoſe the whole charge of ſuch ſmall ſhot as that would contain at leaſt two hundred.

*Foreman of the Jury.* Aye, four or five hundred of this ſhot, I am ſure there muſt be in a moderate charge.

## JOHN ORANGE *ſworn.*

I am an officer of the peace, I did not go to Mr. Davis's houſe that night, but the next morning I did, the 31ſt of January.

What did you find on the floor?——There were ſome ſhot laying on the floor, and a piece of paper on the ram rod, on the worm.

Did it appear to be the wadding, did you obſerve any marks on the floor?—No, no marks any further than this (*Producing the piece of paper that laid on the floor*) this paper was on the worm of the ram-rod, and the ram-rod was in a chair at the other part of the room.

## WILLIAM ELBY *ſworn.*

This is the gun I found, this is the ram-rod I had from Mr. Davis.

Where is the ſhot you found?——Here are ſome of them, but I left a good many more on the floor; there are ſo many thieves about, that the neighbours are not ſafe in their beds.

(*The gun produced and the ram-rod being four or five inches too ſhort for the gun.*)

## DANIEL PRATT *ſworn.*

I was preſent at Mrs. Angus's part of this time, I went up ſtairs into Davis's room that evening, when they came there I obſerved the piece laying by the window, and the ram-rod on a chair by the bed ſide, and thirty or forty ſhot and a piece of paper and ſome oakham.

## JOHN COOKE *ſworn.*

I live in the neighbourhood of Gravel-lane, next door to Mrs. Angus's, our neighbourhood has been very much infeſted by thieves, and in conſequence of that ſeveral of the neighbours have been provided with fire arms, I have been acquainted with the priſoner four years, and I never ſaw him any other than inoffenſive and harmleſs, that has been his uſual character, I never ſaw him in any quarrel.

*Court.* The fact of firing guns at night is ſufficiently eſtabliſhed.

### *Witneſſes to Character.*

## THOMAS KENDALL *ſworn.*

I believe you happened to be the foreman of the Coroner's Inqueſt, on this occaſion? ——I was, I have lived in the pariſh of Shadwell twenty years, I have ſerved overſeer and church-warden, and I heard nothing but what he was an inoffenſive man, I look upon him to be a jocoſe merry man, but nothing revengeful in him, I have no further acquaintance, I live at a diſtance from him.

**CHARLES MORGAN** *ſworn.*

I am church-warden of this pariſh, I have known him ſeventeen or eighteen years.

What has been his general character for humanity?——I always looked upon him to be a very good ſort of a man, I never knew him in any quarrels.

**RICHARD SUTTON** *ſworn.*

I have know him I believe fourteen or fifteen years, I have had an opportunity of ſerving him with a commodity of goods, and have been a particular acquaintance with him, I never knew any harm of him.

Do you deſcribe him to be an inoffenſive good natured man?——As any I know, or ever I wiſh to keep company.

**CHRISTOPHER WOODHAM** *ſworn.*

I have known Mr. Davis, between ſeventeen and eighteen years, a very good kind of a man as ever I heard of, a very honeſt man.

Not a malicious, revengeful man?——His character ſtands very fair, I never heard any thing againſt it.

**WILLIAM BUTLER** *ſworn.*

I have lived upwards of ſeventeen years in the pariſh, I have known him that time, I never heard of his doing any malicious act in my life.

**JAMES CLARKSON** *ſworn.*

I have known him very nigh three years, I ſerve him with a commodity of goods, I never heard any thing but what was well of him, he always paid me extremely well, and behaved as one tradeſman ſhould to another; I took him to be a good natured well meaning man.

**THOMAS WALE** *ſworn.*

I have known the priſoner fourteen years and upwards, a worthy good neighbour.

Is he a quarrelſome man?——No, Sir, not at all; I never ſaw him quarrel with any body in my life.

**ROBERT OLTS** *ſworn.*

I have known him ſeventeen or eighteen years, I always found him a very honeſt man, a good natured man.

**LANCELOT HENRY** *ſworn.*

I have known him upwards of thirteen years, I always looked upon him to be a very inoffenſive induſtrious and humane man, a good kind of a man.

**ANDREW BISHOP** *ſworn.*

I have known him upwards of fourteen years, I have found him a harmleſs good natured man.

Not an ill natured revengeful fellow?——No, Sir, no ſuch thing.

**JAMES NASH** *ſworn.*

I have known him about twelve or thirteen years, I have been overſeer and collector of taxes, and the man always behaved very well, a good natured, worthy ſort of a man.

*Jury.* So far as character goes, the Jury muſt be ſatisfied.

*Court.* There is no doubt to be ſure, ſo far as character goes.

NOT GUILTY.

*Not Guilty on the Coroner's Inquiſition.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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217. MATHEW, otherwiſe ROBERT MATHEWS, and JOHN MATHEWS, otherwiſe KING, were indicted for feloniouſly ſtealing, on the 20th of February, one half guinea, value 10s. 6d. the monies of John Bowen.

*(The witneſſes examined ſeparate, at the requeſt of Mr. Garrow, priſoner's counſel.)*

JOHN BOWEN *ſworn.*

I keep the White Hart Tavern in Abchurch-lane; the priſoner Mathews came to my houſe yeſterday was a week, and aſked me for change for a guinea, and a glaſs of ſhrub.

Had he given you the guinea at this time?——Yes, the guinea was laying on the counter; I proceeded to count the half-guinea's worth of ſilver into his hand; he then recollected himſelf, by putting his hand on his left-hand pocket, and ſaid, I do not want change, I have enough; then as my hand was with my ſilver and other monies in it, he at that inſtant returned the money into my hand, and as I ſuppoſe——

*Mr. Garrow.* Do not tell us what you ſuppoſe.

*Bowen.* I had given him the half-guinea and the ſilver; he threw the money into my hand where my other monies was.

What money did he throw into your hand?——I do not poſitively ſwear that he threw the whole of the money into my hand, or that he did not.

At the time you returned the half-guinea in ſilver to him, had you any ſilver in your hand?——Yes.

Do you know how much more money you had left in your hand?—No.

Had you any ſilver left in your hand, when you counted the half-guinea to him?—Yes.

How much did you find returned into your hand?——I do not know.

What became of the guinea that was laid down on the counter?——He took the guinea back himſelf.

Did you ſay any thing to him when he took his guinea back?—No, nothing; he gave me two-pence for the glaſs of ſhrub, and took the guinea back. On Monday the 20th, the two priſoners both came up to me, and Robert aſked me for a glaſs of ſhrub, and change for a guinea, and laid down a guinea on the counter, and I gave half a guinea into Robert Mathews's hand, not into King's; I had counted that half-guinea and four, five, or ſix ſhillings in ſilver into his hand, when John Mathews nudged him on the elbow, and ſaid, you need not change.

Was it John that ſaid, you need not change?——Yes; King called for a glaſs of ſhrub, and Mathews nudged him over the ſhoulder, and he immediately threw the ſilver into my hand; but I watched him, knowing the manner in which Mathews had ſerved me before: he took the half-guinea between theſe fingers, and returned the ſilver back into my hand; that was King, the fat man; he conveyed the half-guinea into his right-hand pocket, and took the guinea off the counter with the other hand. I ſwear with certainty that he put the half-guinea into this pocket, and I ſaw his hand brought up afterwards, and he told me he had no half-guinea; I am ſure there was no half-guinea then; I ſwear that I ſaw him put his hand into his pocket: I had but one guinea and that half-guinea, and ſome ſilver, and I knew my half-guinea was not returned. I then called one of my ſervants, Thomas Read, and when he came near the bottom of the ſtairs, I ſaid to King, give me back my half-guinea; he ſhewed me his hand, and ſaid he had no half-guinea. I then ſaid to Thomas Read, look at theſe men; at the ſame time ſome gentlemen were in the bar, and I ſaid to him, you ſcoundrel, give me my half-guinea; he then put his hand into his right-hand pocket, and put down the half-guinea on the bar.

Are you ſure the half-guinea he pulled out, and put down on the bar, was your half-guinea?—I cannot ſwear that was the half-guinea I gave to him, for he might have other half-guineas in his pocket, and give me one of them.

Did he ſay any thing more than that?—Nothing more.

Repeat the words as exactly as you can?—He ſaid, when I aſked him for the half-guinea, that he had no half-guinea of mine; he ſaid nothing when he laid down the half-guinea.

Did you charge him at that time with

taking your half-guinea ?—Nothing at all ; at firſt he ſhewed me his hands, and ſaid he had no half-guinea, and afterwards when I ſaid, you ſcoundrel give me the half-guinea, he was ſo confounded, he could not ſay a word.

Did the other priſoner do any thing but nudge him ?——No.

Did you hear any converſation between them ?——No.

They came in together ?—Yes.

*Mr. Garrow.* Juſt a word or two, that I may not diſappoint you : What houſe do you keep ?——The White Hart Tavern in Abchurch-lane.

Did you ſearch the pockets of the man that we have called King to-night ?—I do not wiſh to ſearch any pockets.

Did you ?——No.

You do not know then whether he had any other half-guineas ?——I do not know that.

How long before you aſked for your half-guinea had he put his guinea into his pocket ?—I cannot ſay to minutes, I cannot pretend to ſay to a minute.

You ſhall pretend to ſay ; how long was it after he put his guinea into his pocket before he gave you the half-guinea ?——The whole time they were at the bar till they were in the cuſtody of the officer, was not more than fifteen minutes.

I am not anſwered, and I will be anſwered ; I ſhall aſk you, till the Judge commits you, I will repeat it to you, and I will warn you, that I will aſk you, till the Judge commits you unleſs you anſwer it; how long was it after he put his guinea into his pocket before he gave you the half-guinea ?—I think I called my ſervant five times, and I do not know how long that would take me up ; but as ſoon as he was coming down ſtairs to the bottom of the ſtairs, I imagine it might be three minutes.

Did he put the guinea into the ſame pocket from which he afterwards took the half-guinea ?—He did not.

Did you give him the guinea, or did he take it up ?—He took it up.

Was not the half-guinea and the ſilver in the ſame hand of the priſoner ?—Yes.

Have you ſeen the priſoners ſince they were committed ?—I ſaw one of them.

Where did you ſee him ?——In the out-room at Newgate.

You went there to ſee him ?—Yes.

To drink with him ?—No.

Did not you drink with him ?—I did not drink with him ; I drank in the ſame room.

You did go to the gaol ?—Yes.

And you did drink in the ſame room ; what liquor was it, wine ?—It may be wine.

Then, peradventure, you drank out of the ſame bottle ?——I cannot ſay I did, or I did not.

Will you ſwear now that you believe you did not ?—I will not ſwear either way.

Do you mean to ſwear now poſitively that you do not know whether you drank out of the ſame bottle of wine or not ?—I do.

Who paid for the wine he drank ?—I paid for mine, I paid for ſome wine, and there was another perſon there that paid for the other.

You immediately got your half-guinea ?—How do you mean ; I aſked him for it the firſt time, and he ſaid he had it not ; then when my ſervant came down, I got between him and the door, and he gave it me.

Have you got the guinea ?——I never received a guinea from the priſoner ; there was a guinea put down upon the bar.

Did he take it back ?——He did.

And you took back your ſilver and your half-guinea ?——No, Sir.

Will you ſwear that ?——Yes, Sir ; I have ſwore already that I did not take back my ſilver and half-guinea.

Have not you the half-guinea now, man ?—Yes, after I challenged him.

You have never given him his full change ?——No, becauſe he would not allow me to do it.

### THOMAS READ *ſworn.*

I am waiter to Mr. Bowen. On the 20th of February, my maſter called me down ſtairs, and he bid me detain the two priſoners ; and my maſter ſaid to King, now give me the half-guinea, you ſcoundrel, and he pulled out half a guinea from his pocket, and put it on the bar.

Did you hear him ſay any thing at all?——I did not; then my maſter ſent for a conſtable, and detained him.

Did you hear your maſter aſk him for it?——I did.

Did you hear him ſay any thing upon that?——I did not.

Did you hear any converſation between your maſter and him before you came down?——I did not.

Now recollect yourſelf whether King ſaid any thing upon this occaſion at all?—I did not hear him.

Did he make no reply to that you ſcoundrel give me my half-guinea?——I cannot ſay that he did.

If he had ſaid any thing, ſhould you have heard it?—I cannot ſay whether he might not deny it.

Can you ſay he did?—I cannot.

Did you hear any converſation between theſe two men, King and the other?——I did not.

Not at all?——No; he was very much confounded.

Did you examine either of them?——I did not.

*Priſoner.* My guinea lay on the bar a moment after the proſecutor had my half-guinea; he ſays he never had my guinea in his hand, but he took it in his hand, and what made me give him the change, he ſaid he could not conveniently ſpare the change, or elſe I ſhould have taken it.

*Mr. Garrow* ſubmitted that there was no caſe againſt Mathews to go to the jury: The Court over-ruled his objection.

*Court to Proſecutor.* You went to Newgate?—I did.

How came you to go to Newgate, to ſpeak to either of the priſoners?—The reaſon was this, an old woman of ſeventy years of age, with another woman, and three or four children, came to my houſe.

Was it in conſequence of any other application from any other perſon?—Yes.

You ſwear that poſitively?—Yes.

### ADAM WALKER *ſworn.*

I live in Chandois-ſtreet, Covent-Garden, a peruke maker, and hair dreſſer, I am a houſe keeper; I know King, he belongs to the Free Maſon's Lodge, a good Maſon cannot be a bad man.

What is his character?—A very honeſt man, he is a printer by profeſſion, he bears an extraordinary good character as a man as well as a maſon; I have known him between three and four years, to the beſt of my knowledge, he has three or four children, he lives in Sutton-ſtreet.

For theſe laſt three or four years, has he followed that buſineſs as a printer?—Yes, both maſter and journeyman, I employed him to do my buſineſs for me.

*The priſoners each called two more witneſſes, who gave them a very good character.*

**BOTH GUILTY.**

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

---

218. WILLIAM LINCH was indicted for feloniouſly ſtealing, on the 16th day of February, two iron rails, value 5s. belonging to her Royal Highneſs the Princeſs Amelia, and affixed to her dwelling-houſe, againſt the ſtatute.

### JOHN WILSON *ſworn.*

I caught the priſoner in the fact of wreſting theſe rails off, he had one in his hand, and was wreſting off the other at the Princeſs Amelia's houſe, I was going by on a meſſage, it was between ſeven and eight, on Thurſday laſt.

### JOHN CROCKETT *ſworn.*

I am in the Princeſs Amelia's family, I ſpeak to the rail, I know nothing of the fact.

*Priſoner.* I found the rail in the ſtreet, and I kicked againſt it, and that young man came before and picked up the rail.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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219. JOSEHH HOBBS was indicted for feloniouſly ſtealing, on the 14th day of February, ſixty pounds weight of tobacco, value 5l. and one canvas bag, value 6d. the property of Thomas Milne and Timothy Stansfield.

SAMUEL CARPENDALE *ſworn.*

On Tueſday the 14th inſtant, a man came in for an ounce of tobacco, he aſked for Oroonoko, I ſaid, we had none, then he aſked for Virginia and herb, for he could not ſmoke all Virginia; then two more men rattled at the door, and came in while I was weighing the ounce of tobacco, and three more came in, and there were three bags of tobacco on the counter, and they took one; I called for aſſiſtance up ſtairs, and four of them run out of the ſhop, I purſued up Fenchurch-ſtreet, and was returning by the corner of Philpot-lane, when I met the priſoner with a bag of tobacco upon his ſhoulders, he was out of ſight about five minutes; he attempted to get away from me, he threw the tobacco upon my head, and got away from me, I cried ſtop thief! and he was ſtopped again in Philpot-lane, he got away again, and was taken on Dice key; I know he is the ſame man by his clothes, and his face, there was a lamp and a ſilverſmith's ſhop open, with a ſtrong light, I put the tobacco at Mr. Stevenſon's, a fruiterer, in Thames-ſtreet.

*Mr. Peatt, Priſoner's Counſel.* How long did you loſe ſight of the perſon that you ſuppoſe to be the priſoner?——I cannot tell; I ſuppoſe about ten minutes in the whole.

HENRY SHEPHERD *ſworn.*

About eight on Tueſday the 14th inſtant, there was a noiſe in the ſtreet, my man was in the ſhop, there was a cry of ſtop the raſcal, my man laid hold of the priſoner, and he fell into the kennel; I laid hold of the priſoner then, I ſaid you muſt be a raſcal for you are the firſt that has come down this lane, I held him about a minute, he had nothing in his poſſeſſion, the bag was right oppoſite my houſe at a neighbour's, I did not ſee him throw it; I ſaw the priſoner afterwards, and I knew he was the ſame man that I ſtopped.

——— DAVIS *ſworn.*

I heard the cry of ſtop thief! and I ſtopped the priſoner in Philpot-lane; he ſaid, he was not the man.

THOMAS GOODWIN *ſworn,*

Confirmed the above account of taking the priſoner.

PRISONER's DEFENCE.

I ran with the reſt, and they took me.

*The priſoner called one witneſs to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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220. MARY JONES was indicted for feloniouſly ſtealing, on the 6th day of February, one yard and a half of thread lace, value 2s. 6d. the property of Robert Earl.

JOSEH PINCHARD *ſworn.*

The priſoner came into the ſhop to bu a yard of linen, on Monday the 6th of February, and ſome lace lay on the counter, and at the ſame time I looked out the ribbon, I perceived her draw towards the lac box, I paid attention to her; in a littl time I ſaw her draw a piece of lace out o the box, and convey it under her cloak, then immediately charged her with it, an

aft

and after that charge, I heard the lace drop down on the ground, it was rolled on a card, there were about a yard and an half, I went on the other ſide of the counter, and picked it up immediately, ſhe aſked me how I could think of taxing her with any ſuch thing.

*Mr. Garrow, Priſoner's Counſel.* You are ſhopman to Mr. Earle?——Yes, Sir.

What ſort of a ſhop is yours?—I do not not know, it is like moſt other haberdaſhers ſhops.

You take that to be the anſwer I was ſeeking for?—I cannot ſay what you was ſeeking for.

What ſort of a ſhop is yours?——I cannot deſcribe the particulars of the ſhop, it is a common ſize ſhop.

How many men may be employed in it?—That is rather uncertain, according to the time of the year.

Lightiſh, I ſuppoſe, like other ſhops?—There is plenty of light in it; I am ſure there was never a piece of lace on the counter when the priſoner came in.

Are you ſure there was not one on the floor?——I did not go on the other ſide to ſee.

*Court.* Are you ſure of what you told me at firſt, that you ſaw the priſoner take it out of the box?——Yes.

*Mr. Garrow.* You ſent for a conſtable?—Yes, I do not recollect what he ſaid, I told him we had detected a woman taking a piece of lace.

Did not the conſtable tell you, that from your ſtory, you could not hurt a hair of her head?—He poſſibly might.

Did he or not?—I will not ſwear he did not, I do not know.

Do you recollect giving this anſwer to it, that whether you could or not, you would bring her here, becauſe you had loſt ſo many things in the courſe of the year?——I do not recollect.

### ROBERT EARLE *ſworn.*

I was not in the ſhop when this happened, I came down, and the woman was in the ſhop, and a part of the lace lay in the box, and Pinchard told me, that the woman came in for a yard of ribbon, and that he ſaw her take out the lace, and put under her cloak, and the conſtable informed me, that I could do nothing with it, that I had better let her go about her buſineſs, I ſaid, I ſhould not let her go upon ſuch terms.

What did you ſay?——I gave an anſwer to this import, that as ſhe had been detected of ſtealing it from me, I certainly would have her to Guildhall, and purſue her as far as the law would allow.

### JAMES GENTS *ſworn.*

I was conſtable.

*Court.* How came you to take upon you to adviſe any body not to proſecute?—Mr. Earle told me he did not find the lace upon her; I ſaid, then I doubted it would come to nothing.

So you do not like to take charge of a perſon, and do your duty, unleſs you approve of the evidence?—I aſked Mr. Earle, if he ſaw her take the property, he ſaid, his young man did.

*Court.* Learn your duty another time; your buſineſs is to execute the law, and to take charges.

*Mr. Sheriff Sanderſon.* What ward are you conſtable for?——Bread-ſtreet ward.

Do you ſerve in your own right, or as a ſubſtitute?—Subſtitute.

### PRISONER's DEFENCE.

I went to buy a yard of ribbon, and that gentleman ſaid, I had taken ſomething, and I ſaid, I have nothing belonging to you, here is ſixpence to pay for the ribbon; I told him I had two children at home, I might knock the card down, he accuſed me with taking two cards of lace; I ſaid, if there is any dropped look for it.

*Court to Pinchard.* Did you accuſe her of taking two?—No, Sir, I did not.

### JAMES PULLEN *ſworn.*

I am a baker in Little Bartholomew-cloſe, Cloth-fair; I have known her theſe five years, her general character ever ſince

I knew her, was a very ſober, honeſt, induſtrious woman, and one that endeavoured to maintain her family, I never heard any thing amiſs of her before.

What is ſhe?——She takes in ironing, and clear ſtarching, her huſband had been dead about two months, and left her with two children, one about three years old, and the other about five.

*Jury to Pinchard.* Are you ſure that you ſaw her take the card out of the box?—I ſaw her take it out of the box, and convey it under her cloak.

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

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221. JAMES MASON was indicted for feloniouſly ſtealing, on the 7th day of February, one ingot of gold, of the weight of three ounces, value 10l. the property of Stephen Twycroſs, in his dwelling houſe.

STEPHEN TWYCROSS *ſworn.*

I live in Pemberton-row, Gough-ſquare, on Saturday the 4th of February, I brought home a ſmall ingot of gold to have it aſſayed, and I took it out of my pocket in my dining-room, to ſhew it to my daughter; I was ill that afternoon, I did not miſs it till the Tueſday following; I do not know what I did with it, but I rather think I laid it on a little table, near the edge of the chimney piece in my dining room; on the Tueſday following, I looked for it, and could not find it; on the next Saturday, I was informed that Mr. Heather had ſtopped a ſmall ingot of gold, and that the perſon was in cuſtody; I went to Mr. Heather's, in Long-alley, and I found that piece of gold, which appeared to be a part of the ingot I had loſt.

Had it any mark upon it?——No, it appeared to be the ſame ſize to it, I have had an aſſay ſince of it, and it appears to be the ſame quality of that within three pence an ounce, the other piece I have not been able to get; it is only from my carrying it in my eye.

Do you know the priſoner at all?—He lived with me at that time as a porter, to go of errands, and any thing of that ſort, I cannot ſwear to it.

JOHN HEATHER *ſworn.*

On Thurſday afternoon the 9th of February, about five, the priſoner brought this piece of gold to me to ſell, I aſked him how he came by it, he ſaid he had it of one Mr. Turner; I ſent to Bow-ſtreet for an officer, he told me he met a man coming into town, who got him to ſell it; but however, I heard the priſoner acknowledge before the Magiſtrate that it was his maſter's property.

Was there any promiſe made to him to induce him to confeſs the truth?—Not in my hearing.

*Proſecutor.* I was preſent when he was examined, I heard him acknowledge taking the gold.

Were there any promiſes made to him?——No, Sir; ſo far I told him, if he would give up the other part of it, I would ſhew him all the favour that lay in my power, but that was after he had made the confeſſion, I am very clear of it.

How large was the whole piece?—Three ounces one penny weight, the whole value is better than ten pounds.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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## NUMBER III. PART V.

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*LONDON:*
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M DCC LXXXVI.

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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### *Continuation of the Trial of James Maſon.*

HENRY GIBBS *ſworn.*

I was at the office when he was examined, I was a witneſs to his confeſſion.

Was it reduced into writing?——Yes, I ſaw the priſoner ſign his own name to his confeſſion *(The confeſſion handed up)* there was no promiſe made to him, or threat uſed in my hearing.

*(Read.)*

" Middleſex, the examination of James
" Maſon, charged with ſtealing, by James
" Twycroſs: on Thurſday evening the 9th
" of February inſtant, about four, he
" ſtole in his maſter's houſe one ingot of
" gold, and delivered it to one Henry Tur-
" ner whom he does not know, nor where
" he lives, who broke it into three pieces,
" and gave this examinant one piece, with
" which he was ſtopped by John Heather."

*Priſoner.* I have only this to ſay, that that piece of gold is not belonging to the gold that Mr. Twycroſs loſt.

*Proſecutor.* He came out of the country to my ſervice, and therefore it is not to be wondered at, that he has nobody to his character; he lived with me two years, and then he went away, and then I took him again; I believe in the time he was away, he got ſome bad connections, but before that, he was a very honeſt man, and I ſhould be exceedingly happy to addreſs your Lordſhip in his favour.

GUILTY,

*Of ſtealing to the value of 39s.*

*To be tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

---

222. WILLIAM BROWNING wa indicted for burglariouſly and felonioufl breaking and entering the dwelling-houſ of Thomas Ley, between the hours of f and ſeven at night, on the 19th day of J nuary laſt, and burglariouſly ſtealing there in, two children's white linen frocks, valu 2s. two white callico petticoats, value 4 two dimity petticoats, value 4s. one ditt value 1s. one other ditto, value 1s. one pa of ſtays, value 1s. two ſhirts, value 1 one damaſk table cloth, value 2s. two ſhif val

value 2s. two white cloth aprons, value 2s. one pillow caſe, value 1s. the property of the ſaid Thomas Ley.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* PERRYN.

---

223. CHARLES HEWLINGS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Joſeph Marſhall, about the hour of eight in the night, on the 17th day of January laſt, and burglariouſly ſtealing therein one wooden till, value 2d. and ſixty-two halfpence, value 2s. 7d. and 10s. in monies numbered, his property.

ELIZABETH THOMAS *ſworn.*

I live with Marſhal in St. Clements-church-yard, he keeps a houſe there, he is a ſtationer and tobacconiſt; a few minutes before eight, I ſhut the ſhop door after I had ſerved a cuſtomer.

Did you faſten the door? I put the latch on, I did not lock it, and ſoon after I ſaw the priſoner at the foot of the ſtairs, with the till in his hand, I did not hear any body open the door, and the priſoner went out with the till in his hand, I followed him, and cried ſtop thief, he was purſued and taken, out of my ſight, but I am ſure he is the man; there was about 10s. in ſilver, and ſome halfpence, I am very ſure I ſhut the door, and put down the latch that I might hear it.

But you did not hear it?——I always can hear it.

Does the latch go hard?——Yes.

Then did not it ſtrike you at the time that you muſt have left it open, as you did not hear it?——No, becauſe I was ſure I ſhut it.

JONATHAN WHITE *ſworn.*

I apprehended the priſoner on the cry of the laſt witneſs, and brought him back, there was no other perſon running near there at the time.

SAMUEL ALTON *ſworn,*

Produced the till and money, which he found at his back door, two doors from the proſecutor's.

*Priſoner.* I am innocent.

*The priſoner called four witneſſes who all gave him a good character.*

GUILTY

*Of ſtealing only.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

---

224. MARY ANDERSON was indicted for feloniouſly ſtealing, on the 27th day of January laſt, one linen bed tick, value 19s. one bolſter, value 3s. one table cloth, value 3s. one ſhirt, value 12d. one pillow bier, value 12d. two cotton gowns, value 20s. one pair of pattens, value 12d. one handkerchief, value 12d. two linen handkerchiefs, value 12d. the property of James Gill, in his dwelling-houſe.

The priſoner left the proſecutor's houſe at ſix in the morning, and the things were gone, which the watchman took on the priſoner.

*(Depoſed to.)*

*Priſoner.* I beg for mercy.

GUILTY.

*To be privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

---

225. WILLIAM MITCHELL was indicted for feloniouſly ſtealing on the 12th day of February, three legs of mutton, value 8s. two loins of mutton, value 5s. and one rump of beef, value 5s. the property of James Sears.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

226. **JOHN CRAWFORD** was indicted for feloniouſly ſtealing on the 1ſt day of February, one pair of men's leather pumps, value 2s. the property of John Dunlap.

The proſecutor loſt the pumps out of his ſhop window; the priſoner was taken with one of the pumps in his hand, and his hand bloody.

(*Depoſed to.*)

**GEORGE DRYSDALE** *ſworn.*

I ſaw the priſoner take the pumps out of the proſecutor's window.

*Priſoner.* I picked up the ſhoe.

GUILTY.

*To be privately whipped and impriſoned three months in Newgate.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

---

227. **MARY MARTIN** was indicted for feloniouſly ſtealing, on the 9th day of February, fourteen yards of printed cotton, value 30s. the property of William Kitchen.

Matthew Holderneſs the proſecutor's man ſaw the priſoner take the cotton from the door, and took her with it under her arm.

*Priſoner.* A woman dropt it.

GUILTY.

*To be privately whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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228. **SAMUEL DAVIS** was indicted for feloniouſly ſtealing on the 11th day of January laſt, one leaden pump barrel, value 8s. the property of William Beavan.

*John Lambert* took the priſoner juſt by the proſecutor's door with the property, which he dropped at his feet.——Thomas Edwards alſo ſaw him drop it.

*Priſoner.* A ſailor bid me carry it.

GUILTY.

*Whipped.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

---

229. **JOSEPH TAYLOR** was indicted for feloniouſly ſtealing on the 22d day of January laſt, one wooden ladder, value 1s. the property of Martin Free.

The priſoner was ſeen by John Marriott taking the ladder from the Black-horſe door.

*Priſoner.* I am innocent.

*The priſoner called one witneſs to his character.*

GUILTY

*Whipped.*

*Tried by the London Jury before Mr.* RECORDER.

---

230. **JOHN BOYCOT** was indicted for feloniouſly ſtealing, on the 6th day of February, eighteen pounds weight of mutton, value 6s. 6d. ſix pounds weight of beef, value 2s. and three pounds weight of beef-ſuet, value 1s. the property of James Alexander.

*The Caſe opened by Mr. Garrow.*

**JAMES ALEXANDER** *ſworn.*

On the 6th of February, between one and three, I ſaw the priſoner take one loin of mutton, and part of another loin, two breaſts of mutton, two joints of beef, and one pound of ſuet from the ſhop, and tied them up in his apron, to the ſlaughter-houſe, and laid them upon the tallow-board, and covered over with a cloth, I could not ſee into the ſlaughter-houſe; I ſent for a conſtable; he ſaid he only removed them for ſcouring the ſhop; that was not a proper time for ſcouring

ing the ſhop, as there was a large quantity of meat in the ſhop at the time.

*Mr. Scott, Priſoner's Counſel.* How long has the priſoner lived with you?——About three months.

Did not the priſoner aſſiſt in ſcouring the ſhop?——Yes; the meat was tied up as tight as it was poſſible for a man's apron to be tied up.

Did not he tell you he carried it there becauſe it was dirtied, that it might be waſhed?—He did not ſay a ſingle word; I ſaw him take it, in the room of hanging it up, he took it to the ſlaughter-houſe.

*Mr. Garrow.* Did this meat either want waſhing or ſcraping?——By no means.

——— HOW *ſworn.*

I am a conſtable. I found this meat tied up in a blue apron almoſt at the parlour-door; he ſaid he did not mean to take it, he put it there to keep it clean; it was tied very tight.

*Priſoner.* I leave it to my counſel.

*The priſoner called three witneſſes, who gave him a good character.*

**GUILTY.**

*Mr. Garrow.* Now the trial is over, I may ſay that I have a man here to prove that the priſoner has received thirty pounds at a time for fat.

*Proſecutor.* My loſs has not been ſo little as two hundred and fifty pounds in the whole.

*Court.* I am perfectly ſatisfied with the verdict; the offence of ſervants who are in truſt robbing their maſters, has always been conſidered of the moſt dangerous nature, and been uniformly puniſhed with the greateſt rigor; therefore let the priſoner be tranſported for ſeven years.

*Tried by the London Jury before* Mr. RECORDER.

---

231. JOHN GILBERT and SAMUEL MILES were indicted for feloniouſly ſtealing, on the 17th of January laſt, one ſow pig, value 40s. the property of Thomas Richardſon.

The priſoners were ſeen driving the ſow, the property of the proſecutor; they were taken into cuſtody.

**BOTH GUILTY.**

*Each tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

---

232. THOMAS TRAYNER was indicted for feloniouſly ſtealing, on the 15th day of February, one pair of men's leather ſhoes, value 4s. the property of Thomas Goodwin and John Mallam.

The priſoner came into the proſecutors ſhop to buy a pair of ſhoes, and was detected with a pair under his arm, which he dropped in the ſhop.

**GUILTY.**

*To be whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before* Mr. RECORDER.

---

233. JOSEPH RYLAND was indicted for feloniouſly ſtealing, on the 15th day of February, one white linen apron, value 2s. one cloak, value 5s. one coat, value 8s. one neck-cloth, value 1s. one cloak, value 3s. one hat, value 4s. the property of Thomas Pepper.

MARY PEPPER *ſworn.*

I am wife to the proſecutor. I ſaw the priſoner jump of our window; I called, ſtop thief! I miſſed a white apron, and the reſt of the things mentioned in the indictment; they were tied up ready in a corner of the window, which is about ſix feet from the ground; there was light enough to ſee him, I knew

I knew him before, he had lodged at our houſe.

THOMAS HERNE *ſworn.*

I ſaw the priſoner come out of the window; I attempted to take him, but he was reſcued; I am ſure the priſoner is the man, he was taken the next day.

*Priſoner.* I was not near the place; I have neither witneſſes nor friends.

**GUILTY.**

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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234. SIMON SOLOMON was indicted for feloniouſly ſtealing, on the 14th day of January laſt, two copper coal ſhoots, value 20s. two ſtew-pans, value 15s. twelve copper tea-kettles, value 5l. ſix iron ſaucepans, value 44s. one baſket, value 8d. the property of William Cowland.

*The Caſe opened by Mr. Garrow.*

WILLIAM COWLAND *ſworn.*

My father is a brazier. I remember delivering ſome goods in our way of trade, the things mentioned in the indictment; they were to go to Broad-ſtreet, beyond the Royal Exchange, part of them there, and part of them to another place. My man came home, and gave me an account that he had loſt them. On the next evening, I went out with Lucy and the porters in order to apprehend the man.

——— HERITAGE *ſworn.*

On the 14th of January, I was to carry ſome goods, and I pitched my load in Bull's-head-court, Newgate-ſtreet; the priſoner at the bar was ſtanding there: I aſked him to give me a turn round; he helped me with it on my head, and he followed me into Cheapſide; he ſaid I was very heavy loaded, and he had juſt been giving his partner a lift, who was troubled with a ſhortneſs of breath. He aſked me where I was going to, I ſaid I was going to Broad-ſtreet; he had a knot on his ſhoulder, and had the appearance of a porter; I ſaid, I have only a penny, and that I will give you for a glaſs of gin, to give me a lift; he ſaid, No, I do not mind your penny, I do not mind giving a brother porter a lift; then he aſked me if I could give it a ſhove on his head, and a luſty man lifted it off my head on his head; and going between Foſter-lane and Gutter-lane, on that ſide Cheapſide, a genteel man ſlipped down, and he ſaid he had daubed himſelf very much, and aſked me if I would let him wipe his hands on my apron, and he felt firſt in one pocket, and then in the other, and he took out three halfpence, and two he let fall, and he ſaid, young man, pick them up; then I went after the man with the load, but I could find no more of him, I went as faſt as ever I could; this was on Friday night: on the Monday night I went out again, and took out a box, containing brickbats and ſtones; Mr. Lucy and my young maſter went with me: we went to Hatton-garden and down Holborn, and up to the Change, and came back, and about Foſter-lane, this priſoner, Solomons, met me, and ſaid to me, Young man, you are heavy loaded; he had his knot again; and I ſaid, Yes, I am, and I am very weary, for I have had the ague and fever, which makes me very weak; ſo I walked on towards St. Martin's Le Grand, and I pitched it down there, he helped me down with it; he ſaid he was only waiting for his maſter, and if he was gone home, he would give me a lift; he ſent me to the ſecond court, that was Bull's-head court, and I went and pitched in that court, and there was the halloo out, Shemar, for the ſpace of five or ſix minutes.

Who was hallooing out?—I ſuppoſe eight or ten gentlemen on the off ſide of the way; he came up ſoon afterwards, and ſaid, what, are not you got any further? No, ſays I, and he aſked me where I brought it from? I told him out of Leadenhall-ſtreet, and was going into Saint John's-ſtreet, and I took it down Giltſpur-ſtreet, and this ſame gentleman ſleman met us, and ſlipped down again, and he offered me threepence-halfpenny, and wiped his hands again; I told him I muſt not ſtop to take the money, and I followed the priſoner; he turned ſhort into the hoſpital; the gentleman told me he was gone on ſtraight forwards; I turned ſhort, and when I came to turn to ſpeak to him, ſays I, you are going, my cock, the wrong way; yes, ſays he, I forgot myſelf, I ſhould have gone ſtraight acroſs Smithfield; then he brought it, and pitched it by Hoſier-lane, and ſaid, you take it a little way; I took it up, and he was off in a minute. I am ſure the priſoner is the perſon. I went out again on the 26th with Mr. Lucy and young Mr. Cowland, and I ſaw the priſoner paſſing by St. Sepulchre's church, and I told the conſtable to meet me at Fleet-market, and we took him in Fleet-market; and before the magiſtrate he ſaid his name was Simon Solomons, he ſaid Shemar was only a nick-name that they gave him.

*Court.* Did this man know you a ſecond time?—Not at firſt; he ſaid afterwards, I worked in Fleet-market, I ſaid yes.

### JOHN LUCY *ſworn.*

On Monday evening I went out with this man, and ſaw him accoſted by a porter, but I cannot ſay the priſoner was the man; I took him afterwards before the magiſtrate, and he ſaid as the laſt witneſs has deſcribed.

*Proſecutor.* I am ſure the priſoner is the man.——

### PRISONER's DEFENCE.

I had been into Piccadilly, and was coming home.

*The priſoner called two witneſſes to his character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before* Mr. RECORDER.

235. **MARGARET PARR** was indicted for feloniouſly ſtealing, on the 13th day of February, eleven muſlin handkerchiefs, value 20s. the property of Edward Gibſon and Edward Nicholſon, privily in their ſhop.

### EDWARD NICHOLSON *ſworn.*

On Monday the 13th of February, the priſoner came in, and deſired to ſee ſome handkerchiefs; ſhe looked at ſome, and borrowed a pair of ſpectacles to look at them; ſhe offered me two-and-twenty pence, and I ſhewed her ſome others, and ſhe went out of the ſhop: I miſſed one piece, and I purſued and ſaw her three doors from the ſhop; I told her to come back, and ſhe ſhould have one. I perceived ſhe had ſomething below her left arm behind her cloak, and as ſhe was going into the ſhop, ſhe dropped ten handkerchiefs; two witneſſes ſaw her drop them, I did not.

Did you ſee her take them at all?——I did not ſuſpect her in the leaſt.

What did ſhe ſay for herſelf?—She ſaid ſhe was very innocent; what did we mean by accuſing her with taking handkerchiefs, ſhe knew nothing of them.

*Mr. Garrow, Priſoner's Counſel.* Have you ſince enquired who ſhe is?——No.

### JAMES HUNT *ſworn.*

I was accidentally paſſing along Barbican on the 13th of this inſtant; juſt as I came oppoſite to the proſecutor's door, I ſaw him handing up this lady; I ſtood ſtill, and ſaw ſomething drop from her clothes, what it was I could not rightly perceive; but however I picked it up myſelf; I found it was a piece of muſlin handkerchiefs; I followed them into the ſhop, and gave it to the proſecutors; it was about ſix in the evening, between duſk and light.

*Court.* Could you obſerve particularly where they dropped from?—I cannot rightly ſay from what part of her clothes, they dropped from ſome of them.

### MARY ALLEN *ſworn.*

I ſaw the priſoner drop it from her clothes, from under her cloak, but what part I cannot ſay.

### JOHN EDWARDS *ſworn.*

I am the conſtable. This piece of muſlin was given to me by Mr. Nicholſon at the time of the robbery; I have had it ever ſince: I ſearched the priſoner, and found two-pence or two-pence-halfpenny, which was all the money ſhe had about her.

*(The handkerchiefs depoſed to.)*

*Mr. Garrow to Proſecutor.* Have you ever chanced to hear that this woman was diſordered in her mind, on account of her huſband leaving her with a large family?——Her daughter ſaid ſo that evening.

*Court.* Whereabouts was this muſlin in the ſhop?—About one third in.

Was it poſſible it ſhould catch about any part of her clothes and attach, and then drop as ſhe went out?—It is not poſſible, without my perceiving it.

### DAVID DEAN *ſworn.*

I am a cheeſemonger in Saint John's-ſtreet. I have known her for upwards of teen years.

What is her age?——Nearer ſixty than forty; ſhe has rented a houſe of me near fourteen years; ſhe always paid her rent and taxes, or I ſhould have heard; I never heard any thing amiſs of her; her huſband left her ſome years ago, and ſince that ſhe always ſeemed to be a very induſtrious careful woman; I apprehended her huſband allowed her ſomething after he left her; I aſked no queſtions, my rent was paid.

### JOSEPH WALKER *ſworn.*

I have known her thirteen or fourteen years.

We have heard that her huſband has left her?—Yes.

What character has ſhe borne all the time you have known her as to honeſty?—An exceeding good one; I have lived in the houſe with her for the laſt ſix years; I have married a daughter of her's; I have kept her, ſhe was not in neceſſity, ſhe lived as I did.

What do you take her age to be?—Fifty-five; I believe her huſband leaving her has affected her a good deal.

### WILLIAM HUNT *ſworn.*

I have known her about fourteen years; I lived in the houſe with her; I married her other daughter; ſhe is very honeſt and induſtrious, ſhe is about fifty-five.

Was ſhe ſupported by the aſſiſtance of her ſons-in-law?—No, Sir.

*Court.* What did ſhe do towards earning her livelihood?—Aſſiſting in the family; I have three children, I believe ſhe has had four or five children.

### ———— CLARKSON *ſworn.*

I live in St. John's-ſtreet, I am a glaſs and china-man; I have known her ſixteen years; if ſhe had come to my ſhop, I would have given her credit for a few pounds.

### EDWARD HINDE *ſworn.*

I live in Monument-yard, I am a merchant; I have known her about eight or nine years, I never heard any thing to the contrary but that ſhe was an honeſt induſtrious woman; I have had ſeveral proofs of it, I have employed her myſelf; ſhe has had at different times forty or fifty pounds worth of mine in her hands in goods.

What ſort of goods?——Chiefly linens; I uſed to ſend linen abroad ready made, and ſhe did the needle-work; I employed her for ſeveral foreign gentlemen, to make up great quantities of linen, and ſhe was remarkably honeſt in bringing every little remnant, which is more than uſual.

So that you took her to be exemplary honeſt?——I did.

### EDWARD KAY *ſworn.*

I live at No. 5, Cow Croſs, I am a grocer; I have known her near twelve years, ſhe has uſed the ſhop, and very punctual in all her dealings, that is her general character.

GUILTY, 10d.

*To be privately whipped and diſcharged.*

*Tried by the London Jury before Mr.* RECORDER.

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236. THOMAS BURDETT, SAMUEL ARMSTRONG, and WILLIAM BROWN, were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Chancellor, about the hour of ſeven in the night on the 9th of February, and burglariouſly ſtealing therein ten metal watches, value 20l. four ſilver watch motions, with quarter dials, value 30s. ſix ſilver watch-caſes, value 30s. ſix metal watch motions, value 30s. four caſes, value 10s. three ſilver watch motions, with barr quarter dials, value 15s. thirteen pair of watch caſes, value 15l. twenty pair of ſilver watch caſes, value 15l. a metal chaſed watch caſe, value 22s. twenty-two ſilver repeating pendents, value 5s. two other watches, inſide and outſide caſes made of ſilver, value 40s. ſix watch movements, value 20s. twelve ſilver tea-ſpoons, value 20s. and a paſte ſhoe-buckle, value 10s. a pocket-book, value 2d. his property, one bank note, No. 2936, dated the 21ſt of January, value 10l. one other bank note, No. 2937, bearing date the 21ſt of January, value 10l. one other bank note, No. 2938, value 10l. the ſaid notes and every of them being the property of the ſaid John Chancellor, and the ſeveral ſums of money due and ſecured on the ſame notes being then due and unſatisfied.

*(The witneſſes examined ſeparate at the requeſt of the Priſoner.)*

JOHN CHANCELLOR *ſworn.*

I live at No. 2, Holloway Mount, near Shoreditch, I am a watch-maker. The priſoner Armſtrong was my finiſher; he was my ſervant. I went out about two on Thurſday the 9th of February; I had that day received three bank notes, and I told the priſoner Armſtrong that I had money in the houſe, before I went out to dinner, not ſuſpecting him, and when I returned, I found my houſe full of people, on account of the alarm given of the robbery by Armſtrong and my other ſervant, Elizabeth Johnſon; I loſt the things contained in this inventory.

Have you found any part of your property again?——There is a watch that is produced, maker's name William Caple, No. 145.

ELIZABETH JOHNSON *ſworn.*

I am ſervant to Mr. Chancellor; my maſter's houſe was robbed on the 9th of February, as near ſeven as I can recollect. This young man that was in my maſter's houſe, that is Armſtrong, he and I were going to have our tea, and ſomebody knocked at the door; he got up, and went to the door; I ſays to him, aſk who is at the door; he went and aſked who was there, they ſaid they had ſome work, is your maſter at home? he ſaid yes, and he opened the door, and cried out, Oh, Lord! I was a little alarmed; I ſat in the kitchen to ſee who came in; I could not hear nor ſee any body come in for the courſe of a minute; then this man the priſoner Burdett came in, with his face half covered with a handkerchief; he preſented a piſtol to me, and ſaid, if I reſiſted he would blow my brains out; I told him I would not reſiſt, if he would ſpare my life; he then came round me, and put his hands over my eyes, and tied his handkerchief, or ſomething, I cannot ſay what, over my eyes; then he took my hands, and tied them down behind me; then he got a blanket I had been ironing upon, and threw that over my head, and took my apron, and tied that round me with the ſtring. I was in that ſituation while they robbed the houſe; they were in the houſe near a quarter of an hour, as near as I can recollect: while they were there, Samuel Armſtrong made uſe of the words, pray do not take that watch, that is my maſter's watch; that was a watch that was laying on the mantlepiece; then they d——d me, and aſked me what time I expected my maſter at home; I told them I expected him at the door every minute; then I heard them go out of the kitchen, and call Murphy; they came down ſtairs, and came round me, and opened the drawers of the kitchen; I heard them, and they told me if I did not tell them where my maſter's plate, and money, and notes were, they would blow my brains out; then I told them they muſt, for I did not know; then they went out, and I heard them bid one another good night, I cannot ſay I knew the voice; the young man Armſtrong I heard him the other ſide of the kitchen where I was, and he ſaid, Oh Lord! what have they taken? I anſwered, and bid him told his tongue; he then came round to me, and he put down his head, and I aſked him if they were all gone, and he ſaid yes, they were all gone. He took the blanket off me, and untied my hands.

How many did you obſerve in the kitchen?——I did not ſee any perſon but this Burdett.

Do you know him again?—Yes.

*Priſoner Armſtrong.* Whether before I I told you they were all gone, you did not bid me go and look?—I deny that.

*Mr. Garrow, Priſoner's Counſel.* The kitchen is on the floor with the ſtreet-door?—Yes.

You ſaw but one perſon?—No.

His face was covered with a handkerchief?—Yes, the lower part of his face was covered.

Had he a round hat?—I cannot tell whether he had a round hat or a cocked one; I know his face, but I do not know his hat.

Conſider that the lives of three men depend on what you ſay; and you was a good deal frightened?——Very much.

Do you mean to ſay upon your oath that you are able to ſwear to the upper part of a man's face, whom you never ſaw before, and whom you do not know what ſort of hat he had?——I can; but I do not know what ſort of hat he had.

Had he any hat?——I do not know, I judge from the ſize.

There may be more of the ſame ſize; how long had you lived with the proſecutor?—I had been in my maſter's ſervice one month the 13th of February.

I believe you was taken into cuſtody?—Yes, I was.

Do you recollect that four other perſons, not the priſoners at the bar, were firſt taken into cuſtody on ſuſpicion of this burglary?——No, Sir.

Do not you know that other perſons, beſides the priſoners, were taken into cuſtody on this charge?—I do not know that they were.

Do you remember being at the magiſtrate's with your maſter, when he told you, you ſhould ſee the perſons that were accuſed?—I do not.

Did not your maſter, while you was in cuſtody, and before you had ſeen either of theſe perſons, tell you that there were perſons that he meant to ſhew to you?—They were not ſhewn to me, I was called on one ſide by the gentlewoman at Mr. Wilmot's houſe, and ſhe aſked me if I knew any perſon in the room; I looked through the glaſs over the door, and ſaw Burdett there.

Had you ever ſeen Burdett before in your life?—Never to my knowledge, I had a light on the table when they came in.

How much of a minute, or the third part of a minute, was it, before you was blindfolded?——I do not know.

May be he waited a quarter of an hour looking at you, and contemplating?——It was done as ſoon as poſſible.

Do you recollect your maſter's telling you that he had four perſons to ſhew you, and that you told him it was quite unneceſſary, for you ſhould not know none of them?—No, Sir.

Do you mean to ſwear that nobody ſaid ſo to you?——Yes, I do.

What ſituation was Armſtrong in, do you happen to know that a handkerchief was thruſt into his mouth, and that his hands and legs were tied ?—I do not know ; I heard him ſpeak, and deſire them to ſpare that watch which lay on the mantle-piece.

May be it was for you to cook the dinner by ?——I do not know.

Do you recollect any thing about Rapſon when theſe people came to the door ?——No.

Has you maſter a man of the name of Rapſon ?——Yes ; I heard the men ſay, I have brought ſome work, is your maſter at home.

Did not the man ſay that Rapſon had ſent ſome work for your maſter ?—Yes.

What was you doing ?—We were going to tea, I was making a toaſt.

Are you ſtill a ſervant in Mr. Chancellor's ſervice ?—— Yes.

*Court.* You have not lived a month in the ſervice ?——No, Sir.

How long had Armſtrong lived in the houſe ?—I believe he had been there about a fortnight, he came after me, he was a workman, not a houſe ſervant, he did not lay in the houſe.

They aſked you where your maſter's plate and money was, you told them very readily, that you did not know ; did you in fact, know where the plate and money was kept ?——I did not know where the plate was kept, I knew there were three dozen of ſpoons that were ſent from Dublin.

*Mr. Silveſter.* Was this your own watch ?——It was not.

*Priſoner Armſtrong.* She was taken to look at four men, and one of their names was John Grey, and ſhe ſaid ſeveral times in the hearing of Mr. Jones, that ſhe could not ſwear to any of theſe, it was uſeleſs to go look at them.——I deny that.

### JAMES SHAKESHAFT *ſworn.*

I am one of the officers ; on Thurſday, the 9th of February, about half after ſeven, Mr. Harper, Onſlow, and I, and Mr. Bamford were at the office, and there came a young man, and ſaid there had been a robbery at a houſe in the Mint, it is not above five minutes walk ; he ſaid the houſe had been robbed, I went to the door, and there were the maid and Armſtrong, I made what enquiry I thought proper, I waited till Mr. Chancellor came home, he ſaw his houſe, was ranſacked, and I told him I ſaw plainly this robbery happened by ſomebody that knew the houſe, and I adviſed him to give charge of the ſervants, he did ſo, the next day they were fully examined, the girl was diſcharged, at dinner time; the priſoner Armſtrong ſays to me, I will make you a compliment, if you can ſet me at liberty, that was the next day after the robbery, Mr. Chancellor came at night to ſee how the buſineſs had gone on, I ſaid to Armſtrong, have you got any thing to ſay to the magiſtrate, before you go to gaol.

*Mr. Garrow.* This was after dinner ?—Yes.

Was not Armſtrong very drunk ?——He was as ſober as I am now ; I told him what he had to ſay, he might ſay before the magiſtrate.

Was not that ſo communicated to him, and ſo underſtood by him, to your knowledge, that any thing he ſaid might poſſibly be to his advantage, was not it under that impreſſion ; had not you previouſly prepared his mind by thoſe ſort of ſuggeſtions ?——I did not know but what the magiſtrate would commit him.

My queſtion is a very plain one, capable of a very plain anſwer ?—I told him with a view that he might be an evidence.

But do not you believe that what he ſaid was under an impreſſion that it would be better for him ?——He might ſay it with that view.

Was not it under ſuch an impreſſion ?—I cannot tell but what it might.

*Mr. Garrow:* I object to this confeſſion being received.

*Court.* I cannot receive his confeſſion under that impreſſion.

### ——— TRIQUET, Eſq; *ſworn.*

I am the magiſtrate before whom this young man was brought, he was brought to my houſe near nine at night, he was perfectly ſober, as much as I could diſcover, I could not perceive him to be at all diſguiſed in liquor, he was referred for a further examination, he came with two or three officers, I was informed that he wiſhed to ſay ſomething to me.

*Court.* Now before he told you what it was he wiſhed to tell you, did you ſay any thing to him?——I told him I would go to my office, the clerk being there, it would be more convenient, beſides there was a number of people; I went to the office, and when I came there, he wiſhed to open his mind to me, he aſked me if he could be admitted an evidence, upon telling me what he knew of the matter; I was a little cautious reſpecting what he might tell me, that perhaps it might not amount to ſufficient evidence, and therefore told him, that unleſs he could produce ſufficient evidence, with ſome of the property ſufficient to convict two of the offenders or more, I could not promiſe any ſuch thing; he then wiſhed to ſpeak to Mr. Chancellor; they went into another room, and had ſome converſation together; when they came in again, I aſked them both what had paſſed, Mr. Chancellor told me that the priſoner had wanted to extort from him a promiſe not to appear againſt him, if his evidence ſhould not amount to what we expected, and to bear him harmleſs.

Was that in the priſoner's preſence?—Yes; I underſtood that ſomething had been intimated by him on that ſcore, upon which I was rather angry with Mr. Chancellor for having held a diſcourſe of that nature, without acquainting me, for I thought he had no right or power to make any ſuch promiſe, nor would I conſent to undertake any thing for the priſoner, till he had abſolutely recanted that before me, and declared that he would make no ſuch promiſe; upon which Mr. Chancellor declared that he recanted what had paſſed, and that he would be under no kind of promiſe whatever.

*Court.* With the ſuppoſition you have ſtated, he had reaſon to expect he ſhould be admitted?——Undoubtedly.

*Court to Mr. Silveſter.* It ſeems to me that this confeſſion cannot be received, though Mr. Triquet proceeded with proper caution; as to the fact of admitting him an evidence, he is guilty of no breach of promiſe in ſuffering this priſoner to be brought to his trial; for he is not a judge of what evidence will be given, and he makes a diſcretional promiſe; I cannot receive that confeſſion.

*Mr. Triquet.* I meant to ſay, that when he was brought up again, he denied the truth of all that.

*Mr. Silveſter.* Tell us any thing elſe you know, but the confeſſion.

*Mr. Garrow.* You underſtand that you are to tell us nothing that he ſaid to you of any ſort, but you may tell us any facts?—I have a watch here which the proſecutor ſwore to; this watch was produced by one Hannah Oſeley when Knotely turned evidence, a week ſince, ſhe produced it before the Magiſtrates.

Were all or any of the priſoners preſent when it was produced?——They were preſent when it was produced by Hannah Oſeley; ſhe ſaid ſhe received it from Burdett, in Burdett's preſence; that he came to her about eleven on the night of the robbery, and brought it to her.

What did Burdett ſay to this?—He denied it all; this watch has been in my poſſeſſion ever ſince; it is the ſame.

### HANNAH OSELEY *ſworn.*

Who do you live ſervant with?—With Mr. Knotely.

Which of the priſoners do you know?—Burdett.

When did you ſee him?——On the 9th of February, between ten and eleven; he gave me a watch, he told me to ſave it till my maſter came home; I delivered it to the officer; I told him my maſter was gone to a cock-fighting in Portpool-lane.

Did you ſee Burdett after that?—No.

Do you know any of the other priſoners?——I know Burdett and Brown by coming to my maſter's houſe; I know nothing of the priſoner Armſtrong, having never ſeen him before.

*Mr. Garrow.* Mrs. Oſeley, do you know Mrs. Moſes?——Yes.

Where does ſhe live?——In Woolpack-alley, Houndſditch.

What, with Mr. Knotely?——Yes.

She is your miſtreſs?——Yes.

Mr. Knotely is your maſter?——Yes.

Which of the Moſes's is this, is it the old fence or the young one?——She is no fence.

I ſee you know what the word fence is?——I do not.

No! why then how happened it, was it by intuition, or a ſtrange illumination, you ſhould know what I meant: how long have you been with this pious family of the Knotely's?—Off and on theſe two years.

Whenever Mr. Akerman did not find them ſervants, you attended them; how often has he been in trouble within theſe two years?——But once.

Only once! Was that for the aſſault with intent to rob, or for the burglary, or the murder?——Murder!

Oh, that you deny with both your hands; did you live with him when he was ordered for tranſportation for fourteen years?——No.

Did you live with him when he was ordered to the ballaſt lighters?—No.

Had you ever any converſation with Mr. Knotely about this watch?——When my maſter came home, he was very much in liquor, and he told me to ſave it till the morning.

The whole Friday intervened; now upon your oath, did not he deſire you to keep it, in order that it might be evidence againſt ſome other perſon on a proſecution?——I offered it to Mr. Knotely; he told me to ſave it till he aſked me for it; I never gave it to him afterwards. I kept it in my pocket, and directly as my maſter was taken, I put it under the ſtairs; my maſter ſent for it.

So when your maſter got into the hands of the traps, then he ſent for the tick; you underſtand that, it is no Hebrew to you; your maſter got into the hands of the traps?——Yes he did.

So you know what traps are then; upon your oath, did not he tell you that he ſhould not be believed by a jury of Engliſhmen, unleſs you ſhould confirm it?—He was going to make a preſent of it to ſomebody in the country.

You ſwear that?—Yes; I do not know the name of the perſon; I carried it to Mr. Wilmot's.

And there I ſuppoſe by a ſtrange accident you was laid hold of; what way of buſineſs is your maſter in?—I do not know.

*(The watch ſhewn to Mr. Chancellor, and depoſed to.)*

*Proſecutor.* This is one of the number that was loſt.

### RICHARD KNOTELY *ſworn.*

Where do you live?——In Woolpack-alley.

Hannah Oſely is your maid?—Yes.

*Mr. Garrow.* Do not you profeſs to be a Jew?——I am not a Jew.

Have not you ſworn in the courſe of your life upon the Old Teſtament?—Not to my knowledge.

Have you never ſworn with your hat on; have you always taken the oath as a Chriſtian?——Yes Sir, I am one.

A great honour to any religious perſuaſion! What do you know of this robbery of Mr. Chancellor's?——On Thurſday night Thomas Burdett came to me, and told me that Armſtrong had been to tell him that his maſter and miſtreſs were going out at ſix o'clock, and that if we would come, he would let us into his maſter's houſe; he had been with Tom Burdett about three, and a little before ſix he came to us, and told us that his maſter was gone out, and his miſtreſs was going after him; we went and knocked at the door, and this Armſtrong he opened it, and let us in, and he told us that his maſter had been to receive ſome money out of the bank, and that he kept it all in the one-pair of ſtairs, backwards, and the watches were in the two-pair of ſtairs forwards. We went in; Tom Taylor and Burdett tied the girl's arms, and I tied Armſtrong's legs, he would not have his arms tied; and we went up ſtairs, and in the one-pair of ſtairs we found three ten pound bank notes, and ſome watches; I aſked to keep one of the watches, I gave them twenty ſhillings for it, they brought the money for the others; I gave the watch to the girl, as I was going to a cocking.

### PRISONER BURDETT's DEFENCE.

I know nothing about it; I have three people I wiſh to call in.

*Court to Proſecutor.* What time did you dine out that day?——Between two and three.

You ſaid Armſtrong underſtood from you that you had money in the houſe?——Yes, I mentioned to him three ten-pounds bank notes.

Did he know that you would return after you had dined?——He might, or he might not.

*(The witneſſes for the Priſoner Burdett called in, and examined ſeparate.)*

### LAWRENCE BRIEN *ſworn.*

I live at the King's Head, in Golden-lane.

Are you acquainted with the priſoner Burdett?——I have known him backwards and forwards ever ſince I kept the houſe; I remember his coming on Thurſday the 9th of February; he continued in my houſe half an hour or better; he went out, he returned again, and ſupped, and continued afterwards at my houſe till twelve o'clock.

Who ſupped with him?——I was backwards and forwards in the room with him and my wife; his wife ſupped with him, and nobody elſe, but me and my wife; I did not ſee Mr. Webber there; there were ſeveral in the tap-room; I am ſure as to the day, becauſe I received ſome money that day upon a bill that was owing me from a cuſtomer of mine.

Is that any thing particular?——I am ſure that was the day.

Are you ſure as to the time of night that he was there?—From nine till about half after nine, and then he went out, and then he came back, and ſtaid till twelve.

What time did he come back to ſupper?——It might be ten, or a few minutes after or before; he was about half an hour abſent from my houſe.

*Mr. Silveſter.* You live in Golden-lane?——Yes.

Have you got your books here?——No, Sir.

What had he for ſupper?—Some mutton ſtakes; my maid went to call him when the ſtakes were ready.

### THOMAS WEBBER *ſworn.*

I live in Golden-lane; I am a butcher, I live with my father. I know nothing particular of Burdett, I have drank with him ſeveral times; I ſaw him laſt Thurſday fortnight, I promiſed to have ſome mutton ſteaks with him, but I did not; in about a quarter of an hour or twenty minutes after, I went to Brien's, and there was Mr. and Mrs. Brien, and Burdett and his wife; I ſtaid drinking with them till twelve at night; he came in between nine and ten, and I ſuppoſe it might be twelve when he went away.

### DIANA MASON *ſworn.*

I live in Golden-lane, I am a married woman. The evening of the 9th of February, I went into Mr. Webber's ſhop, and Mr. Burdett came in, and deſired ſome mutton chops, about half after nine, Mrs. Johnſon, that is, Burdett, I meant to ſay Burdett——

Who put it into your head?——I do not know that I ſaid Johnſon, I do not know a Mrs. Johnſon; ſhe went away, and came in a quarter of an hour after with the priſoner Burdett, and I left Mr. and Mrs. Burdett at Mr. Webber's; I believe they ſupped next door.

### PRISONER ARMSTRONG's DEFENCE.

The circumſtances of the robbery have been miſrepreſented: I went down to tea, the maid was toaſting a toaſt at the fire, and there was a knock at the door, it was a gentle tap; the maid deſired me to go, I aſked her to make me ſome toaſt; ſhe ſaid, will you go to the door, I ſaid yes, without any heſitation: when I went to the door, I aſked who was there, I was immediately aſked if

Mr. Chancellor was at home; I ſaid no; ſomebody ſaid it is Rapſon; I opened the door, and one man ruſhed in, and put his handkerchief over my face, and immediately Knotely ruſhed in; they ſwore bitterly; then they hundled me into the kitchen, and then I ſaw the tail of the maid's apron over her face; they ſtaid about ten minutes up ſtairs, and came down; they wiſhed one another a good night: there was a watch on the mantlepiece, one of them, the man that ſtood over me, ſaid this watch was his; I ſaid, do not touch it, it is my property; they went out, and ſhut the door, I got one arm untied. What I wiſh to ſpeak is through humanity; when the maid was brought to ſwear to four men, ſhe ſaid it was all in vain, ſhe could not ſwear to any of them.

THOMAS BURDETT, GUILTY, Death.
SAMUEL ARMSTRONG, } NOT GUILTY.
WILLIAM BROWN, }

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

*Court to Armſtrong.* It will be happy for you, if the eſcape you have had ſhould be effectual to your amendment; but there is too much reaſon to fear that it will only operate to the commiſſion of freſh crimes, in which caſe you can expect no mercy; in the preſent inſtance, a ſtrict adherence to juſtice, on the part of the jury, has ſaved your life.

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237. THOMAS JONES and GRAY BLANDFORD were indicted for feloniouſly ſtealing, on the 12th day of January laſt, one half pound weight of ſtone blue, value 1s. the property of Edward Dyſon and Robert Boyfield.

### THOMAS YOUNG *ſworn.*

I am ſervant to Meſſrs. Dyſon and Boyfield, grocers, on Ludgate-hill. I made out the bill of parcels which was taken from the priſoner Jones, and about half after ſeven at night, I tucked it under the ſtring of the parcel which the porter took, which was a paper of ſtone blue; it was twiſted underneath; it was impoſſible for it to tumble out, it muſt be taken out by ſomebody.

### ——— DENNER *ſworn.*

I am a porter to Mr. Dyſon. I left the ſhop about ten minutes before ſeven; I took ſome things packed in a baſket on my head, and half a pound of ſtone blue in my pocket: as I was going up Fleet-ſtreet, I miſſed it; I ſaw nothing of the priſoners, I do not recollect them at all; there was a bill of parcels tucked under the ſtring; this is the bill of parcels, I'll ſwear to it; I never ſaw the priſoners till I ſaw them at Guildhall.

### WILLIAM MARCH *ſworn.*

I am conſtable; I only received this from the patrol, Mr. Woollet, which is ſome blue, the outſide paper is worn out, it is a whitiſh-brown paper, coarſe paper; I have kept it ever ſince.

### JOHN BUTLER *ſworn.*

I am patrol of the pariſh of St. Dunſtan in the Weſt, on the 12th of February, we met the two priſoners the corner of Chancery-lane, my partner ſtopped Jones, and the other ran acroſs the way in Fleet-ſtreet, I ran after him, and oppoſite St. Dunſtan's church, I laid hold of him; I particularly aſked him what he had, and he ſaid nothing, I ſaid to him, then why did you run away? he made no anſwer; I took him to the watch-houſe with Woollett who aſſiſted me, there he was ſearched; and this blue found, and I aſked him how he came by it, and he ſaid he bought it in Cheapſide, and gave a ſhilling for it; I ſaw Jones ſearched, and there was a bill of parcels taken from him, he ſaid he picked it up; the priſoners were coming together in converſation, I knew them, they were both walking the ſame way.

### RICHARD WOOLLETT *ſworn.*

At about a quarter after ſeven this night, Butler laid hold of Blandford, and I ſaw him run, and Butler after him; I ſaw Blandford put his hand in his pocket, I laid hold of his hand; and perceived he was pulling a paper out of his pocket, which I prevented, and juſt as I was going into the door, I pulled it out myſelf; Butler was cloſe to me at the time; I aſked him what it was, he ſaid it was ſome blue, he had bought for his mother, I do not recollect he ſaid where; when he came in Denner had brought Jones in, and we examined him, and found a bill of parcels which is now in Court, that was given to Mr. March.

Did either of them ſay any thing when they were examined?——Jones ſaid, he picked the bill of parcels up in the ſtreet; and we told him it was not likely that he ſhould pick it up in the ſtreet, becauſe it was a very wet night; there was not the leaſt ſoil on the paper.

### PRISONER JONES's DEFENCE.

I found this bill on a cellar window in Fleet-ſtreet.

### PRISONER BLANDFORD's DEFENCE.

I am out of work at preſent, I live with my mother; ſhe is out a nurſing a young woman in Wine-office-court, Fleet-ſtreet, and ſhe waſhes for ſeveral of us; ſhe has ſix of us to maintain, and ſhe told me ſometime in the day to get her ſome blue, and ſhe gave me a ſhilling; I bought it at a grocer's facing Woodſtreet, Cheapſide; I do not know his name.

*March.* There is a tea-dealer facing Wood-ſtreet, I am ſure he does not ſell ſtone blue; I called there, and they ſaid, they did not ſell blue.

**BOTH GUILTY.**

*Each tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* ROSE.

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238. JOHN KNIGHT was indicted for feloniouſly ſtealing, on the 21ſt day of February, one quart pewter pot, value 1s. and two pint pewter pots, value 1s. the property of Edward Witham.

### EDWARD WITHAM *ſworn.*

I am a publican, I keep the Green Dragon, on St. Andrew's-hill, Black-friars; I ſaw the priſoner in my houſe on Tueſday laſt, the 21ſt inſtant, about three; I was ſhewn ſome pots by Mr. White, which were mine, I have ſeen the priſoner at my houſe before; he ſays, he is a bricklayer, I am ſure when I went out, the day I loſt the pots, I left him in the houſe.

### JOHN WHITE *ſworn.*

I am a publican, I keep the Sun on Addle-hill, the priſoner came into my houſe laſt Tueſday the 21ſt, he ſat drinking in my houſe, I ſuſpected he had ſomething in his pocket that he ſhould not have; I ſaw the mark of a pot in his pocket, and I accuſed him, he took a quart and two pints out of his pocket, and he ſaid, he had bought them, there was the mark within on the pots, with the Green Dragon; I ſent to Mr. Witham that evening, and he came and ſent for a conſtable, the conſtable took the pots.

*(The pots depoſed to.)*

I was inſenſible, and I ſuppoſe theſe things were put into my pocket out of ſpite.

*The priſoner called one witneſs to his character.*

**GUILTY.**

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* ROSE.

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239. GEORGE LYONS and THOMAS HOPKINS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Bowers, about the hour of eleven in the

night, on the 9th day of January laſt, and burglariouſly ſtealing therein, two leather pocket books, value 4d. a pair of leather ſhoes, value 2s. a guinea, value 1l. 1s. and eighteen ſhillings in monies numbered, and ſixty copper halfpence, value 2s. 6d. his property; a bank note, value 10l. a bill of exchange, dated the 30th of October, 1782, drawn by Edward Flanhagan, on Henry Evans Williams, at the Victualling-office, London, for 65l. thirty days after date, the bank note and the bill of exchange, at the time of the ſaid felony and burglariouſly, being the property of the ſaid Thomas Bowers, and the ſeveral ſums of money due and payable thereon, being then due and unſatisfied.

THOMAS BOWERS *ſworn.*

I live at No. 73, Cable-ſtreet, Whitechapel. I went to the other end of the town on ſome buſineſs, on the 9th of January, I went from home, about half paſt nine in the morning, I returned into the neighbourhood about ten minutes after ten at night, I went to the public houſe to pay the coachman that brought me home, and one of the evidences aſked me to give him ſomething to drink, and ſometime after, my wife came to me, and I went home about thirty-five minutes after ten; as ſoon as my wife opened the door, ſhe ſaid the place had been broke open, and I ſaw the top drawer of the room where I lay, broke open, the back window was broke open, and my back door that joins to the yard.

In what manner was the window broken?——The ſaſh was broken, and there was a ſhutter on the inſide that bars acroſs, and a ſoldier's bayonet was put through as a ſtaple, and that was broken; on the ground floor there are three rooms, and this was the middle room, and the drawers that were in it were broken open, when I lookin it, I miſſed my two pocket books, and a little box with a guinea in gold, and eighteen ſhillings in ſilver; one of theſe pocket books contained a bill, on Mr. Henry Evans Williams, at the Victualling-office, for prize money, for 65l. in the ſame pocket book, there was a ten pound bank note, I cannot ſay that I miſſed any thing elſe particular, but a new pair of ſhoes and a handkerchief, and a pan with ſome halfpence in it, I look upon it there might be three or four ſhillings worth, I cannot punctually ſay to the number.

ELIZABETH BOWERS *ſworn.*

My huſband went out in the morning of this day that I was robbed, I went out a little after ten at night, and returned in about half an hour, I left nobody in my houſe at all.

Did you leave your doors and windows all faſt?——Yes.

Do you recollect particularly, whether the back window was faſt or not?——Yes, it was.

How was it faſtened?—With two bayonets and a bolt, the bayonets were put through to keep the ſtaple as pins to the bolt, there was an inſide ſhutter.

What did you go out for at that time of night?——The priſoner Lyons came to my houſe, and told me that my huſband was come home very much in liquor in a coach to the Blakeney's-head at the corner of Shorter-ſtreet, Cable-ſtreet, and that he was going to fight with the coachman; there was another came with Lyons, they went away, and I went to look for my huſband directly.

How long was you gone?—About half an hour.

Did you find your huſband drunk as you had been told?——Yes, he was a little the worſe for liquor.

Was he quarrelling with the coachman did you find?——No, he was paying him when I came in.

Had there been any diſpute?——Yes, I believe there had.

Then what Lyons told you was true?—Yes, when I came home I found the houſe in the condition that has been deſcribed by my huſband.

Are you ſure that the back window was faſtened, when you went out?——Yes.

Was the back door of the houſe ſhut?—Yes, it was faſtened; I heard nothing more that night, I know nothing more reſpecting the robbery, or againſt the priſoners.

## THOMAS TAYLOR *ſworn.*

On the 10th of January, at three o'clock, Mr. Bowers brought one John Farrel to our houſe, and inſiſted on my locking him up, for he ſaid he was one of the men that robbed him; my houſe is No. 8, Welcloſe-ſtreet, Shorter-ſquare; I am Headborough.

You had heard of the robbery I ſuppoſe before?—No; he charged him with robbing his houſe; I locked him up in the watch-houſe.

How came you not to carry him before a Magiſtrate?—There was never a one ſitting then, I kept him there till ſix o'clock, and Mr. Bowers came in, we were going to carry him to the Juſtice's, and he propoſed to Mr. Bowers, that he would make a confeſſion where his property was, provided he would admit him an evidence, and Mr. Bowers promiſed he would, if he could prevail on the Magiſtrate; then he told where the things were, and we took him to the Black-lion, Saltpetre-bank; and we found theſe two pocket books, and the bill on the Navy-office.

You found theſe two pocket books where Farrel had directed you?——Yes.

Whereabouts in the timber yard were they laying?——Cloſe by the wall, I ſaw them laying there; then we took him before the Juſtice, and he was admitted an evidence that night; I took George Lyon out of bed, I found him in an alley in Cable-ſtreet, juſt by the proſecutor's houſe, I ſearched him, he had about ſeven or eight ſhillings of his ſilver in his pocket; none of the property was found upon him.

Have theſe been in your poſſeſſion ever ſince they were found?——Theſe papers which belong to the Sun Fire-office were found at the ſame time, with the books, they were not in the books, they had laid all night in the rain, they were wet.

## GEORGE TAYLOR *ſworn.*

Having information againſt Thomas Hopkins, I and two more went and took him at the Two Brewers, in the Maze, in the Borough.

When?——The 27th of January.

Did you ſearch him?——No.

Did you find any thing upon him?—No.

Did you ever hear him ſay any thing?—No further than I went into a public houſe, and I called for a pint of beer, and I ſaw him ſit, and he jumped up, and run out at the back door; I followed him directly, and he ſaid, if he had known what I had been after he would have cut me in pieces.

Did he ſay any thing about this robbery?——No, not that I know of.

## BENJAMIN NASH *ſworn.*

On the 9th of January, I was in ſearch after Lyons and another man that had got away from me, and I found them both in bed together; I never heard Lyons ſay any thing concerning this robbery; I went after the other, I could not find him, on the 27th of January I apprehended him, I ſearched him, nothing was found upon him, I put him in the coach and Dorman, and he ſwore d—n his eyes, when I was bringing him in the coach from the Borough, he was talking about the robbery of Bowers's houſe; he ſaid, he could not blame Farrel for what he had done, for he had been cheated as well as him, for Lyons had cheated them both.

Was it mentioned before you, that Farrel had turned evidence?—He knew it.

How do you know?——He aſked me whether Farrel had turned evidence; I ſaid, I believed he had, but he had not been ſworn, nor I do not believe he had at that time; he then ſaid, he could not blame him for he had not above five ſhillings and three pence or five ſhillings and nine pence, or ſomething of that kind, any more than he had, for Lyons had *ſlanged* him out of the ten pounds note, I am not ſure to the exact ſum; it was above five ſhillings; he ſaid, that Lyons he had heard, had offered the note to change, but he would be d——d if he told where Lyons had offered it.

Did he ſay any more?——No more.

Had you, before he ſaid this, made him any promiſes of giving him any expectation of favour, if he confeſſed any thing?—No, my Lord, he did not expect it, he judged that Farrel had turned evidence.

## RICHARD DENMORE *ſworn*.

I know nothing more, than on the 9th of January, I ſuppoſe it might be about twenty minutes before eleven, the two priſoners Farrel and another man, came into the Black-boy, Salt-petre-bank, where I lodge.

How came you to remember it was that particular night?——Becauſe I lodge in the houſe, I remember the day of the month very well, becauſe I ſaw it put down in the book before Juſtice Staples; I told it to the Juſtice the day after, the 10th.

What did you hear them ſay, or ſee them do, after they came in?—They called for a pot of beer, they drank once, and they called me by my name, and ſaid Denmore, will you have any beer; I ſaw them do nothing, but I could perceive them have ſome papers, but what they were I could not tell, I ſaw no more.

What ſort of papers were they?—I cannot tell.

Had they any book?——No, I did not ſee any book.

How long did they ſtay?—About ſix or ſeven minutes, they only drank once a piece out of the pot.

Did you hear any converſation about theſe papers?—No, I did not.

Did they all go out together?——Yes, they did, they came in together, and they went out together.

You did not obſerve what papers they were, nor you did not ſee any books, I think you ſay?—No, I could not perceive any books, but in the morning when I came down ſtairs, the boy ſhewed me a claſp of a pocket book, and he aſked me what it was.

*Court.* Is that boy here?—No, he was bound over, and he is gone out of the way; he picked up a claſp, and aſked me what it was, I ſhewed Bowers the claſp of the pocket book.

Did you ſee the boy pick up the claſp?—No, I did not, he ſhewed it me, at eight o'clock in the morning, when I came down ſtairs, he ſaid, he picked it up in ſweeping out the tap-room.

Do you know what is become of that boy?—He is gone into the country where he came from; he got too ſaucy, and the landlord diſcharged him.

How long ago was this that he went away?——I dare ſay it may be a month or better than a month.

How came the landlord to ſend him away?—Becauſe he found he would not do any thing that he bid him.

What part of the country did he belong to?——Some part of Eſſex.

The landlord knows, does not he?——I do not know.

*Naſh.* I went by order of the Juſtice, to enquire about him, and the landlord ſaid, he did not know any thing about him, he was gone away.

*Court to Dinmore.* You cannot at all tell what ſort of papers you ſaw them have?—No, I cannot indeed.

Nor you did not ſee them with any book?——No, I did not.

*Jury.* How old was that boy?——About thirteen or fourteen.

*Court.* That boy ought not to be out of the way.

## CHARLES DORMAN *ſworn*.

I was at the apprehending of Hopkins, I know no more than Naſh has ſaid.

## JOHN FARRELL *ſworn*.

Relate what you know of this matter?—

Pleaſe you, my Lord, about the 9th of January, a little after ten, as nigh as I can gueſs, Mr. Bowers came to the ſign of the Blakeney's Head, the corner of Shorter's-ſtreet; I aſked him for ſomething to drink, he gave me a pot of beer; he was a little in liquor, and he came there with a woman; and Lyons ſaid, let us go and put Bower's wife *flaſh*, it will be a good piece of fun, and make *a blow up*, and at the ſame time we may *do his panney*, and I ſaid it will do very well, it will be a very good ſcheme.

What do you mean by doing his panney? ——Panney is the meaning of the houſe, they call the houſe the panney; with that George Lyons and Thomas Hopkins went out to Mr. Bowers's houſe, but I ſtaid in at the Blakeney's Head; I cannot tell whether they went or no, and they ſtaid about two or three minutes, and Mr. Bowers came in, and I began to talk to him about his coming home, when Mrs. Bowers came in, George Lyons, Thomas Hopkins, and Thomas and I went out; I was the laſt; they went to Mr. Bowers's houſe immediately, and Lyons got over the yard, and opened a back gate, and from thence he went to the back of the houſe, and broke a little window that was at the back of the houſe, and opened the door; then he got in, and he opened the back door, I was in the yard at the ſame time; they all three went into the houſe, and Thomas Hopkins ſays to me, Jack, do you go and look at the front of the houſe, you need not be afraid, there ſhall be no *flanging* in the houſe.

What do you mean by that?—That there ſhould be no cheating, that I ſhould ſhare the ſame as they did; with that I went to the front of the houſe, and ſtaid about five or ſix minutes, as nigh as I can gueſs, and when I came back, they were all come out, and Thomas ſays to me, I have got a pan with ſome halfpence, and Lyons ſays to me, I have got the pocket-books, and under Thomas's jacket I ſaw ſomething bulky, and I aſked him what he had there, and he ſaid it was a new pair of ſhoes; then we went to the Black Boy, and had a pot of beer, and was overhauling the pocket-books; I ſaw nothing in the books, only two Inſurance policies, and ſome leaſes of houſes; and Lyons ſaid, I will go out and *ding* theſe things; we ſaid, do ſo; he went out, and he might be out about three or four minutes, then he came, and ſaid, I have *dinged* them over the wall into the Deal-yard; then we left the Black Boy, and left Thomas to ſell the ſhoes; Thomas came to the Shovel in Eaſt Smithfield, and he ſold the ſhoes for three ſhillings; and the halfpence were two ſhillings, and we ſhared fifteen-pence a man; then we came up to Blakeney's Head, and had two pots of half-and-half; and ſo after that we parted.

How did you know there had been any bank note in the book, and that Lyons had cheated you?—I did not know that there had been any bank note, before Mr. Bowers ſwore it at the Magiſtrate's; but as to the guinea, Lyons confeſſed to me in the watch-houſe, that Hopkins ſaw him fumbling; ſays he, I have got ſome *loure* here, we can *have them* for this, that meant, he could cheat us; with that, he pulled out twelve ſhillings, and gave Hopkins ſix ſhillings, and amongſt that ſix there was one guinea in gold, that Lyons confeſſed to me in the watch-houſe.

You do not know whether Hopkins knew any thing of the bank note?——No, I do not.

**The remainder of this Trial in the next Part, which will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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### *Continuation of the Trial of George Lyons and Thomas Hopkins.*

**PRISONER HOPKINS's DEFENCE.**

When I was taken up, this man took me to the alehouſe to the other ſide of the water in Tooley-ſtreet, and he called for hot, and ſome gin, and ſome beer, and when we came in the coach, now, ſays he, I do not care, I want I new coat, I ſhall have a great coat this winter; ſays I, do you want my coat, for you have torn it very much; then he up with his ſtick, and hit me over the head.

Do you mean to ſay you were in liquor? Yes, I was.

*Court to Naſh.* Was he in liquor?—No, quite ſober, ſeemingly to me.

**PRISONER LYONS's DEFENCE.**

I have no more to ſay, than this man came and broke the door open where I was aſleep, and took me out of bed.

*The priſoner Lyons called two witneſſes to his character.*

*Taylor.* In the pocket-book I found this note on the Victualling-Office for ſixty-five pounds.

*Court to Proſecutor.* Look at this pocket-book, and at that note?—I have no manner of doubt, on looking at them; here is my name in this book in fifty different places.

*Jury.* Hand up the book and the claſp here.

GEORGE LYONS,
THOMAS HOPKINS, } GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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240. JOHN TOPING was indicted for feloniouſly ſtealing, on the 16th day of February, one ſilver table-ſpoon, value 10s. the property of John Dixon, Eſq.

MARY GROVES *ſworn.*

I live with Mr. Dixon; the ſpoon was loſt yeſterday was a week, the 15th; the priſoner is a chimney-ſweeper; at ſeven o'clock he was in the kitchen; the boy went in the kitchen before me, and when I came in, I miſſed two table-ſpoons, which I left there the over-night; I am firſt up in the morning, and laſt a-bed; I miſſed the ſpoons, but thought he had not time to take them, when I miſſed them, I aſked him if he had ſwept any other chimnies in the court, he ſaid yes.

What court was it?——Church-row, No. 3; I went to Mrs. Solomons, to aſk if they knew the man's name that ſwept their chimney, and deſired them to ſend for him to ſweep another, by which means the man was taken.

You are quite ſure this is the man?——I am quite ſure of it.

**JOHN PARRY** *ſworn.*

I had an order from my maſter to fetch the ſpoon out of pawn from Mr. Davidſon's at London Wall; I found one ſpoon, with my maſter's creſt upon it, the other was ſold in Biſhopſgate-ſtreet.

**BARTHOLOMEW SOLOMONS** *ſworn.*

I took the priſoner, and put him in the watch-houſe.

**MARY SOLOMONS** *ſworn.*

Mr. Dixon's ſervant came to my houſe, and ſaid ſhe had loſt two ſpoons; I ſhewed the ſervant the priſoner, and ſhe ſaid that was the man.

**Mr. DAVIDSON's SERVANT** *ſworn.*

I took the ſpoon in of the priſoner, I know the priſoner; he brought the ſpoon on the Friday, and it was taken from us by Mr. Dixon's coachman, Parry.

*Court to Parry.* What day did you get the ſpoon from Davidſon's?—On Friday, and delivered it to Mrs. Solomons at Guildhall. Mr. Dixon gave his ſervant a pattern ſpoon to ſhew the Alderman, who gave them to Harriſon the officer.

**—— HARRISON** *ſworn.*

*(The ſpoon produced.)*

How can you tell which is the ſpoon; was the ſpoon that was ſtolen marked?

*Mr. Dixon.* The ſpoon I ſent by my ſervant has a dent in the bowl, which he has, and the ſpoon ſtolen, which was given to the officer, had no dent in it.

**PRISONER's DEFENCE.**

I had ſwept ſeveral chimnies that morning; as ſoon as we have done work, we ſift the ſoot, among which I found this ſpoon, and not knowing whoſe it was, I pawned it in my own name; I never was before an Alderman in my life.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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241. JOHN HARWOOD was indicted for feloniouſly ſtealing, on the 14th of February, a ſilver table-ſpoon, value 9s. a ſtone breaſt-pin, ſet in gold, value 5s. a linen ſhift, value 3s. a pair of cotton ſtockings, value 18d. a man's ſattin waiſtcoat, value 5s. a ſilk handkerchief, value 3s. a pair of ſhoes, value 6s. a pair of ſilver buckles, value 10s. a ſtone ſtock-buckle, ſet in ſilver, value 2s. twenty-one ſhillings in monies numbered, and one counterfeit ſhilling, the property of Joſeph Conſtable, in his dwelling houſe.

**JOSEPH CONSTABLE** *ſworn.*

I live at the Pied Bull at Holloway; on the 14th of February inſtant I loſt the things mentioned in the indictment; about twelve at noon the ſpoon was found upon the priſoner; the priſoner lodged at my houſe; I miſſed the things the ſame night, the priſoner had left my houſe; the priſoner came in about eleven, and ſent for a pint of beer, and ſome bread and cheeſe, and then he left the bread and cheeſe, and went up ſtairs, and did this robbery: I came in from the garden, where I had been digging, and I met him coming down ſtairs; he then went and took his bread and cheeſe, and ſaid, landlord, I will ſettle with you to-night all I owe you, and he went out directly, he has never been at the houſe ſince, I never ſaw him after till he was brought up before my Lord Mayor.

Where was he taken up?—At London Wall; the pawn-broker ſtopped him.

JAMES

### JAMES CREIGHTON *ſworn.*

I am a pawnbroker at London Wall, I know the priſoner; on the 14th of February, about nine at night, he came into our ſhop with this ſpoon to pledge. *(Produced.)* I aſked him whoſe property it was, and he ſaid it belonged to his brother, and then afterwards he ſaid it belonged to his brother's maſter, that lived at Shoreditch; I told him I would go with him to his brother's maſter to Shoreditch, and going by Biſhopſgate church-yard, he ran down there; I miſſed him directly; he ſaid his name was John Harwood.

Did he tell you where he lived?——He ſaid he worked at a cow-houſe, he did not ſay where he lived; I ran after him down Biſhopſgate church-yard, and caught him juſt going into Broad-ſtreet; I then told him I would not go any further with him, but I would take him back to our ſhop at London Wall; we ſent for a conſtable, and ſent him to the Compter: the next day, we had him up before the Lord Mayor; he deſired us to advertize the ſpoon; we did ſo, and the proſecutor came and claimed it.

### PRISONER's DEFENCE.

On Monday I went to go to work at my maſter's at Iſlington, and he had nothing to do that day, and in my landlord's houſe we were playing at cards, and there came in a diſorderly woman and a man, I took them, my Lord, to be nothing but whore and rogue, for his breeches-knees were all over dirt; and we played at cards for three pots of beer, and I played with him, and in the mean time my landlord winked at me, and I winked at him, and he ſays I ſhould not grudge that woman ſixpence to go up ſtairs with me; the woman went out firſt, and he followed her, and we drank our beer; they were gone about half an hour, and I ſaid, where have you been? and he ſaid, what is that to you, and then the woman came in again, and they went up ſtairs together; the next morning I got up, in order to go to work; my maſter was gone to London, then I thought as I could not go to work, I would go and fetch me a clean ſhirt; and going along I found this ſpoon honeſtly, and will be bound for it, it had been hauled out by ſomebody that had ſtolen it.

*Court.* How long have you lived at Mr. Conſtable's?—Seven days.

What made you run away from the pawnbroker?——Becauſe they ſaid, they would keep the ſpoon, I have not a friend in the world but you my Lord, and the Gentlemen of the Jury, notwithſtanding that the proſecutor keeps a very bad houſe, and is never in bed till one or two in the morning, and laſt Sunday morning, he came to bed at two o'clock very drunk.

*Proſecutor.* I ſhut up every night at ten, I have nothing to do in the night.

GUILTY, 39s.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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242. WILLIAM ATTERBURY was indicted for feloniouſly ſtealing, on the 10th of January laſt, one piece of white baize containing forty-ſix yards, value 36s. the property of Thomas Bowerbank, and Samuel Hague.

### HENRY BARRS *ſworn.*

I am a cartman, I was employed to carry theſe goods, I delivered them ſafe, there were four pieces, and I had ſeven pieces returned, it was about ſix in the evening, as I was returning in the Minories, the porter who was with me, ſays *we are done*, and I looked and ſaw a man taking a piece out of the cart, I ſaw the man while he was behind the cart with it, I ſaw the man run away, he took it in his arms, and put it upon his left ſhoulder, he croſſed the ſtreet, and whether he dropped it on the pavement or in the kennel, I cannot ſay, but it rolled in the kennel, I purſued him, the porter took up the goods, and carried them to the cart, and I ſaw the priſoner taken before I left him again.

Was he ever out of your ſight?——No, Sir, never.

Did you ſee him drop the goods?—Yes.

*Mr. Silveſter, Priſoner's Counſel.* What o'clock was it?—About ſix, the moon ſhone very bright, I was upon the pavement, the priſoner came behind on the off-ſide of the cart, it was wrapped up in a tilt, I was on the near ſide, the priſoner was taken, and carried to the watch-houſe, and he was reſcued.

### JOHN PARTRIDGE *ſworn.*

I was with the cart, I ſaw the man take a piece out of the cart, and put it on his ſhoulder, and walk off with it, I was told by the carman, that he was taken directly after by the patrol; I took up the goods, I ſaw them drop off his ſhoulder, and I picked them up, I was cloſe by him when he dropped them.

Did you ſee him ſtopped?——No, I did not, the carman ſaw him ſtopped.

What were the goods?—They are here, it was one piece of baize, and I directly put the goods in the cart, and took them home and delivered them to the warehouſeman, his name is Sexton.

*Mr. Silveſter.* Then you ſaw ſome man take ſome goods, and then you took them, and put them in the cart?——Yes.

*Court.* Do you know the man by ſight who took them?—Yes, I ſhould know him.

Look round.

(*The witneſs pointed to the wrong man, and ſaid,* "To be ſure I was wrong.)

*Court.* Look round again?——That is the man.

*Mr. Silveſter.* How came you to pitch upon this young man?——He was laying down ſo, ſo I took him to be the man.

### WILLIAM BOX *ſworn.*

I was one of the officers of the night, I took charge of the priſoner, it was the 10th of January, the man was brought before I got into the watch-houſe; one Solomon Davis gave me charge of the priſoner, we tied him with ſtrings round his arms, for fear he ſhould get from us, and at the end of Baſinghall-ſtreet, he was got from us; knives were drawn, and a gang met us, and cried d—n your eyes! come cut away, come cut away, and when he got away he turned round and ſaid d—n your eyes, what do you want with me, there were three that reſcued him, I am ſure this is the ſame man, he was taken up about a fortnight afterwards, we had him in the watch-houſe with a light, I ſhould know him from a thouſand.

*Mr. Silveſter.* Was it a moon light night?——I cannot pretend to ſay.

You had like to have got into diſgrace about this?——Yes, there were two of us, Davis and I, Davis is a conſtable.

The ward ſuſpected you had *touched* a little?——I believe they did.

But you are ſure you did not?——Yes.

### SOLOMON DAVIS *ſworn.*

When I came into the watch-houſe, the man was in the watch-houſe.

Who elſe was in the watch-houſe?——I cannot particularly ſay, there was one Mr. Budgen, a coachman, a carman, and a porter, we gave charge of the priſoner, he got away afterwards, that is the ſame man, I am ſure of it.

*Mr. Silveſter.* You was ſworn upon the Old Teſtament, I hope?——Yes.

There were a great many people in the watch-houſe?——Yes, ſeveral.

Who brought this man in?——I cannot tell.

What are you?——A conſtable.

How many of you went towards the Compter?—William Box and me.

What light had you in the watch-houſe?—Only one candle.

### JOHN DUNGEN *ſworn.*

I am a patrol, there was a hue and cry of ſtop thief! and I took the priſoner into cuſtody, to the watch-houſe.

Who gave you charge of him?——The carman and Mr. Birch, this is the carman, the priſoner is the ſame man I took to the watch-houſe.

*Mr. Silveſter.* What kind of a night was it ?—It muſt be dark.

Was it light ?—I cannot poſitively ſay whether it was light or dark; I did not know him before.

*Court.* Do you recollect whether it was moon light ?—No, I do not.

*Mr. Bowerbank.* The goods were brought back to my warehouſe that night.

Was the piece delivered to you, that was ſaid to be taken from the cart ?—It was a piece of baize, it had a particular mark upon it, it is my property, I am clear of that.

*Priſoner.* I never was in this man's cuſtody, I know none of them; I was apprehended by one Mr. Jealous walking along the ſtreet, and they ſent theſe men, and they came and ſwore to me.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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243. **FRANCIS PHIPPS** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Ward, about the hour of twelve in the night, on the 27th of January laſt, and burglariouſly ſtealing therein, one wooden box, value 6d. a ſcrew, value 9s. an oil ſtone, value 8s. a chiſſel, value 8d. the property of William Margiſſon the younger; one hand ſaw, value 6s. another ſaw, value 5s. a wooden plough and irons therein, value 10s. an oil ſtone, value 6s. a ſaw, value 4s. a hammer, value 4d. a ſlide rule, value 2s. a broad axe, value 4s. the property of the ſaid William Ward.

**WILLIAM MARGISSON** the younger *ſworn.*

I am apprentice to Mr. William Ward, he lives at Great Ealing, and keeps a houſe there; I loſt the things mentioned in the indictment, the great box was found, and the things were loſt on the 27th of January, I ſaw them the ſame night, I put them in the cheſt and locked it.

**WILLIAM WARD** *ſworn.*

I am a carpenter and houſekeeper, my ſhop was broke open, my ſhop is a ſeparate building from the houſe, about ten feet, but all within the wall, the lad John Atkins that is here, was the laſt perſon in the ſhop; I aroſe a little before ſeven in the morning, and when I came there I found the tools of my cheſt on the bench all taken out, and the things mentioned in the indictment that belonged to me, all taken away; I never ſaw the tools again, I know nothing of the priſoner, I have no reaſon to charge him, but from the great box being found in his lodgings.

**CHARLES YOUNG** *ſworn.*

The priſoner was apprehended the 6th of February, he was offering three oil ſtones and a hand ſaw to pawn; he was brought to the office, and delivered into charge; I and another went and ſearched his lodgings, he told us where he lodged, and I found this great box, and this hammer, a pair of compaſſes, a rule and a chalk line, between the bed and the ſacking; and I found two duplicates; I went to the pawnbroker's, and I found ſome things, but I found no owner to them; upon further examination, I aſked him where he got this great box, and he ſaid, his brother gave it him; I aſked him how long he had had it, and he ſaid about a month, he ſaid, it was above three weeks; why, ſays I, the young man has not loſt it above a fortnight to day, then the young man came and looked at it, and he ſaid he had put in a ſcrew, and broke it, ſince that he had put a nail in; the things that were found were advertized, and the parties came in conſequence of that; he gave me that deſcription of the box before he ſaw it; he ſaid, the ſcrew was broke, and he had driven in a nail.

*Margiſſon.* This is my box, I know it from the nail, and the ſcrew that is in it.

Such a thing might happen to another box?——I made it, I am ſure this box was that evening in my cloſet in the ſhop, the evening of the 27th.

*Atkins.* I found this ſtick under the priſoner's bed.

(*A large aſh ſtick.*)

*Court to Young.* Do you know the priſoner?——He ſaid, he was going to work upon the keys, his wife ſaid, he was a carpenter, and his landlord ſaid, he was a wheeler.

**WILLIAM PICKERING** *ſworn.*

I am a conſtable, I ſearched the priſoner's lodgings, and I found theſe tools that are here produced, concealed under the bed, there was a baſket and bag, but nothing of any conſequence; and this ſtick was laying under the bedſtead, I aſked him what buſineſs he was, he ſaid, he was a working man on the keys, and his brother had given him theſe tools, they were his lodgings where we found the tools, the woman ſaid, they are my huſband's, he is a carpenter, but his landlord ſaid, he believed he was a wheeler.

**JOHN ATKINS** *ſworn.*

I live with Mr. Ward at Great Ealing, I am his apprentice, he is a carpenter, his ſhop does not join to his houſe, but it is in a court-yard ſurrounded by a wall intirely; on the 27th of January laſt, I ſhut up his ſhop, it was locked and faſt about five o'clock, I kept the key of my maſter's cheſt, that was locked; one of the doors of the ſhop was faſtened with a bolt, the door I went out at was locked and faſt, the third door was faſtened with a ſtaple; I went to the ſhop in the morning about ſeven, I took the key out of the kitchen.

In what ſtate did you find the ſhop?—I got in at the window, and opened the two doors, there was a pane of glaſs to the window broken, and a board nailed up, and that board was puſhed down, that hole was large enough to get the priſoner's body in, when that board was torn down; theſe two doors were both faſt; when I ſhut up ſhop I locked the door next the kitchen: my maſter's cheſt and Margiſſon's cheſt were both open, the hinges were off Margiſſon's cheſt, and ſome of the tools were taken away; I had put my maſter's into the cheſt the night before, and the things belonging to him mentioned in the indictment were miſſing, I know nothing of the priſoner.

### PRISONER's DEFENCE.

I have a brother gone to the Eaſt Indies, carpenter's-mate, and theſe tools belonged to him, and he gave them to me.

Have you any witneſſes to call to prove this?——No, Sir, I cannot ſay I have, I am an entire ſtranger indeed, only my landlord.

*Court to Young.* How came you to ſearch the lodgings of the priſoner?—Becauſe he told me where he lived, he was ſtopped with three oil ſtones, and a hand ſaw which are not claimed at all, ſome carpenters who had loſt their tools, were going after their tools to different ſhops, and he run out of one of the ſhops as they came in.

*Jury to Young.* You ſay nobody owned this ſtock, and bit, and plough.

*Priſoner.* They all belong to my brother.

GUILTY

*Of ſtealing to the value of 39s. but not of the burglary.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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244. **MARGARET DAWSON** was indicted for feloniouſly ſtealing, on the 12th of February two cotton gowns, value 12s. one pair of cotton ſtockings, value 10d. a black ſilk hat, value 12d. a cloth cloak, value 12d. a linen ſhift, value 10d. a pair of ſhoes, value 2s. a linen apron, value 12d. two check aprons, value 12d. three caps, value 12d. two muſlin handkerchiefs,

chiefs, value 12d. a dimity petticoat, value 2s. three pair of lace robins, value 6s. a linen petticoat, value 5s. one ring, value 20s. one hoop garnet ring, ſet in gold, value 20s. one other ring, value 10s. a foreign ſilver medal, value 2s. ſix dollars, value 27s. a French crown, value 4s. 6d. a piece of foreign gold coin, value 3s. 4d. a guinea, value 1l. 1s. a quarter guinea, value 5s. 3d. twelve crowns, value 3l. nine half crowns, value 1l. 2s. 6d. thirteen ſilver threepences, value 3s. 3d. nine ſilver fourpences, value 3s. one ſilver twopence, value 2d. five ſilver pence, value 5d. two pieces of copper coin, called farthings, value an halfpenny, and twenty-one ſhillings in monies numbered, the property of Joſeph Shetley.

### JOSEPH SHETLEY *ſworn.*

I know the priſoner, ſhe was ſervant to me; I loſt the things mentioned in the indictment on the 12th of February. On Sunday laſt my wife and me went to take a walk after dinner; we went out between two and three, my wife came home firſt, I did not return till ſhe ſent for me, it was about ſeven, and when I came home, I found her in great confuſion, the houſe was robbed, and the girl gone away; I enquired where ſhe came from, and I heard ſhe came from Liverpool; I accordingly enquired at the Golden Croſs, Charing Croſs, and deſcribing her, I heard ſhe was gone off by the Cheſter coach, which went off that evening about ſeven; they ſaid I might overtake her at Mims; I took poſtchaiſe with Mr. Lowe, and at St. Alban's we overtook the coach, and on the roof of the coach we found the priſoner; I then deſired her to come down; ſhe had told the coachman ſhe had a bundle, and ſhe acknowledged that to be her's; we then went into the Bull, and when we came in, Mr. Lowe ſaid, you have ſome of your maſter's property about you; ſhe made no reply, but put her hands into her pockets, and took out theſe things, of which this is an account; I kept the things ſeparate till I returned, and I took the account of them myſelf; they were tied up firſt in the purſes, and theſe two boxes, containing the things in the indictment; I cannot ſwear to the money, but there is a three-and-fourpence-halfpenny piece which I know, and here is a remarkable mourning ring written withinſide, that I have no doubt of being my wife's, I have the fellow of it at home; there is another ring likewiſe, which has my name in it, J. S. In general, the things in the indictment were all found upon her, except a guinea which ſhe paid to the coach.

What did ſhe ſay for herſelf?—She ſaid nothing for herſelf; on coming home, I aſked her if any body was concerned with her, and if ſhe would let me know who was concerned with her, I would be eaſy with her, and ſhe ſaid no; when ſhe came back, I brought her back in the chaiſe, ſhe took out her own things, and left the remainder, which Mrs. Shetley will ſpeak to. This is the bundle which was taken from her.

### FRANCES SHETLEY *ſworn.*

*(Depoſes to the Clothes.)*

*Court to Mrs. Shetley.* What may be the value of the things in the bundle?——Two guineas.

*Proſecutor.* I know we had all theſe crown-pieces and foreign coins, and we had not them on the Sunday night.

What may the value of the rings be?—Two guineas.

### WILLIAM LOWE *ſworn.*

I went with the proſecutor, and ſtopped the woman, but I ſhould not know her again, ſhe is ſo much altered ſince; I ſaw the bundle produced, which ſhe acknowledged to be her's; I aſked her, when ſhe came off the coach, if ſhe had any thing about her; ſhe made no reply; I aſked her if any body belonged to her in the coach, ſhe ſaid no; then we took her into the houſe, and ſhe produced the purſes with the money, and the boxes with the rings, which have been produced.

*Priſoner.* I have nothing to ſay, I have no witneſſes.

**GUILTY, Death.**

*She was humbly recommended to mercy by the Proſecutor and Jury, on account of her youth, being only fifteen, and it appearing to be her firſt offence.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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245. **JOHN KITSALL, alias WILMOT, alias SMITH,** was indicted for feloniouſly aſſaulting James Grey, on the King's highway, on the 17th day of February, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one gold watch, value 10l. one cornelian ſeal, ſet in gold, value 20s. one ribbon, value 1d. one key, value 1d. and one guinea in money, his property.

### JAMES GREY *ſworn.*

On Friday was a week I was robbed, the 17th of February, I think it was a quarter paſt twelve at noon; it was within about ten yards of my Lord Mansfield's garden-gate; I was walking down from Highgate, towards the Spaniards, by Fitzroy farm-gate, I met the priſoner walking his horſe up the hill ſlowly, and he ſtooped and picked up a halfpenny, and gave it to a beggarman; he was walking his horſe ſlow, he did not ſeem to take any notice of me, but I walked on, and he paſſed me; when I came within about ten yards of my Lord's garden gate, I loſt the footpath of that ſide, and croſſed over to the other ſide, and was ſurprized to find myſelf ſtopped all of a ſudden by this perſon, with a piſtol at my head; he came up on my left ſide, and ſaid halloo! I immediately turned back, and the piſtol was within ſix inches of my ear; he ſaid, I am a gentleman in diſtreſs, pleaſe to deliver your watch and your money inſtantly; I looked at him, and I ſaw he was the ſame perſon I had paſſed before, which ſurprized me a good deal, and I was getting off my glove, but I did not pull it off faſt enough, and he began to uſe bad language; I took off my glove as quick as I could, and gave him my gold watch and ſeal, and a guinea and eighteen pence; he ſaid, this is not all the money; I told him it was all that I had; he then rode off a few yards, and I ſaw him, when he was five or ſix yards from me, look at the watch, and put it into his coat pocket; then he began to flog his horſe very much, and rode up the hill; I immediately loſt ſight of him, but I ran up the hill as faſt as I could, and I met a gentleman, whoſe name is North, and ſome other people, in a minute or two; I aſked him if he had been diſturbed by a fellow that rode up that minute upon a grey horſe; I told them I had been robbed, and he and a lady, and a gentleman that was with him, immediately turned and went with me to the Spaniards, and there they met with a perſon who lives in the neighbourhood, and he went to town as faſt as he could, and went to the office, and gave information.

Are you ſure of the perſon of the man that ſtopped you?—Yes, I am ſure of his perſon, perfectly ſure of him.

Are you ſure that that is the man that robbed you?—Yes, that was the man; but he is not in the dreſs now he was then; he had an olive-green great coat on; my watch has never been found, the ſeal has and the ſtring, the ſeal was found that night.

*Mr. Garrow, Priſoner's Counſel.* The perſon that robbed you had an olive-green great coat on?——Yes.

Did you make any obſervation on the number of capes that coat had?—I knew it when it was ſhewn to me; I was not particular whether it had two or three when I gave the deſcription at Bow-ſtreet, where I have heard that I might ſay there were three capes.

I am told you did?——It certainly has three capes, there are two that laid down, and one that is the collar, that ſtands up.

That is a very diſtinct thing; what ſort of hat?—A round hat, down on the face, and down all round.

The perſon that robbed you, told you he was a gentleman in diſtreſs, and therefore aſked for your money?——Yes.

### JOHN TOWNSEND *ſworn.*

On Friday the 17th of February, I ſaw Mr. Grey at a public houſe in Bow-ſtreet; I heard him ſaying he had been robbed by a highwayman near Lord Manſfield's houſe; as ſome of our people had been out that day, they had heard of it before me, but I heard from Mr. Grey that ſome of our people were waiting at the Catherine-wheel-yard, in Windmill-ſtreet; I believe it was about half after three when I went up, and I waited there in company with Atkins and Sayre, and Shallard, I believe till about half paſt eight, and at about half paſt eight, Sayre, who was ſtanding at the window, tapped at the window; there came in a grey horſe, the priſoner came on it, and turned into the yard; I was then in the road juſt as he came in, and he ſays to me, halloo, hoſtler; I ſaid, halloo, Atkins and Shallard, and at the moment he got off the horſe, from his left-hand great coat pocket I pulled out this piſtol, and called them to aſſiſt me; we ſearched him further, and in his right-ſide breeches pocket I pulled out a guinea, eighteen pence, and a half guinea, and this ſeal that was in his breeches pocket; he ſaid, what do you want with me? I hope you will uſe me well; and we ſaid we meant to take him to Bow-ſtreet.

*Mr. Garrow.* You have been now a good number of years in apprehending offenders?——Yes.

You have a pretty accurate knowledge of old offenders?——Certainly.

Had you ever this priſoner in your cuſtody before?—Never.

Had you the ſmalleſt complaint againſt him?—Never in cuſtody clearly.

He is not an old offender?—Certainly not; if he had, I muſt have known him.

### JOSEPH LITHGOLD *ſworn.*

I keep a livery ſtable; I know the priſoner, he was taken at my houſe; I know the horſe he rode, he called on Thurſday the 16th, to engage him on Friday morning.

Did you know the priſoner?—Yes.

How long have you known him?——About three months only as a cuſtomer.

### PRISONER's DEFENCE.

I am innocent of the charge that is alledged againſt me,

*Court to Mr. Grey.* What ſort of ſeal was your's?—A red cornelian ſeal, with an anchor and cable, and motto, "Anchor faſt," with the cypher J. G. upon it; this is the ſeal.

GUILTY, **Death.**

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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246. The ſaid JOHN KITSALL, otherwiſe WILMOT, otherwiſe SMITH, was again indicted for feloniouſly aſſaulting William Harper on the King's highway, on the 5th day of October laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one metal watch, value 40s. a chain, value 1d. a ſilver ſeal, value 1s. a baſe metal key, value 1d. one half-guinea, value 10s. 6d. and ſix ſhillings in monies numbered, his property.

There was no evidence to bring this charge home to the priſoner.

NOT GUILTY.

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247. VINER COOK was indicted for feloniouſly ſtealing, on the 25th day of January laſt, one wooden caſk, value 2s. and fifty-two gallons of Spermaceti oil, value 9l. the property of William Parker.

### WILLIAM PARKER *ſworn.*

I live in Whitechapel; on the 25th of January, I loſt a caſk of oil from my door, and found it at the priſoner's houſe; he was at home when we firſt went there, but he made his eſcape; the caſk was ſtaved, and the oil running about the houſe, the caſk was marked C. H. A. M and R. but it is ſo imperfect, it would be difficult for any body elſe to make it out.

*(The Caſk produced and depoſed to.)*

JOSEPH

### JOSEPH PARKER *ſworn.*

I went to the priſoner's houſe, and I looked through the key-hole, I heard a knocking, and ſaw the priſoner cutting the caſk; I knocked at the door, and the priſoner opened it; I went away, and when I returned, he was gone, and the caſk was cut, and the oil running about the cellar; about nine or ten gallons were taken out of the cellar.

### CHARLES DORMER *ſworn.*

I attend the Rotation Office in Whitechapel occaſionally, I went with Mr. Parker to the priſoner's houſe, he applied his eye to the door and ſaid there he is now, I ſee he is chopping the hoops off; I knocked at the door, and the priſoner came and opened it; ſays I, Cook, what have you been about? he could could hardly make an anſwer, I aſked him for a light, he ſaid I have no light; I went for a light, and in the mean time the priſoner eſcaped; we ſaw the oil running, there was Mr. Parker's name on the caſk.

### PRISONER's DEFENCE.

I wiſh to call two perſons that were preſent when the oil was brought in.

### JAMES CHIDDAM *ſworn.*

Mr. Cook is my father-in-law, I am going on fifteen, I was in the houſe when the caſk of oil was brought there, it was about half paſt two.

Were thoſe men that brought it, ſervants of the priſoner, or employed by him?——No.

Did he receive it?——No; he was not in the houſe when it came.

*The priſoner called four witneſſes who all gave him a good character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

248. CHRISTIANA FITZPATRICK was indicted for feloniouſly ſtealing, on the 18th day of January laſt, two canvas bags, value 1d. and two guineas, value 2l. 2s. the property of William Morgan, privily from his perſon.

### WILLIAM MORGAN *ſworn.*

I know the priſoner; on the 18th of January; about twelve at night, as I was going home, the priſoner ſtood in the ſtreet, near Mile-end Turnpike, I was at a benefit club in Butcher-hall-lane, Newgate-ſtreet; ſhe ſays, as I was going paſt, how do you do; and I ſtopped, ſo I catched hold of her; ſhe aſked me if I wanted a night's lodging, and I ſaid I had one to go home to; I never ſpoke more words to her; I turned round, and was going off, and I put my hand into my pocket, and miſſed my property. I had two guineas in a ſmall canvas bag, and ſome ſilver in another canvas bag, I was not above four yards from the woman when I miſſed my money; I went to the woman, and ſearched her, I could not find it, and the watchman was coming by, calling twelve, and the watchman came and ſaid, let me ſee if I cannot find it on her; he ſearched her, and found the two guineas and the bag upon her; I was preſent at the time; the watchman took out the money into his hand, and took her to the watch-houſe; I told him, before he ſhewed the money to the night conſtable, that if there was any more than two guineas it was not my property; the conſtable has the money.

You are ſure you did not make her a preſent of this bag and money?——No, my Lord, I did not.

### MATTHEW HENRY *ſworn.*

I am the watchman; I ſearched this woman in the preſence of the proſecutor; I was crying paſt twelve, the proſecutor called out, watch! and two watchmen had got up before me, and the proſecutor had got all the priſoner's things off, and could not find it, and the proſecutor ſhook out a canvas bag from her petticoats or ſomewhere, and he ſaid, that was the bag that had the other bag with the money in; and with that, I ſaid to them, do not take her to the watch-houſe yet, ſhe muſt have the property about her, I kept looking about to ſee if ſhe chucked the property away; and going to take her to the watch-houſe, I ſaw her put her hands quite through her pocket hole to her p——e p—-s, and I ſaid do not ſearch her, and a gentleman that ſtood oppoſite held the candle, then I laid her down on the ground, I took the property out, rolled up in her ſhift, and after that I kept it in my right hand, till I gave it to the officer of the night; it was a little brown canvas bag.

Did you examine the contents of the bag?—No, not till I gave it to the officer of the night, the proſecutor told me if there was any more than two guineas in the bag, it was not his property: when the bag was opened, there was the two guineas and nothing elſe.

### DAVID MILDROM.

The way of ſwearing in my country, is by holding up the hand, I am a North-Briton; it is not the common cuſtom of the country to kiſs the book, I have no objection to the words.

*Mr. Juſtice Gould.* I ſwore a man ſo, with the book before him, and I ſtated it afterwards to all the Judges, I remember perfectly well there were a ſet of thieves coming through Scotland, and they made a general ſweep, and then came into a place called Long Town, which is the firſt pariſh in England, the Scotchmen found theſe people at a public houſe, and they were committed to Carliſle gaol, and they were tried before me at the aſſizes, the proſecutor objected to being ſworn, and I ſent to Mr. Lockhart, and he told me that there was a particular ſect in Scotland, that would not take the oath by touching the book or kiſſing; I took his oath by holding up the hand, and I afterwards ſtated it to the Judges, and their opinion was with me.

### DAVID MILDROM *ſworn*

*(In the following form by Mr. Shelton.)*

“ You ſwear according to the cuſtom of “ your country, and the religion you profeſs, that the evidence you ſhall give, “ &c.” I am an officer of Whitechapel, I was in the watch-houſe when ſhe was brought, I received a canvas bag with two guineas in it, from the watchman.

*(The bag depoſed to.)*

### PRISONER's DEFENCE.

I was going home, and the corner of Ducking-pond lane, I pulled up my ſhoe at heel, and this man came up and laid hold of me, he pulled me to the ſtep and threw me down acroſs the ſtep, and I ſaw him put his hand into his pocket, and lay ſomething down; I ſaid, if I am an unfortunate woman, I am not to lay down *my carcaſs* for nothing, he ſaid, he would have connections with me, whether or no; I ſuffered them to ſtrip me, and they pulled and hauled me from one place to another, the watchman came up, and picked up the outſide canvas bag, the proſecutor very well knows he pulled me about, I never ſpoke to him; and if he has forſworn himſelf, God Almighty forgive him! I am very willing to ſuffer what you pleaſe, I have nobody but God and you Gentlemen, to take my part.

*Court to Morgan.* You ſuſpected that your purſe was gone preſently?—No, my Lord, not then, till I put my hand in my pocket, then I miſſed it directly, and I knew it was there the minute before; I was no ways in liquor.

GUILTY

*Of ſtealing, but not privately.*

*To be fined 6d. and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

249. **PETER WHITMORE** was indicted for feloniouſly ſtealing, on the 1ſt day of February, four pounds nineteen ſhillings in monies numbered, the property of Edward Taylor, in the dwelling-houſe of William Clark.

### EDWARD TAYLOR *ſworn.*

I loſt four pounds nineteen ſhillings, on the 1ſt day of February, from under my bed, I live in the houſe of William Clark, in Ferrets-court, in Holborn, it was in a canniſter nailed down on the floor under my bed, nobody in the world knew of it, but the priſoner, he laid with me, I took him out of diſtreſs, becauſe he was poor, the priſoner knew I had ſome money, but did not know I had ſo much, he has ſeen me put ſome in, I had been acquainted with him about two months, he had been with me three weeks, the priſoner abſented himſelf after I loſt the money, he owned he took ſix ſhillings of my money, in my miſtreſs's parlour, before another gentlewoman, and he offered to pay it at two ſhillings and ſixpence a week.

What did you ſay to him?——He ſaid, he had friends, and he would ſend to them in the morning; I never ſaid any thing to him, the acknowledgment was made at my miſtreſs's ſhop, where I work, in Cary-ſtreet, a tin-ſhop; he ſaid he would be very willing to pay the money before he would go to trouble; and he ſaid, he took it out of the ſide of the canniſter, he was not promiſed nor threatened by any body in my preſence, he was ſpeaking of the four pounds nineteen ſhillings which I had loſt.

### WILLIAM FALKNER *ſworn.*

I am a patrol in Lincoln's-Inn-fields, I heard the priſoner ſay at the watch-houſe, he would pay the money belonging to Edward Taylor, which was four pounds nineteen ſhillings, at half a crown a week.

### CATHERINE CLARK *ſworn.*

I am wife of William Clark: the proſecutor lodges at our houſe, in Ferrets-court, I never ſaw the contents of this canniſter.

### MARGARET WELCH *ſworn.*

I live at Mr. Bennet's, tinman, the priſoner came in there, when the proſecutor took him, he ſaid, he did not take all the four pounds nineteen ſhillings, he only took ſix ſhillings out of the box; he ſaid, he would freely pay all the money back at half a crown a week; and I aſked him how he could ſecure it.

*Court.* So you was aſſiſting as far as you could in compounding this felony?—No, Sir.

Had he made him any promiſe?—No.

### JAMES BENNET *ſworn.*

Depoſed to the ſame effect.

### PRISONER's DEFENCE.

I never took any money.

*The priſoner called four witneſſes to his character.*

*Court to Proſecutor.* In what ſtate was the canniſter in which your money was put?—It was nailed down, and a hole at top to put the money in, I ſaved it to buy me a bed and bedſtead, the nails were drawn out. I kept an account of it in my head, I am ſure there was that ſum.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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250. **ELIZABETH PEARCE** was indicted for feloniouſly ſtealing, on the 28th day of January laſt, one ſilver watch, value 2l. four guineas, value 4l. 4s. one half-guinea, value 10s. 6d. one dollar, value 4s. and twenty-ſeven ſhillings in monies numbered, the property of John Ford.

### JOHN FORD *ſworn.*

I am a barber and peruke maker, and

houſekeeper, in Cable-ſtreet, Roſemary-lane; I am a ſingle man, I was going up Roſemary-lane, on Friday night, I believe it was the 27th, I met the young woman, and I ſpoke to her, and I ſaid, how do you do young woman, and ſhe ſaid pretty well thank you, Sir; ſo I ſpoke a word or two to her, where do you live, where are you going, ſhe ſaid, I live in Buckle-ſtreet, with my father and mother; ſays I, will you go home with me to night, ſhe ſaid, ſhe would, I told her I was going into a public-houſe a little further on, and if ſhe would come and ſtay in the tap room while I had a pint of beer, ſhe ſaid, ſhe would, ſhe came to the Queen's-head, and waited there, I ordered her to have ſome purl and gin, and I paid for it; ſhe came home with me, and ſomehow or other in the morning, when I was aſleep, ſhe got up unknown to me; when I went to bed, I put my watch in a chair, by the bedſide.

Before you went home with her, was you quite ſober?—I think ſo, I was ſober enough to take care of myſelf, and every thing I had about me; I went out about three or four o'clock, I came home from the firſt houſe to my own houſe, and ſtaid there ſometime, then I went out again, deſiring the man to put up the ſhutters, and ſaid, I would be in inſtantly; I will ſwear I was ſo ſober as to know what I was about when I came home, when I went to bed, I put my watch in a chair by my bedſide; I had ſix guineas in my waiſtcoat pocket, four guineas and a half in gold, and a dollar, and twenty-ſeven ſhillings in money; I am ſure I had this money in my pocket when I picked up this girl; I pulled off my clothes, and laid them on the bed, when I awoke in the morning, I felt with my hand about the bed, and I was ſurpriſed there was nobody there; I got up and came down ſtairs, I believe in my ſhirt, if I do not miſtake; I found the door open, and the young woman gone; I loſt nothing out of my ſhop, thank God! then I called my man who ſlept in the houſe, Tom, get up, I am ruined! and I went to Buckle-ſtreet, where ſhe ſaid ſhe lived, but I could not find her; I found her afterwards, ſhe had bought a parcel of clothes with the money that was miſſing.

### CHARLES DORMER *ſworn.*

I took the priſoner between eight and nine in the morning, ſhe was putting on this new petticoat, I put my hand in her pocket, the firſt thing I found was this watch *(Depoſed to.)* then I took out this little box, with two guineas and a half in it, and two half crowns, and ſixpence, and a dollar.

*Proſecutor.* The guineas have no mark; the dollar is marked in two or three places, black as if it was burnt, I have had it a long time, I can ſwear to it.

*Dormer.* I found this new gown and ſtays, and a cloak, and a new ſhift, ſhe had the fellow to it on, and the proſecutor's handkerchief, and a new apron and two new caps; when I took her into cuſtody, ſhe deſired me to try, and ſettle it with the proſecutor, and ſhe would return the things, ſhe ſaid, it was the firſt fault, and ſhe would never do the like again; I did not promiſe her nor threaten, ſhe ſaid, ſhe had laid the reſt of the money out.

### PRISONER's DEFENCE.

The money was my own, I was on board a ſhip with a young man ſix weeks, and when he got his impreſs money and wages, he gave me ſome money to buy me ſome clothes, and he told me to bring him ſome things which he wanted, and the ſame night I came from on board of ſhip, I met the proſecutor, he aſked me to drink, and went to the public houſe, and he gave me this dollar, and he promiſed me half a guinea; I went home with him, and he ſaid he had no money, and he gave me his watch, I told him where I lived, and he was to come for his watch.

*Court to Proſecutor.* What did you give that girl?—No money at all.

Did you ever give her your watch in

pledge?——No; I never told her I had no money, I had plenty of money.

*Dormer.* We took her in Plow-ſtreet, not a hundred yards from Buckle-ſtreet.

GUILTY.

*To be privately whipped and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

251. SAMUEL HIGBY was indicted for feloniouſly returning from tranſportation and being found at large the 26th day of January laſt, without any lawful cauſe, before the expiration of the term of ſeven years, for which he was tranſported.

PETER GOFF *ſworn.*

Here is a certificate of the conviction of the priſoner, which I had of Mr. Shelton.

(*The certificate of the conviction read and examined by Mr. Garrow, Priſoner's Counſel, with the record, dated the 23d of July, 1783, for ſtealing a cart, value 4l.*)

(*The other witneſſes were ordered out of Court.*)

I was ſent for, and informed the priſoner was at home; I and ſome others went for him, the ſtreet-door was upon the latch, the parlour-door was faſt, and one of the men ſhoved it open; we went into the room, and Bryant laid hold of his ſon-in-law, not knowing the priſoner; ſays he, I will go for him, and we went into the ſtreet, and there we found the priſoner; I am one of the conſtables of the pariſh of St. John, Weſtminſter; Sir Sampſon aſked him how he came here? he ſaid he came to ſee his children.

*Mr. Garrow.* You do not know this is the man that was tried?——I was not here at the trial.

JOSEPH PERCIVAL *ſworn.*

I am conſtable; I have ſeen the priſoner before; I knew him perfectly well; I found him the 26th of January at No. 3, Prince's Rents, in the pariſh of St. John the Evangeliſt; I was ſent for to Tothilfields bridewell, and they told me to fetch Goff, and we went to apprehend the priſoner, and we took him to Tothilfields bridewell, and the next day we took him before Sir Sampſon.

Was what paſſed there taken down in writing by Sir Sampſon?—No; Sir Sampſon ſaid, as the man does not deny it, there is no occaſion for any thing further; he acknowledged that he had been tranſported, and he had left the ſhip; he ſaid he ſtood by the captain, while the others aroſe; Sir Sampſon aſked him how he came there, he ſaid he came to ſee his children and grandchildren; I know he was tried here.

*Mr. Garrow.* Was you here?—No.

*Court.* Did this man ſay he was on board when the crew aroſe on the captain, and made their eſcape?——Yes.

*Mr. Garrow.* My Lord, they ſhould prove that he was ſentenced to be tranſported, and delivered to the captain.

*For the Priſoner.*

WILLIAM SMITH *ſworn.*

I am a farmer of turnpikes; I think the firſt of my knowing the priſoner was in Auguſt 1784; he came into my buſineſs the 1ſt of September, he had been in my buſineſs before.

In what employment did you then engage him?——To keep a turnpike at Sutton, near Biggleſwade; I think he kept it one year and three months, his goods are now in my houſe; he conducted himſelf like an honeſt, careful, induſtrious man; I would entruſt him now if he was at large, he had a wife and two children there with him.

*Court.* Gentlemen of the Jury, according to my idea, there is a defect in the evidence here; for it is not proved that he was the ſame perſon that was convicted of the ſpecific offence mentioned in the indictment.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

252. RICHARD STEVENS, THOMAS HERBERT, and WILLIAM HARDY, were indicted for felonioſly ſtealing, on the 9th day of February, one deal caſe, value 2s. and one iron wheel, called a wallower wheel, value 39s. the property of Gilbert Handyſide and Thomas Prickett.

GILBERT HANDYSIDE *ſworn.*

I am in partnerſhip with Mr. Prickett; I loſt a wallower wheel, value 12l. it was in a deal caſe; it was loſt down below bridge.

ROBERT WALKER *ſworn.*

I am a waterman, I ply down below bridge; I know the three priſoners, I never ſaw them till this evening, I went from King's Stairs to Rotherhithe, between ſeven and eight, on the 9th of February, and rowed as far as Hanover Hole, and from there I drove up with the tide to King's Stairs again, and I ſaw the three priſoners in a boat, with this caſe; as I was an officer, I aſked them what they had got, and they ſaid it was nothing to me, and they put the caſe out of the boat they were in, into the boat I was in.

*(The Caſe produced.)*

*Proſecutor.* I had leave of the Magiſtrate to ſhip the wheel, becauſe the ſhip was ſailing; there was the wheel, coggs, wrench, and turnſcrew.

What is the uſe of the wheel?——For a ſugar-mill to grind cane.

Did the priſoners ſay any thing how they came by it?——They ſaid they picked the boat up adrift with that caſe in it, which I cannot diſprove: the mark of the caſe, W. V. J. I ſaw the wheel on the wharf the 9th of February; our waterman carried it down on board the ſhip.

WILLIAM WATSON *ſworn.*

Between ten and eleven, I took a lighter with this box and ſome other goods, to a ſhip at Prince's-ſtairs, Rotherhithe.

*Court to Walker.* Where did you take that box?——On the water on the Middleſex ſide.

*Watſon.* I went and told the mate I had goods for the ſhip; he ſaid he could not take out the goods that day; the name of the ſhip was the Generous Planter; I had two ſmall parcels, which I thought were moveable, I locked them up; there was no one ſingle article which any one man, or even two, could move; I told my maſter what I had done; I left this caſe and another on board the lighter; my maſter aſked me if it was neceſſary to watch the lighter; I told him I thought not, and I left it without any body to watch it during the courſe of the night, for I could not move it myſelf; the next morning I went down to get the things out; the firſt thing I miſſed was theſe two caſes; I aſked the mate, he ſaid he hoiſted out one, and no more; to be ſatisfied of it, I went on board the ſhip, and enquired, and there I found the maſter, and I deſcribed the caſe at the Cuſtom-houſe before I ſaw it, and it was the ſame I miſſed from the lighter.

*Court to Walker.* When you ſaw theſe three men in that boat with the caſe, and they put it into your boat, what became of the men?—They gave me no account of themſelves, and they had but one paddle in the boat, which I knew was not fit to ſmuggle with, and I took them as diſorderly people; I called for help, and they were taken to Gun-dock, Wapping; I am ſure theſe are the three men.

CHARLES JOHN WATMAN *ſworn.*

I came to the aſſiſtance of Mr. Walker; I knew the priſoner Stevens, he was taken in the Dock, I am ſure he was one of the three men that was in the boat; I attended them to the Juſtices, and they were committed.

Was you on the Middleſex ſide or the Surry ſide?——On the Middleſex ſide.

STEPHEN HOWARD *ſworn.*

I ply at Cherry-garden ſtairs, that is on the Surry ſide, I am a waterman; between eight and nine, Mr. Walker cried out, ſtop thieves! I immediately rowed off, and Walker he calls out, is that Howard? I ſaid yes; he ſaid there were four thieves in the boat, he deſired me to row after them; I chaſed them to ſhore to Gun Dock, and three went into the boat; who took them, or whether theſe are the men, I cannot tell.

### JOHN ARCHER *ſworn.*

I am a labourer at Gun Dock; I was there, and the priſoner Stevens aſked me if the gate was open at Gun Dock; this was the 9th of February, between eight and nine; I directly heard the cry of ſtop thief! and I ſaw one of them, him in the blue jacket, that is Stevens, in the dock, and I took a candle, and found the other man ſtepped over the crane; I ſaw nothing of Howard then; Walker helped me to take one.

### PRISONER STEVENS's DEFENCE.

I had been on the other ſide of the water; I live in Gravel-lane; I had been in the hoſpital five or ſix weeks, I went to ſeek for work, as I was coming back about ſeven over the water, I came to Execution Dock to get myſelf put over; I waited for a quarter of an hour; I had but a halfpenny, and theſe two priſoners came down to the ſtairs, and they aſked me if I had any halfpence to lend them to go over, I told them I had but one myſelf, and this man being a waterman, he aſked me if I would take a walk with him to Church-ſtairs, as he had an acquaintance a waterman, he would give him a caſt over; I went with him to Church-ſtairs, and there this wherry was laying, with the box in it and one paddle in the boat; we got in the boat, and this man was to go with him, and I gave him the halfpenny to work himſelf over again.

### PRISONER HERBERT's DEFENCE.

I juſt come from Greenland Dock, I met this young fellow, and I aſked him if he had his boat, and he ſaid he had not; I ſaid I would go with him to the ſtairs, and ſome waterman would give me a caſt over; I went with Hardy to Prince's-ſtairs; when we came to the ſtairs, he could ſee nobody that he knew, then we went to Church-ſtairs, and there was the boat laying, and we all got into the boat, and this young fellow, Stevens, gave me a halfpenny to bring the boat back, and we met the waterman, and he ſaid he was a King's officer, and he had a right to it, and we put it in his boat.

### PRISONER HARDY's DEFENCE.

I ſay the ſame as he has ſaid.

*Court.* What right had you to take a boat at all to go over, without the conſent of any body that belonged to it?——There was nobody in it, ſhe was drifting about along-ſide the barge.

When you came to Gun Dock, how came you to run away?——I did not think what trouble might come of it.

*(The priſoner Herbert called five witneſſes, who gave him a good character.)*

ALL THREE GUILTY.

*Each tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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253. SARAH LYON and ANN GIBSON were indicted for feloniouſly ſtealing, on the 13th day of February, nine yards of thread lace, value 20s. the property of Thomas Hatterſley, privily in his ſhop.

### PETER HARDY *ſworn.*

I am journeyman to Mr. Hatterſley, he is a haberdaſher oppoſite Red-lion-ſtreet, Holborn; the priſoners came together into my maſter's ſhop, on Monday the 13th of February, between twelve and one o'clock, under pretence of buying thread lace; I was in the ſhop, and two or three other perſons; I ſhewed them a box of edgings, and after that, a box of broader lace; they did not buy any, we could not agree for the price; they bought ſome thread, ſome tape, and ſome ribbon, and they went away;

I miſſed ſome lace, and I went after them; I did not ſee them take any, I miſſed it while they were in the ſhop, I purſued them when they were about five yards off, and brought them back; they denied having any lace; I took them into a back ſhop, and ſent for an officer; he came, and ſearched them, and found the lace upon the priſoner Lyon. *(Produced and depoſed to.)* I was with the priſoner Gibſon while the officer was ſearching Lyon; ſhe went down on her knees, and begged for mercy, and ſaid ſhe would pay for the lace, or any expence, if I would but let her go; ſhe was taken to the Juſtice, and was committed. I know the lace by the pattern and the private mark. I believe it was Lyon that purchaſed the thread and things.

*Priſoner Lyon.* Whether he did not ſay he could take his oath that he ſaw me take a piece of broad lace?—I thought ſo then, I did not miſs two pieces, I only thought there was one piece of broad lace.

### EDWARD TREDWAY *ſworn.*

I belong to Mr. Walker's office; I ſearched the priſoners; I found this lace in the right-hand pocket-hole of Lyon, half in and half out, when he pulled off her apron, and began unpinning her gown, then I ſaw it; ſhe opened her cloak, I told her to undo her apron; it has been in my cuſtody ever ſince.

Did it come there by accident, or was it put there by deſign?—She had no pocket, it was in the pocket-hole, it was half in and half out; it was when ſhe was ſtripping herſelf, I perceived the lace, and ſhe ſaid, Oh, Lord! how came it here, I cannot think how it came here; I ſearched Gibſon, and found nothing upon her; the money for the tape and things was furniſhed by Gibſon.

### PRSIONER LYON's DEFENCE.

That bit of lace hung at the bottom of my petticoat; I had a child with me, and ſhe pulled it out of the box.

*Tredway.* Gibſon had the child, ſhe had no child.

*Proſecutor.* Gibſon had the child.

*Priſoner Lyon.* I came into this gentleman's ſhop to buy a bit of edging for a child's cap, I bought the lace for my own cap; he ſhewed me ſome, I ſaid I did not want to go to above four ſhillings and ſixpence; the child ſat on the middle of the counter, the child got hold of the lace in the box, and pulled two or three pieces out of the box; I deſired him to take care of the lace; I bought ſome ribbon, and went out of the ſhop, and they came after me; they kept me an hour and a half in his parlour, while he ſent for a conſtable; the conſtable came in, and ſearched me, and this piece of lace hung at the bottom of my petticoat.

*Court to Proſecutor.* Did the child meddle with the lace in the box, and pull them about?——The child did not touch a piece of lace.

Are you ſure of that?——I am ſure of that; it touched the box, and I moved the box a little further; I took great care the child ſhould not touch the lace.

*Court to Peter Hardy.* You was not without your ſuſpicions that there was a piece of lace miſſing, you ſay; did not you ſee her take this lace, or touch it?——No, I did not.

You find ſhe is indicted for a capital offence, for ſtealing it privately; had you any intimation of her taking it?—I did not obſerve any lace that ſhe did take, but I believed there was a piece of lace gone; ſhe had in her hand at one time I believe three pieces, and I obſerved, when ſhe put them into the box, that there were but two, but I was not ſure.

*Court.* I do not think there is ſufficient ground to put Ann Gibſon on her defence.

SARAH LYON, GUILTY
*Of ſtealing, but not privately.*

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

ANN GIBSON, NOT GUILTY.

*Tried by the ſecond Middleſex Jury, before*
*Mr. Baron* PERRYN.

254. **JAMES BUTTERSWORTH** was indicted for feloniouſly ſtealing, on the 7th day of January laſt, two live ducks, price 3s. one live drake, price 2s. the property of John Cole.

*There being no evidence the priſoner was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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255. The ſaid **JAMES BUTTERSWORTH** was again indicted for feloniouſly ſtealing, on the 10th day of February, one glaſs lamp with a tin rim, value 1s. the property of William Coulderoy.

**ALEXANDER BARKER** *ſworn.*

I was ſtanding at my own door, on Friday the 10th of February, in Charles-ſtreet; I ſaw the priſoner take the lamp, it was quite looſe, and eaſily taken out.

What houſe?—No. 10, Charles-ſtreet, Bridgewater-ſquare, it was over an empty houſe; I was conſtable of the night, and one of the lamp-lighters men told me he had loſt four lamps, I thought the priſoner was a lamp-lighter; in three minutes after I ſaw him with three lamps under his arm.

**MARY DEAN** *ſworn.*

I keep a green ſhop, on Friday the 10th the priſoner aſked me to let him leave three lamps with me, I never ſaw him before, he was quite a ſtranger to me; I was juſt going to work, and he aſked me to let him leave them, he ſaid, he ſhould be gone about two hours, he came in and put them under my window; Mr. Rogers took them away, here is one of them here.

**WILLIAM FISHER** *ſworn.*

I am the lamp-lighter, I had the care of theſe lamps, I know this lamp to be one that I had the care of, it belongs to Mr. Coulderoy.

*Priſoner.* I never left any ſuch thing.

*The priſoner called two witneſſes to his character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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256. **ALEXANDER M'KENZIE** was indicted for feloniouſly ſtealing on the 10th day of February, eighteen pounds weight of ſugar, commonly called Muſcovade ſugar, value 6s. the property of Samuel Key and others.

The priſoner was taken with the ſugar upon him.

GUILTY.

*Whipped.*

*Tried by the London Jury before Mr.* ROSE.

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257. **THOMAS LINDSAY** was indicted for feloniouſly ſtealing, on the 23d day of January laſt, one linen bag, value 3d. a cloth waiſtcoat, value 1s. a pair of breeches, value 1s 6d. two ſhirts, value 4s. two pair of ſtockings, value 2s. a pair of boot ſtockings, value 1s. the property of John Shelley.

**WILLIAM HASLET** *ſworn.*

On the 27th of January laſt, I being clerk to a benefit ſociety of poor, went to fetch a young man from Bethnal-green madhouſe, to ſend him into the country by the waggon; I brought him into the Caſtle inn, in Wood-ſtreet, where his clothes were delivered to one of the porters of the inn, to go by John Shelley's waggon, and there was a bag put into his waggon, containing the things mentioned in the indictment; I delivered the bag to one of the porters, who put it into the waggon when it was ready to go away, they deſired us not to put the young man into the waggon there, but to put him in at the Stones-end; I went with the young man into Goſwell-ſtreet, and I helped him into the waggon; the priſoner was an aſſiſtant to the waggon; on the 28th being Saturday, I was informed of the waggon being robbed, and the young man who was out of his mind, was loſt; on the Monday following I went to the ſitting Alderman at Guildhall, and there I ſaw the things, they were produced by Taylor, I can ſwear to one of the ſhirts, it is a particular colour, and particularly folded up at the mad-houſe, I found it pinned up in the ſame way it was at the mad-houſe, it was remarkably brown; when I ſaw the things on Monday, a pair of ſtockings were miſſing.

WILLIAM TAYLOR *ſworn.*

I am porter to the waggon, it is John Shelley's waggon, nobody has any intereſt in it but himſelf, I was going to Harrow on the hill, on Saturday with a load, and I met the priſoner, he had been with the waggons ſome time, and I aſked him the reaſon why he was not along with the waggons, whether they had had any misfortune, he ſaid, no, but the waggoner found fault with him, and he would not go any further with him; I was then going to Holborn Bridge with a load, and when I returned my maſter had had a letter from Colney, that the waggon had been robbed, my maſter ſent me for the priſoner, and I went and found him, and brought him back to the Caſtle in Wood-ſtreet, he had the linen bag under his arm at the ſame time, I found him in Newgate-ſtreet.

ELIZABETH WEST *ſworn,*

Depoſed to the things which ſhe carried to the waggon.

PRISONER's DEFENCE.

I was following the waggon, and it ſtopped at the turnpike, and I found the bundle in the middle of the road.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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258. JOSEPH BROMLEY was indicted for feloniouſly ſtealing, on the 15th day of February, one quart pewter pot, value 10d. the property of Charles Freeman.

The pot was taken out of the priſoner's pocket.

GUILTY, 10d.

*Whipped.*

*Tried by the London Jury before Mr.* RECORDER.

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259. THOMAS BRETT was indicted for feloniouſly ſtealing, on the 28th day of January laſt, twenty-ſix pounds of pork, value 14s. the property of William Cooke.

The priſoner took the pork, which hung at the proſecutor's door, and was taken with it when he had got about ten yards off.

*Priſoner.* I had had a drop of rum, and I was ſtark mad.

GUILTY.

*To be whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

**The next Part will be publiſhed in a few Days.**

# THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

**JUSTICE HALL *in the* OLD BAILEY,**

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE]

# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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260. THOMAS BARTON was indicted for feloniouſly ſtealing, on the 4th day of February laſt, one large pewter chamber pot, value 7s. the property of John Southall.

The proſecutor ſaw the priſoner take the pot from the door, which was ſet out to dry, and took him directly with it under his coat.

*Priſoner.* I ſaw it lay, and I took it up, and was going to aſk who it belonged to.

*The priſoner called two witneſſes to his character.*

GUILTY, 10d.

*Whipped.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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261. JOHN SWINBANK was indicted for feloniouſly ſtealing, on the 14th day of January laſt, five copper halfpence, value two-pence halfpenny, and five ſhillings in monies numbered, the monies of Edward Fearne.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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262. JANE BROOKS was indicted for feloniouſly ſtealing, on the 10th day of February, four quart pewter pots, value 5s. ſix pint pewter pots, value 4s. the property of Joſeph Wakefield.

The priſoner was taken with the pots in her hand, which the proſecutor's boy had left at a door.

GUILTY.

*To be privately whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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263. WILLIAM SCREW was indicted for feloniouſly ſtealing, on the 22d day of January, one wooden butt, value 20s. the property of Joſeph Fiſher.

The proſecutor caught the priſoner rolling away the butt.

GUILTY, 10d.

*Whipped.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

264. SARAH otherwiſe JANE MITCHELL was indicted for feloniouſly ſtealing, on the 18th day of January, two cloth great coats, value 4s. the property of Samuel Vardon.

The priſoner was ſeen by Iſaac Smith, go into the proſecutor's houſe, and ſhe returned out inſtantly; he purſued and took her with the two great coats upon her.

*The priſoner called a witneſs who ſwore ſhe had been inſane for many years.*

GUILTY, 10d.

*On the recommendation of the Jury, to be privately whipped and diſcharged.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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265. JAMES BIXBY and THOMAS JOYCE were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Ford, about the hour of nine in the night, on the 19th of January laſt, and burglariouſly ſtealing therein, ten yards of blue woollen cloth, value 5l. ten yards of other cloth, value 5l. ten yards of raven grey cloth, value 3l. 10s. and twenty-ſix yards of other cloth, value 6l. 10s. his property.

*There being no evidence but that of an accomplice the Priſoners were*

BOTH ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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266. SAMUEL BISHOP was indicted for feloniouſly ſtealing, on the 3d day of February, one quart pewter pot, value 10d. and a pint pewter pot, value 8d. the property of Charles Morgan.

CHARLES MORGAN *ſworn.*

I keep a public houſe, on the 4th of February; a quart pot, and a pint pot were found in the priſoner's apartment; I do not know when they were loſt, I have ſeen the priſoner paſs my door.

WILLIAM CLARKE *ſworn.*

I am a watchman of St. Mary, Iſlington, I was going twelve, and Mr. Adams's ſiſter ſays, watchman, ſtop, I believe there is a fire at the George, ſhe knocked at the door very hard, the man of the houſe came directly, we ſearched the houſe and could find none, but the kitchen was very full of ſmoke; then we went into the yard, and in a little while I ſaw a light, and we went round into a little ſhed, where the priſoner was laying on his back all along, and his boy at the feet of him, that was about half after twelve; and Mr. Barker ſays, I believe you are a great rogue; he took off a cloth from him, and he was pots from his waiſtband to his ſhoulder, I ſaw the pots told, there were ſeventeen quarts and pints, and I believe they belonged to eight publicans, they have been in my poſſeſſion ever ſince; here are two belonging to Mr. Morgan (*A pot and pint depoſed to.*) it was a little ſmall ſhed that the priſoner had put his foot in, he is a chimney ſweeper.

THOMAS BARKER *ſworn.*

I was with the witneſs, the priſoner had got a candle in his hand, and had juſt lighted a fire: I ſaw him through a hole in the wall; I aſked him what he did there, he ſaid, he was in bed; I ſaid, I would come round, and then he put the candle out, and covered himſelf up with the ſoot ſack, and there were theſe ſeventeen pots.

PRISONER's DEFENCE.

I was at London all day at work, and I was locked out, I went into this ſhed, which I had, and I made a fire to warm myſelf.

*Court.* How came theſe pots there?——That I do not know, there are people comes in there.

——— GLOVER *ſworn.*

I know that the priſoner employed me to take theſe pots, I cannot ſay what day it was, I was with him, I ſaw him take them from the door.

SARAH SPARKES *ſworn.*

I am a chimney-ſweeper's wife, he has hired a boy of me between three and four years; I never knew any thing amiſs of him in my life, the boy has been at work, where he was entruſted with plate, my boy is a very good boy.

GUILTY, 10d.

*To be whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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267. ANN ATKINS was indicted for feloniouſly ſtealing, on the 7th day of February, and man's linen gown, value 5s. the property of Robert Crindall.

The priſoner was taken with the gown under her right arm.

GUILTY.

*To be privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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268. JOHN DELANEY was indicted for feloniouſly ſtealing, on the 20th day of February, two wooden kirbs, value 2s. ſix bars, value 2s. and two iron lock bars, value 1s.

And EDWARD LOWE was indicted for feloniouſly receiving the ſame knowing them to have been ſtolen.

JOHN DELANEY, GUILTY.

*To be impriſoned for ſix months in the Houſe of Correction.*

EDWARD LOWE, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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269. STEPHEN HIGGS was indicted for feloniouſly ſtealing, on the 12th day of January laſt, one pair of men's leather ſhoes, value 1s. one pair of boy's leather ſhoes, value 3s. the property of William Lincoln.

*The proſecutor called on his recognizance, and not appearing the priſoner was*

ACQUITTED.

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270. JOHN HORTON was indicted for feloniouſly ſtealing, on the 23d day of January laſt, one linen ſhirt, value 1s. one pair of worſted ſtockings, value 1s. one pair of thread ditto, value 6d. one pair of cotton ditto, value 6d. two pair of woollen drawers, value 1s. three caps, value 1s. one muſlin ruffle, value 1s. one ſtock, value 6d. one box, value 18d. the property of Ann Pugh.

ANN PUGH *ſworn.*

I lodge in Cloth-fair, there was a fire at the houſe, on the 23d of January, at three in the morning; the fire burned the top of the houſe, I believe two floors before the alarm, my box was in the apartments, the priſoner was very troubleſome, I could not get him out of the houſe, he deſired to help me, I deſired him to walk out, I never ſaw him before, he came into my apartments with the reſt of the mob, I know him particularly, becauſe he was very troubleſome, he would inſiſt upon moving ſome of my things away, and I would not let him; I told him I wanted none of him, nor did I know him, I did not not let him move any thing; the priſoner took a box, after the hurry was over, I miſſed my box, and I found a few things that he could not take; I found the priſoner and apprehended him, and in his room I found two pair of flannel drawers, and two pair of ſtockings, and a ſtock and ſome other things were found, ſome were in a drawer, and ſome among ſome rubbiſh, he had the ſhirt on, and a pair of ſtockings, they were my property, I take in waſhing, and they were in my care; the conſtable has the things.

### MARY MORSE *ſworn.*

I live in the houſe, I met a ſhort man with a box at the door, at the time of the fire; I am ſure the priſoner is the man.

### HENRY WILSON *ſworn.*

*(Produced the things that were found in the Priſoner's apartment, which were depoſed to.)*

*Priſoner.* I bought two ſhirts and three pair of ſtockings, and a neckcloth, and ſome things like handkerchiefs, of a man, I do not know him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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271. WILLIAM TRAMP was indicted for feloniouſly ſtealing, on the 18th day of February, five linen ſhirts, value 20s. one apron, value 1s. one lawn apron, value 3s. one pair of cloth breeches, value 4s. one pair of ſilk and thread ſtockings, value 2s. three muſlin neckcloths, value 3s. the property of John Taylor.

### JOHN TAYLOR *ſworn.*

I am a carpenter, in Stone-cutter-alley, Gate-ſtreet, Lincoln's Inn Fields. On Thurſday the 16th of February, I went out to work about twenty minutes after ſeven, I locked the door, and put the key under it, as I uſually do, I left my wife behind me, I came back on information from my wife, that ſhe had been robbed of ſome things by Tramp; when I came back I found ſome things thrown about, and ſeveral things miſſing; I can ſpeak to the breeches.

### ELIZABETH TAYLOR *ſworn.*

I was in bed, and this lad came into the room, and pulled down all my candleſticks and flat irons; it had juſt ſtruck ſeven; moſt of the things I ſaw the day before, and when I got up, ſeveral things in the room in which I ſlept were tumbled about; I know the priſoner, I have ſeen him many times, his father and mother live in our ſtreet; there was a little horſe, and he moved that, and that waked me; half the window curtains were drawn, there were no ſhutters; I had the things to waſh; the priſoner did not live with his mother, he was a boy that lived abroad; he ran away the minute I turned round; I looked at him, and ſaid, oh, you *tramping* dog! do you come to rob me? The apron and things were laid ready; I am very ſure he is the perſon.

*Priſoner.* What time was it in the morning?——Seven o'clock.

*Priſoner.* I have a witneſs, if he is here, to prove that I was in bed at ſeven o'clock.

*Mrs. Taylor.* I went and called my huſband directly, and ſaid to him, come home directly, for young Tramp has robbed me of my things.

### JOHN COLEMAN *ſworn.*

*Court.* Do you know the nature of an oath?——Yes, Sir.

What is it?—To ſpeak the truth between man and man.

What will be the conſequence, if you do not ſpeak the truth?——It is a very bad thing to take a falſe oath.

Do you know what becomes of bad people?——They come into bad places, and bad company.

No, but after they die, do you know where they go?—I hope to go to Heaven.

If you tell the truth, you will; but if you do not tell the truth, where ſhall you go?——If I do not tell the truth, I look upon it I ſhall go to hell. I am a ſhoemaker, I keep a kitchen in Monmouth-ſtreet, No. 10, rent nine pounds a year; I work for myſelf, I have no father or mother; I mend ſhoes, and hang them up at the door, I have lived there about three months.

Who elſe lives in the houſe?—I do not know the landlady's name, ſhe ſells gowns and things; I pay my money every Monday.

Have you no receipt for it?——No.

Who does the reſt of the houſe belong to?——The gentlewoman lives up ſtairs, I do not know her name, I have not lived there long.

Why, you have lived there three months?——No; I never trouble myſelf about the names of the people, I mind my work.

Who lives in the next houſe?——I do not know, I never lived in the ſtreet before.

What kind of ſhop is it next door?——A ſhoemaker's ſhop next door, one Mr. Foſter keeps it; this lad was in bed along with me that morning.

What morning are you talking of?——That morning when they ſaid he got theſe things.

Where were the things taken away?——I do not know.

Who brought you here?—I came along with the boy's mother.

When did ſhe firſt ſpeak to you?—The day that the lad was firſt taken up.

How long was it before he was taken up?——I do not know the day of the month.

What day of the week was it?—Thurſday, I think, but I cannot ſay rightly, to ſpeak the truth.

Did this boy conſtantly ſleep with you?——Yes, Sir; he has ſlept with me about three weeks; the priſoner lives with me, and minds my place when I am out, and runs of errands, and I learn him what I can of my buſineſs.

What time do you get up in a morning?——I get up at ſeven, and this morning he was up after me, he was not up till paſt eight o'clock; generally ſpeaking, I get up firſt, I always do, I open the door, and hang out my ſhoes; he never ſlept from me for three weeks together.

How long is this ago that he was with you?——Five weeks.

How long has he left you?—A fortnight to-day; but I cannot tell the day with certainty, I cannot read or write.

Was he never abſent one night?—No; he ſlept with me the night before he was taken up.

Are you ſure of that?——Yes I am ſure of it; during this three weeks he never was out before ſeven in the morning; I have no clock, but I can hear the *town clock* go, St. Giles's church; he never was out before me in a morning, and I have pounds worth of goods in my place; I never loſt any thing.

*Court to Taylor.* When was it that this boy was taken up?—This day fortnight.

Was he taken the ſame day?—Yes.

*Court to Boy.* Will you ſwear that you heard the clock ſtrike ſeven?——No, Sir, I will not ſwear that I heard the clock ſtrike, but I will ſwear that he did not go out that morning till between eight and nine, he went for ſome bread and cheeſe to the chandler's ſhop.

*Court to Mrs. Taylor.* Did you hear the clock ſtrike ſeven?—I did not hear it; but when I was waked, and pulled my curtain back, it was between ſeven and eight.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury, before* Mr. ROSE.

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271. THOMAS BURDETT, WILLIAM BROWN, and HENRY FAWCETT, were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Ann Palmer, about the hour of four in the night, on the 1ſt day of February, and burglariouſly ſtealing therein a woollen great coat, value 10s. and a man's hat, value 2s. the property of Thomas Hinchcliffe; and a ſattin cloak, value 2s. two ſilver caſtor ſpoons, value 12d. and one iron key, value 1d. the property of the ſaid Ann Palmer.

*(The witneſſes examined apart.)*

**WILLIAM LEE** *ſworn.*

I live in Old North-ſtreet, Red-lion-ſquare, I am now a ſervant to Mrs. Palmer. My miſtreſs's houſe was broke open the 1ſt of February, I cannot ſay the hour, between going to bed and riſing; I was laſt up in the houſe the evening before, I went to bed between eleven and twelve; I faſtened the door and windows up ſtairs, the parlour, the hall, and the ſtore-room; the cook faſtens below, but I ſaw it was all faſt.

Who was firſt up in the morning?——The maid; ſhe is not here; the public-houſe-man alarmed us about ſeven in the morning, ſeeing the kitchen window open; they came and called me, and I got up directly; the cook-maid came down firſt on the alarm, and let in the public-houſe-man; ſhe called me up, and when I came down, I found the lower part open entirely, one of the kitchen windows broke open; it was faſtened with two bars and an inſide ſhutter, one ſide of the ſhutter was broken off entirely, one of the bars broke, and the other taken away entirely.

What things were miſſing?—Two ſmall ſilver caſtor ſpoons, one a pepper, and the other a muſtard ſpoon; an old ſattin cloak, that hung in the hall; a gentleman's great coat, a hat, and the key of the door. The officer came to let us know that the priſoners were taken; it was one morning after, but I cannot tell how long.

About how long did you underſtand that it was that ſome perſons were taken up?—I really cannot ſay, nor I will not pretend to ſay.

Was it yeſterday?——No.

Was is it the day before?——It is about a week ago, or very nigh ten days; a coat only was found.

*Mr. Knowlys, Priſoner Fawcett's Counſel.* You was not at the finding of the coat?—No; I have ſeen it ſince it was found.

*Court.* Did you know the great coat, whoſe was it?——It was one Mr. Hinchley's, who was on a viſit at the houſe at the ſame time. I have a crow that was left behind; there was one inner door broke open, and the crow was cloſe to the door.

**JOHN ARMSTRONG** *ſworn.*

I produce a coat and hat; I found the coat in the priſoner Burdett's houſe, up ſtairs in the bed-room, on the 20th of February, Monday was a week; I went by order of the Magiſtrates to fetch them up, and in the morning I ſaw Fawcett with a great coat on; then I went to fetch the great coat by order of the Magiſtrates, and I ſaid to the priſoner Fawcett, Harry, I am come for the great coat; he had no great coat on then; ſays Fawcett, I was aware of that, I knew that Nodely was a rogue, and I have ſent it to hell by this time; I then went to the houſe of Burdett, and there I found the great coat hanging up in his room; I carried it to the houſe in Red-lion-ſquare; I ſaw a great coat on Fawcett that morning, but I cannot ſwear it was the ſame I found at Burdett's, it was a coat like it; this is the coat I found in Burdett's lodgings.

*Mr. Knowlys.* What are you?—I am an officer belonging to St. Leonard, Shoreditch.

What office do you generally belong to?——Mr. Wilmot's.

How much will the reward for the conviction of theſe three men amount to?——If convicted, the reward will be paid by the county.

What will it amount to?—It will amount to a hundred and twenty pounds.

How long have you been in the habit of receiving theſe rewards?—I have been an officer theſe three years; but I neither took Fawcett nor Brown.

Fawcett and you may not have agreed lately?—I never ſaw any miſbehaviour in the priſoner Fawcett in my life; I have had him in cuſtody, but he always behaved extremely well.

Look at Fawcett now; do you think the great coat he has on now, is not pretty much like that he had on that day?—I will not undertake to ſwear, that the great coat he had on that morning, is not the great coat he has on now.

He knew you was an officer?——Yes.

He ſaid this to you alone?—Shakeſhaft was with me; he is gone to Hertford.

*Court.* Where was that hat got?——It was delivered to me by the evidence, Nodely.

Who was at Burdett's houſe when the coat was found?——His ſervant, a little girl, and a woman that was ironing.

Now confine yourſelf to the queſtion I am going to aſk you; did you receive any information, but do not tell me what information, how the great coat came to Burdett's houſe?——Yes, I did.

From whom?—From the ſervant of Burdett, a girl about fourteen.

There is nobody from Burdett's houſe to account how the coat came there?—No.

### ——— HINCHCLIFFE *ſworn.*

Look at that great coat?——To the beſt of my knowledge, this is my great coat; here is a particular mark on it, a piece was fine-drawn in my coat, juſt by this button, it was ſo in this great coat. I was at this houſe upon a viſit; I heard a great deal of noiſe, I was extremely unwell; I got out of bed, and whether that alarmed them, I cannot ſay; it was a very windy night, and that made it uncertain where the noiſe came from.

### RICHARD NODELY *ſworn.*

It was propoſed to go to this houſe in Red-lion-ſquare, we ſaw it was eaſy to get in.

*Court.* Give a full diſcloſure of all you know?—It was not me that fixed upon it.

You know the reaſon for fixing upon it?—They ſaid it was a good-looking houſe, it was eaſy to get in.

What obſervations had been made on the houſe, to induce you to fix on that particular houſe? come, Mr. Nodeley, if your life has been ſpared, that you may give information, the Court will expect that you give full information; it is never too late to proſecute an evidence that holds back, you muſt diſcloſe the whole truth; what was the inducement to ſingle out this houſe?—Only the eaſe of getting in.

What was obſerved with reſpect to the faſtenings of that houſe, and the eaſe of getting in?—There being nothing but inſide ſhutters, and them we put our feet againſt, and ſhoved them in.

How long time had theſe people and you been connected?—Seven months; we uſed to take it in turns to go round, and ſee how we could get in, in the night; we fixed to go to this houſe at three in the morning.

Did you go?——Yes, three of us, Burdett, and Brown, and me; we went, and ſhoved the window up, and I put my feet againſt the ſhutter, and ſhoved them open, and Burdett and me went in.

Did you make uſe of any crow, or any inſtrument, to force open the ſhutters?—We made uſe of no inſtrument.

What means did you make uſe of, not to alarm the family?——It all tumbled down together; there was noiſe enough, but nobody heard it.

What did you do upon its tumbling down and making a noiſe?—We came out again, and ſtaid ſome time to ſee whether any body was alarmed, before we went in.

How long did you wait?——About half an hour.

What became of the watchman all that time?——He was in his box, about fifty or ſixty yards diſtance.

Was this window in the ſquare, or in the ſtreet?——In the ſquare. The watchman came round, juſt as we were coming out of the houſe; we came out before that, to ſee if any body heard us, and he never came out of his watch-box; we were at the door coming out when he was coming by, while he was feeling the ſhutters, we let him go away.

Was not it very eaſy for him to have ſeen this window open if he had looked down the area?——Yes; that was what we came out for; for we were afraid that he would come round there, and ſee that window open.

Did not he go round that ſide to look?—Not that I know of.

How long after he had left the ſhutters of the hall, did you come out?——That minute, after he got into the ſquare.

Had any body ſpoke to the watchman that night?——No.

Are you ſure of that?——Yes.

Which of the watchmen was it?——At the right-hand corner of the ſquare.

Was it the corner going towards Bloomſbury?—I do not know which is Bloomſbury.

Will you tell me that?——I do not, indeed.

*Priſoner Burdett.* He knows Bloomſbury well; for he was one of thoſe that broke into the Lord Chancellor's houſe, and had the *grand ſeal*, and the Speaker's gown he had.

*Court.* Do you mean to ſwear that you do not know the way from Red-lion-ſquare to Bloomſbury-ſquare?——If I was there, I could know the way, I never lived up that way.

*Mr. Hinchcliffe.* It is the houſe neareſt Bloomſbury-ſquare.

*Court to Nodeley.* Was it the watchman the ſame ſide of the way that the houſe is?—Yes.

That is the corner of Orange-ſtreet?—It is the weſt corner of the ſquare.

*Court to Mr. Hinchcliffe.* This examination has been directed for the ſecurity of the neighbourhood; have any ſteps been taken with the watchman?——The watchman ſaid he had been eight years employed, and I told the perſon who regulated the watch, that I thought the watchman did not do his duty.

*Court.* You may inform them, that if they do not diſmiſs this watchman, I ſhall direct a proſecution againſt them for groſs neglect of their duty; for it appears, that this houſe was broke open in a manner that any paſſer-by might ſee, and though they were half an hour in the houſe, he came by in the mean time, and took no notice.

*Nodeley.* We broke open the kitchen-door with a crow, and went up ſtairs into the hall and parlour; we found two little tea-ſpoons, I do not know whether they were in the parlour or no; we took ſome new linen, and a hat and a coat.

You did not get ſo good a booty as you expected?——No.

Who watched, while Burdett and you went withinſide?—Brown.

Without?——Yes.

Did Brown join you when you came out again?—He and Fawcett were at the top of the ſtreet; he was to have come at three o'clock, but he failed in his appointment; Brown was obliged to walk away, when the watchman came round; there was an argument held between us, what we ſhould do with the things, ſo it was agreed that Brown ſhould have the linen; we toſſed up for the linen, and he won it; Burdett won the ſpoons, and I had the coat, and Fawcett he put a crown againſt it, and toſſed up who ſhould have both, and he won the coat; Fawcett was in the priſon with me, he had got a coat on like that, which we took out of the houſe, but I cannot ſwear it was the coat, he had two or three of them.

*Mr. Knowlys.* You come here to-day by the name of Nodeley?——Yes.

You have anſwered to that name?——Yes.

Where did you come from?——From Hertfordſhire.

That will not do for me; where was you laſt night?——At Clerkenwell.

What part of Clerkenwell?——In the priſon.

How many names may you have gone by in your life-time?—By no other.

Have you never gone by the name of Country Dick?——Yes, they have called me ſo.

Were you never convicted by any other name than that of Nodeley?—No, never.

Do you not recollect your ſtanding at that bar, and being convicted under the name of Nathan?——I dare ſay it has been ſo reported to you, but it is very falſe; I never was convicted, but as a vagrant.

How long ago was that?——About two years.

Never convicted of picking pockets?——No, Sir.

*Court.* It is loſs of time to impeach his credit; he ſtands here as an abandoned thief, who has ſaved his neck from the halter, and it will be happy for him if it is a warning to him.

All Three Not Guilty.

*Tried by the ſecond Middleſex Jury before Mr.* Recorder.

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272. ELIZABETH JONES was indicted for feloniouſly ſtealing, on the 22d day of January laſt, a ſilver watch, value 50s. a chain, value 2s. a ſtone ſeal, value 6d. and a braſs key, value 1d. the property of Richard Moore.

### RICHARD MOORE *ſworn.*

I am a cabinet-maker; I was coming along Biſhopſgate-ſtreet, on Sunday the 22d of January laſt, near the new road; ſhe pretended to know me, and aſked me to go home with her, ſhe lived in Dunnage-alley; ſhe opened the door, and ſtruck a light, and I gave her a ſhilling to lay down with her; ſhe ſaid I uſed to give her more.

How long did you ſtay?—Not five minutes; as ſoon as ſhe laid down, and put the candle out, I heard a rumbling noiſe in the paſſage, upon which I got up immediately, and took my watch from off the head of the table bedſtead.

What ſort of watch was it?——A ſilver watch, a cornelian ſeal, and ſteel chain; ſhe got off the bed, upon hearing the noiſe, and ſtruck a light; ſhe opened the door, and looked out, and faſtened the door again; I then laid down again, not being contented; ſhe begged earneſtly, and intreated I would permit her to get up; upon which ſhe opened a trap-door in the wainſcot, where ſhe threw the watch, and put my hat over my face, that I ſhould not ſee what ſhe was doing, after taking it from off the bed; well, ſays I, there goes the watch, and I kicked the door to, and ſaid, I will take care of you; I ſent for a conſtable, and I ſaw two or three friends.

### EDWARD TRUSTY *ſworn.*

I am one of the patrols, I had only charge of her, to take her to the Poultry Compter, the proſecutor gave charge of her, he ſaid, ſhe had ſtole his watch, and juſt by the ſide of the bed, there was a trap-door, and a ſquare of glaſs, and to that there was a ſtring, which went down and draws a door open, which gives a ſignal to the perſons below to come to this trap door.

### PRISONER's DEFENCE.

The proſecutor followed me home, and as ſoon as I opened the door, he ruſhed in upon me, and threw me on the bed, I told him I would not, he immediately got off the bed, and offered me a ſhilling and ſome halfpence, and I would not; he then took hold of my petticoat, and pulled me till he tore it off my ſides.

Guilty.

*To be privately whipped.*

*Tried by the London Jury before* Mr. Rose.

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273. JAMES PILKINGTON and GEORGE CHARLETON were indicted for that they, on the 11th day of February one piece of falſe, feigned, and counterfeit copper money, to the likeneſs, and ſimilitude of a halfpenny, unlawfully, and feloniouſly did make, coin, and counterfeit againſt the ſtatute.

*(The witneſſes examined apart.)*

*(The Caſe opened by Mr. Silveſter.)*

### JAMES SHAKESHAFT *ſworn.*

On the 11th of February, Armſtrong Harper and I, receiving information of coining being carried on, in Old Nicholas-ſtreet, we went there, and they let Armſtrong into the back yard of the next houſe but one, then Harper and I knocked at the door of the houſe itſelf, a woman looked out of the window, I told her to open the door, ſhe ſaid ſhe would, and ſhut the window; I thought her a long time coming, and I liſtened at the ſtreet door, and I heard a buſtle below ſtairs, I told her again to open the door, or elſe I would break it open; finding her not come to the door, at laſt I forced it open, Harper and me went in, I ſent him up ſtairs, and I went down in the cellar; there were two candles burning, one was on the table, where the halfpence was made up in papers; we looked round the cellar, but could ſee no one, I then looked to ſee where they made their eſcape, and I found a hole that came into a cupboard in the lower room, where the coining was carried on; and then Armſtrong cried out, I have got one of them here backwards, I immediately jumped out of the window backwards, and Armſtrong had got Pilkington in cuſtody, I immediately looked at his hands, and all down to the tip of his fingers, were all greaſe and black; I ſaid, I ſhall ſearch you; he ſaid, you may, but you will find nothing upon me; I ſearched him, and found four bad halfpence blackened with brimſtone, the halfpence matched exactly with thoſe found in the cellar; there are two different ſorts, ſome have letters and ſome have none, they match with both ſorts; I found a large ſtamping preſs, in which theſe dies were fixed, I found theſe two halfpence and a pot on with brimſtone in it, and water or ſome other liquor, there were theſe five pair of dies, and theſe halfpence ready to be coloured; it is uſually done with brimſtone to take off the new look; I found ſome blanks on the ſide of the preſs, and ſome halfpence ready made, and a candle; there was a cutting-preſs, and ſome cecil, and two ſheets of copper laying by the cutting-preſs ready to put in it, a ſieve underneath, ready to receive the blanks when cut; here is a bag with five pair of dies, and this is a ſmoothing engine, where they put in the halfpence to take the rough edge off; the priſoner Pilkington lives next door to where this was carried on, ſo he ſaid himſelf; he took me into his houſe after he was taken, and I ſaw the hole in the cupboard, they had broken the partition between the two houſes, and one could ſtep into Pilkington's houſe juſt by the fire place; I ſearched Pilkington's houſe, and in the two pair of ſtairs room, there was a very dirty jacket; I did not bring it away, but the window was open, and I ſaw a great deal of ſoot in the room, and I looked up the chimney, I thought ſomebody might have got out there, and the priſoner Charlton was brought to me as black as a chimney-ſweeper; and he owned before the Magiſtrate, he had been to this houſe where the coining had been carried on, and had thrown a bundle down a hole in the cellar, and that he met two men in Moor-fields, who aſked him to carry a load.

*Mr. Garrow, Priſoner's Counſel.* You have ſaid that his hands were dirty?—Yes, they were dirty, all his fingers greaſe and oil.

Had Pilkington his hat on when you took him?——Yes, I think he had.

And his coat?——Yes.

Have you been much accuſtomed to the apprehending of coiners?——Yes, I have been at the places where they are.

You then know that they do not uſually work with their hats on?——They work at different parts, ſome tie up the papers, there are generally two, one to turn the fly and the other to feed the preſs.

The man that got away had not his hat on?——No.

Nor his coat?——No, I think the coining was carried on at No. 18.

Are you ſure?—It was the middle houſe of the three.

Who lived in that houſe?——There was a woman that was big with child, and another in her arms; the priſoner Charlton when he was brought to me, was worſe than a chimney-ſweeper.

Do not you know that Pilkington lived at No. 19?——Yes, he did, when I ſaw Pilkington's wife, I knew her, and was not ſurpriſed.

Are you ſure the breach in the wall was not ſecured and nailed up with boards, ſo as no perſon could paſs through it ?——No, it was not, the communication was open by Pilkington's fire place, there are three that work at the ſtamping preſs, two at the fly, and one to feed it.

### JOHN ARMSTRONG *ſworn.*

I ſaw Pilkington coming out of his back window, he told me he was an officer going to take one of the men, I told him I knew one of the officers, and I would not let him go, his hands were dirty; I heard ſomething thump as I was looking there, and found the window open, the firſt man that came out, had a check ſhirt, purſuing him I met Pilkington, I believe it was ſix feet from the ground.

### SUSANNAH HAYES *ſworn.*

I live in Old Nicholas-ſtreet, I do not know Charleton, I never ſaw him before as I know of; I ſaw a man that came from the houſes, I believe it was Pilkington.

### BARNARD FAY *ſworn.*

I am a carpenter, I live about five doors from Pilkington, I apprehended Charleton, I ſaw him when he had got acroſs the paling of my yards, he came in at the back door, bolted the door after him, and went out at the fore door, he was as if he had come out of a chimney; I repaired this houſe ſome time ago, I had not ſeen it for ſix months, but I know it was in ſufficient repair, both as to the wall and the floor; and in the wall there was a hole big enough to go through.

### JOHN CLARK *ſworn.*

I have ſeen all theſe inſtruments, they are the neceſſary apparatus for coining halfpence.

### ——— FRANKLIN *ſworn.*

I am one of the moniers at the Mint, theſe are counterfeits.

*Priſoner Pilkington.* I was up one pair of ſtairs ſhaving myſelf, my wife ſaid, Jem! Jem! there is ſomebody running paſt, and I run, and ſaw a little fellow in a check ſhirt; and Armſtrong came and laid hold of me; I deny, I ſaid, I was an officer, he knows me better himſelf than that; he ſearched me, and found ſome halfpence in my pocket, which I received in change, and Harper opened the cupboard, and found this breach; it is my daughter's houſe, I was in the country when it was taken.

*The priſoner Pilkington called three witneſſes to his character.*

*Court to Charlton.* Can you give an account how you came in that dirty condition?——I was no dirtier than commonly.

What buſineſs do you follow?—Working in a rope-ground, and turpentine manufactory, and coal-heaving, and different ſorts of work.

BOTH GUILTY.

*To be fined 1s. and impriſoned twelve months in Newgate.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

274. HENRY BRIDGES was indicted for that he, on the 4th day of February, one piece of falſe feigned, and counterfeit copper money, to the likeneſs and ſimilitude of a halfpenny, unlawfully, and feloniouſly did make, coin, and counterfeit, againſt the ſtatute.

*(The caſe opened by Mr. Silveſter.)*

*(The witneſſes examined apart.)*

### WILLIAM WEAVER *ſworn.*

I am one of the conſtables, I had information of this houſe, at Cook's-gardens, Haggerſton, it was on Saturday night, the 4th of February; I went with Lucey and others, and his dog barked very much, we went firſt cloſe to the door, and drew back, and a woman opened the door, and I ſtopped her being the firſt, and at the time that the door opened, I ſaw ſome men, one of whom, I think, was the priſoner, but I cannot take upon myſelf to ſay, with that poſitive punctuality, as if I had ſeen him more diſtinctly, another man came out who is the accomplice, his name is William Parſons; I forced into the houſe, I run up ſtairs, and ſaw a window open that I had juſt before ſeen ſhut, I therefore concluded they had got out of that window; that window looks next the fields, the garden is encloſed with a wall, ſo that if he had got into the garden, he could not get away, I then went down ſtairs, and there was a hole in the floor in the cloſet, on the ground floor, and there I ſaw a ſtamping-preſs, a fly with dies fixed, and the halfpence about.

Was this hole concealed at all?——No, we found a quantity of halfpence in hand-baſkets, ſome were made up in five ſhilling papers, and one large paper parcel containing ſix five ſhilling papers, all tied up in ſtrings; we then took the evidence, and brought the things away in a cart, the next day we went to Carolina-court, Saffron-hill, I went up ſtairs and opened the door which went with a ſpring lock, and the priſoner was in bed at nine o'clock; I told him he muſt get up, he ſaid, he could not, I told him he muſt, ſays he, if I get up I cannot walk or ſtand, ſays I, then we will have a coach, for you muſt go with me; ſays he, what ſhould I go with you for, I was not in the houſe; in his waiſtcoat pocket I found theſe halfpence.

There was no appearance of any body having been at work that day?——None at all.

*Mr. Garrow.* I believe Parſons was a good deal frightened, was not he?—Yes.

You told him he would be tranſported?——No.

You told him he would be a fine?——No.

You told him he would be ſent to quod?——No; if you muſt have it, he was aſked who the men were that was up ſtairs.

I did not aſk you for his anſwer, that is not evidence, Parſons's wife was there, was not ſhe?——Yes.

Did not they keep the houſe?——I do not know.

## JOHN LUCEY *ſworn.*

I am an officer, I was at this houſe, I have the dies as they were found in the ſtamping-preſs; there was a quantity of halfpence packed up, and ſome in a baſket ready for packing.

(*Shewn to the Court and Jury.*)

*Mr. Garrow.* There are no heads on thoſe dies, hand them up to the Jury, you will find a button on the coat of one of the Jury that will fit that die; who was in the houſe?—Only the evidence, Parſons, there were thirty-five ſhillings-worth of halfpence tied up, and I believe the ſame quantity looſe.

You found no cutting-preſs?—No.

Nor no cecil?——No.

## JOHN CLARKE *ſworn.*

Is this a complete apparatus for carrying on coining?—Yes, all but the large preſs, which I ſaw at Mr. Lucey's houſe.

*Court.* Do you not conceive it poſſible that the blanks and cecil may be cut at one place, and be brought to another?——It is generally ſo, they do it for their own ſafety.

Look at theſe dies, and that halfpenny; will thoſe dies make a piece of coin like that?—Not a doubt of it.

Can you ſay whether they were made by that?—It is impoſſible to do that, becauſe two dies may be made as near as poſſible ſo that your eye cannot diſtinguiſh; theſe fit that die exactly.

Did you ever ſee any buttons of this kind?—Seldom or hardly ever.

## PETER COOK *ſworn.*

I live at Haggerſtone; I know the priſoner, he took a houſe of me at Chriſtmas, an old man and an old woman, his ſervants lived in the houſe, I ſaw the priſoner in the garden of that houſe, either on the Thurſday or Friday, I ſaw him and Parſons at different times bring goods into the houſe, Parſons and his wife lived there conſtantly; I let this houſe on a written agreegreement (*Produces it.*) he never did come into the houſe to live.

*Mr. Silveſter.* Was there any converſation about the houſe, when he was taken before the Magiſtrate.

*Mr. Garrow.* Now was not all he ſaid before the Magiſtrate taken in writing?—He did not ſhew it to me.

Do not you know it was taken in writing?—I did not read it.

Do not you know it was taken in writing?—I look upon it, it was.

What do you believe?—I believe it was, upon my oath.

*Mr. Garrow.* My Lord, then I object to his parol evidence.

*Court to Clarke.* Was you preſent when this man was examined?—I was.

Was the converſation between the priſoner taken in writing?—No.

What was ſaid?——He ſaid, he would keep in the houſe, I told him, he had better not, but give up the key; he ſaid, I will ſend a man to take away the goods, and he gave me this key, which was the key of the garden gate.

## WILLIAM PARSONS *ſworn.*

I have known the priſoner three months; I went to live at Haggerſton, about three weeks before I was taken up, there was Bridges, Heron, a little girl, and my wife.

What did you amuſe yourſelves at?—I am a painter, I uſed to go and ſee for work, and go of errands.

What was done in doors?——Coining, your honor.

How was this buſineſs carried on in this houſe?——A little girl put in the money, Bridges and myſelf pulled, and Heron worked the edges.

How long had you carried on this buſineſs?—About three weeks, I believe.

Who was in the houſe when the officers came?—Mr. Bridges, Mr. Heron, the little girl and my wife.

What became of Mr. Bridges, and Heron?——They went out your honor, Heron went out into the yard, my wife and little girl went out at the ſtreet door.

Which way did Bridges go out?——I think he went backwards apparently to me to go to the cellar.

Do you know his handy works again, when you ſee them, were thoſe the grand things you uſed to make, look at them? (*Shews him the halfpence.*)—They appear to me to be like them, there was about half a ruſh baſket full, and ſome that were told out, I received no money only a bit of victuals, I was to receive nothing, only what my wife gave me, I could not work at the buſineſs to get money, I have loſt one of my arms.

Then you never worked at it?—No, I could not.

Who pulled the fly?—Mr. Bridges, and a little girl put in.

You ſwore juſt now, that Bridges and you pulled the fly, did you never pull the fly with Bridges?——About half an hour, he aſked me to try to pull, to lend him a hand, but I never earned any thing at it.

Did you ever lend him a hand?—Once, your honor.

Who uſed to do it in common?——Bridges, and Heron aſſiſted him.

*Mr. Garrow.* Mr. Parſons, you was the only one of the covey that did not eſcape?—Yes.

They frightened thee pretty much, did not they, they talked of tranſporting thee, did not they, do not I ſpeak loud enough for you?—Yes, your honor.

Did not they threaten you, they would tranſport thee?—I was affraid, your honor.

Did not they tell you they would tranſport you, if you did not tell?—No, your honor, not that.

What made you ſqueak then?—Becauſe I did not know the conſequences of it; they told me to ſpeak every thing that I knew.

You was a good deal frightened, cockey?——Yes.

They have kept you in limbo ever ſince?——Yes.

You had not been uſed to theſe ſort of things?——No.

What may you have been formerly?—I have been a glazier and painter; I fell out of a window, and cut my arm to pieces, and they cut it off in the hoſpital ; me and my wife lived in this houſe conſtantly ; Bridges was to come at Lady-day.

How is your eye-ſight ?——Very indifferent.

What light did you uſe to have when you was at work in the cellar ?——I am rather deaf.

What light had you to work by in the cellar ?——Candle-light.

How many candles ?—One at the preſs, one at the ſmoothing-engine, and one for the putting-in girl.

Did you never ſee Mr. Williams there ?——No.

Did you never call Williams by the name of Bridges, and your wife has mentioned it to you ?——Yes.

RICHARD FRANKLIN *ſworn*.

I am one of the moniers of the Mint ; theſe are all counterfeits.

*Priſoner*. I leave it to my counſel ; when I took this houſe, I told Mr. Cooke I ſhould not occupy it till Lady-day, and that I ſhould let that part to John Williams ; then I put this Parſons's wife to look after it at five ſhillings a week ; I have proof that I was in another place at the time that the officers came to the houſe.

MARY ROGERS *ſworn*.

I live at No. 104, on Saffron-hill ; I waſh for the priſoner.

*Priſoner*. Do you remember me coming to your houſe at ſix o'clock on Saturday ?—Very well ; and you remained till almoſt eight ; I had not ironed it when he came, and he ſtopped till it was done.

What Saturday night was this ?——The evening before he was taken up ; I did not attend the Juſtice ; I did not know it till the Tueſday the priſoner ſent to me.

*To Weaver*. What time did you go to the houſe ?——It was about eight in the evening ; he endeavoured to prove at the Juſtice's that he was at another place in Fore-ſtreet, at a public houſe, in company with one Williams.

JAMES WOOD *ſworn*.

The priſoner lodged with me at Mr. Whitby's public houſe in Carolina-court ; I remember the priſoner ſtanding in the taproom on the evening on the Saturday night ; he was taken out of bed the next morning.

*The Priſoner called two other witneſſes, who gave him a good character.*

GUILTY.

*Fined* 1s. *and impriſoned twelve months in Newgate.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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275. JOHN WILLIAMS was indicted for feloniouſly ſtealing, on the 3d day of February, twenty-five pounds weight of raw ſugar, value 10s. the property of Griffith Jones and others.

And JANE LANE was indicted for feloniouſly receiving the ſame, knowing it to be ſtolen.

JOHN WILLIAMS, GUILTY.

*Whipped.*

JANE LANE, NOT GUILTY.

*Tried by the London Jury before* Mr. ROSE.

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276. WILLIAM HAYNES was indicted for feloniouſly ſtealing, on the 10th day of February, one Cheſhire cheeſe, value 5s. and one other Cheſhire cheeſe, value 5s. the property of Thomas Bell and Leonard Bell.

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before* Mr. ROSE.

277. **SAMUEL WILSON** was indicted for feloniouſly ſtealing, on the 7th of February, one printed cotton gown and coat, value 10s. one ſilk gown, value 10s. a cotton gown, value 15s. a petticoat, value 15s. five ſhifts, value 10s. two muſlin aprons, value 9s. five other aprons, value 10s. two pair of pockets, value 18d. a pair of dimity ditto, value 6d. ſeven pair of cotton ſtockings, value 5s. one pair of thread ditto, value 1s. a pair of ſilk ditto, value 2s. two handkerchiefs, value 4s. a ſhawl, value 8s. thirteen yards of printed cotton, value 37s. and four aprons, value 3s. the property of Elizabeth Kirby.

### ELIZABETH KIRBY *ſworn.*

On Tueſday the 7th of February, at ſeven at night, I went to the George and Gate, in Gracechurch-ſtreet; I went into the houſe with the coachman, and left my box in the boot of the coach; the man in whoſe care the box was left, cried out, ſtop thief! and ſaid, ſome of the coaches was robbed, and it proved to be the coach my things were left in. *(The box produced, and the contents enumerated.)* I put them in my box between eleven and twelve, before I left my place, and I examined it after it was found, and every thing was right, nothing was miſſing; as ſoon as the priſoner was brought in, and knew me, he begged for mercy.

### —— PAYNE *ſworn.*

I am the coachman; I brought the lady from Croydon; this is the box I put in the boot; the priſoner was brought into the houſe by How the conſtable.

### JOSEPH NOVELL *ſworn.*

I look after the ſtages, as they come in; the coachman ſays, do not leave my coach, for I have got a box; I was aſked by ſomebody, where the Camberwell coach was? I ſaid it was the third coach off; I turned about, and ſaw the priſoner with two others; and I ſaw the priſoner take the box out of the boot of the Croydon coach, and him and another were carrying it away; I cried out, ſtop thief!

Was he out of your ſight?—Yes, my Lord, but I am ſure he is the man; I ſaw his face by the light of the Apothecary's ſhop.

### WILLIAM HOW *ſworn.*

I am the conſtable. On the 7th of February, I met the priſoner at the end of Gracechurch-ſtreet, and hearing the cry out, ſtop thief! the priſoner tried to trip up my heels, but I was too heavy for him, and I ſecured him, and took him to the Compter.

### PRISONER's DEFENCE.

I know nothing of the matter; but being running, the conſtable laid hold of me.

*The priſoner called ſeven witneſſes, who all gave him a good character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before* Mr. ROSE.

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278. **ROBERT DUKE** was indicted for feloniouſly ſtealing, on the 31ſt day of January laſt, three dozen and four bunches of onions, value 5s. two dozen bunches of leeks, value 1s. and one wicker baſket, value 6d. the property of Robert Made.

GUILTY.

***Whipped.***

*Tried by the London Jury before* Mr. ROSE.

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279. Thomas Fiſher was indicted for feloniouſly ſtealing, on the 16th day of February, one calf's ſkin, value 5s, the property of Simon Hawkins.

The priſoner was taken with the ſkin.

GUILTY.

*To be whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* ROSE.

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280. RICHARD SMITH was indicted for feloniouſly ſtealing, on the 11th day of February, one iron kitchen range, the ſame being an utenſil and fixture, value 8s. belonging to Iſaiah Buckhurſt, he having no title, or claim of title thereto.

ISAIAH BUCKHURST *ſworn.*

I live at Hampſtead; on Saturday the 11th of February, I was going to the Spaniards, between three and four, I ſaw two fellows coming with ſacks, I thought I ſaw them coming through my fields, which joins the Spaniards; they went round the houſe, I went to the Spaniards, and ſtaid an hour and an half, and coming back, I met the ſame two men juſt on this ſide the houſe; they were without ſacks; they run away to hide themſelves, and I went and hid myſelf too, to ſee what they were going about, and then they run away through a barn; the next morning, a conſtable and watchman came and aſked me if I had loſt any thing out of that houſe? I ſaid I did not know; I went along with them to ſee, and I miſſed my grate; I ſwore to it when it was found on the Monday morning; I am ſure the priſoner is one of the two men I ſaw.

A WITNESS *ſworn.*

About nine, to the beſt of my knowledge, I ſaw the priſoner with the range on his back, in the road between Tottenham-court-road and Mother Red-cap's; he was coming to town; I ſtopped him, he ſaid he came from Mr. Lomax's at Hampſtead, and was going to carry it to Snow-hill, to have it mended, and I called Croker to aſſiſt me, and left the grate at the toll-houſe in his charge.

HENRY CROKER *ſworn.*

I went with the watchman; I aſked the priſoner where he brought the range from; he ſaid from a gentleman at Hampſtead, one Mr. Lomax, and was going to carry it to Snow-hill; he ſaid Mr. Lomax lived there; I then aſked him what Mr. Lomax was? he ſaid he was a linen-draper; I took him to the toll-houſe, and aſked him the ſame queſtion; I made a memorandum of what he ſaid; I marked the grate, and left it at the toll-houſe, and went with him towards Snow-hill; when we got two hundred yards from Tottenham-court turnpike, I ſaid I am poſitive this is a ſtory; immediately he ſaid he found it in the field; I took him to the watch-houſe, and going along, I ſaid, my friend, you muſt have ſome accomplices; he then fell a-crying, he ſaid he had a wife and five children, and an accomplice; and there was another man coming along with a ſack, and an iron bar, and other things which he deſcribed, I went to the turnpike in order to ſtop the man that was coming, the priſoner told me the houſe where he had taken the range from, and I went to the houſe.

JOHN DUCK *ſworn.*

I lived with Mr. Buckhurſt at that time, I took care of the range *(The range produced and depoſed to.)* It was fixed with brick and mortar, as other kitchen ranges are; I believe they did not break open the door.

*Priſoner.* I have nothing to ſay; I only beg for favour of the gentlemen all round; I was brought in a ſnare by this man.

*Jury to Proſecutor.* What time was it when you firſt ſaw him?—It was half paſt three; I am ſure he is the perſon.

How long previous to that did you ſee the grate?——We are repairing the houſe; I ſaw the grate that morning.

GUILTY.

*To be whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

281. **ROBERT FINSHAM** was indicted for feloniouſly ſtealing, on the 4th day of February, four pounds weight of loaf ſugar, value 5s. and half a pound weight of green tea, value 4s. the property of Richard Redhead and William Birch.

RICHARD REDHEAD *ſworn*.

The priſoner quitted my houſe at half after twelve at night; he was my porter between two and three years; after he was gone, I found the ſugar miſſing; I went to the watch-houſe at a quarter before one, and there I found the priſoner, with the ſugar; he ſaid he bought it; I aſked him where, and what he gave a pound for it; he made no anſwer; nothing was found at his lodgings. I am ſure of the ſugar.

*Mr. Knowlys, Priſoner's Counſel.* Had he been out that evening?——Yes.

You looked upon him to be a perfect honeſt man?——Yes.

You have entruſted him before this time with conſiderable property at his own houſe?——I have.

You had never miſſed any thing before?—No.

He, as your porter, was liable to go out of errands whenever you choſe to ſend him?——Certainly.

Then it was poſſible this man might have made purchaſes for himſelf in the courſe of that day?—He might.

ANTHONY HARRISON *ſworn*.

I took charge of the priſoner; the ſugar lay in a chair; Mr. Redhead ſaid it was his property; we looked at the marks at the bottom of it; the priſoner ſaid nothing material.

*Three other witneſſes aſſiſted taking the priſoner, with the box.*

*The priſoner called two witneſſes, who gave him a good character.*

GUILTY.

*Tried by the London Jury before* Mr. ROSE.

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282. **THOMAS STRATFORD** was indicted for feloniouſly ſtealing, on the 26th day of January laſt, four bars of wrought iron, value 10s. the property of Samuel Parker.

*There being no evidence, the priſoner was*

ACQUITTED.

*Tried by the London Jury before* Mr. ROSE.

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283. **ANN CHADDOCK**, alias **CHARLOTTE WATERS**, was indicted for feloniouſly ſtealing, on the 14th day of January laſt, one pair of fuſtian breeches, value 15s. one pair of ſilver knee-buckles, value 3s. and ſixteen pounds in monies numbered, the property of George Summerline.

GEORGE SUMMERLINE *ſworn*.

I am a married man. On the 13th of January laſt I loſt the things mentioned in the indictment; I was going to Fleet-lane, we had had a bit of a feaſt, and I ſtaid rather later than ordinary, it was pretty nigh one; I was rather in liquor, as it might happen, but I was ſober enough to know what paſſed; nobody was in company with me but *this young lady*; I was going by the Orange-tree in Fleet-lane, and ſhe ſaid, Summerline, you ſhall go along with me, you are a little in liquor, I will ſee you ſafe home; I knew her for four years, I have ſold her fruit, I ſell fruit by commiſſion.

What is the priſoner a fruit girl?——Sometimes, not always; I went to her room in Seacoal-lane, there was nobody elſe in the room that I ſaw; we ſat by the bedſide, and I being a little ſleepy and tired, ſhe got to work, and pulled my breeches off directly, and put the candle out, and away ſhe run with them; they were fuſtian breeches, and ſilver knee-buckles, and this money, and a crown-piece in particular; I ſaw my money juſt before I left the houſe where we had the feaſt, for me and three more paid the reckoning; I had fifteen guineas in gold and ſome ſilver; I could not tell how much; there was a crown-piece that I had taken that very morning; I did not meet above one perſon, and that was a gentleman going home; I ſaw nine guineas and ſome ſilver before the Lord Mayor; I cannot ſwear to a guinea; the crown-piece I could have ſworn to, but it was not there. I was obliged to ſtay till I could borrow a pair of breeches the next day; the priſoner never returned.

ANN WISE *ſworn.*

I live three doors from the priſoner; I ſaw her bring a pair of breeches of a browniſh colour, and a pair of ſilver knee-buckles in them, ſhe had only her under-petticoat on; I heard the chink of money, and ſaw her put money out of the breeches into the tail of her gown; it was about one on Friday morning.

JOHN NEWMAN *ſworn.*

I ſaw the priſoner very much in liquor on the morning of this robbery, paſt five, it was at the King's Head; I ſearched her, and found twenty-five or twenty-ſix ſhillings, a crown-piece, and half a guinea, tied up in the corner of her handkerchief.

ROBERT LYLE *ſworn.*

I ſaw her pull out eight guineas and two half guineas from her cap.

*Priſoner.* I ſhall ſay nothing till my property is returned.

GUILTY.

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the London Jury before* *Mr.* ROSE.

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284. GEORGE PRESTON was indicted for feloniouſly ſtealing, on the 23d day of January laſt, two quart pewter pots, value 18d. ſix pint pewter pots, value 4s. and one leather ſtrap, value 4d. the property of William Smith.

The priſoner was taken with the property upon him.

GUILTY.

*To be whipped and confined twelve months in the Houſe of Correction.*

*Tried by the London Jury before* *Mr.* ROSE.

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285. JOSEPH FULLER and JAMES SEXTON were indicted for feloniouſly ſtealing, on the 20th day of January laſt, two wooden beetles, value 2s. and one iron mattock, value 4s. the property of George Hedges.

The proſecutor found the mattock in the hands of the priſoner Fuller, the two beetles lay between the two priſoners.

JOSEPH FULLER, GUILTY.

*Whipped.*

JAMES SEXTON, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

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286. JOHN WHITE was indicted for feloniouſly ſtealing, on the 4th day of February, one cheeſe, containing eighteen pounds weight, value 10s. the property of William Gibſon.

The priſoner was taken with the cheeſe by Thomas Naſh the watchman, who ſaw him take it.

GUILTY.

*To be whipped and impriſoned one month in Newgate.*

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

287. **JAMES ROW** was indicted for feloniouſly ſtealing, on the 13th day of February, twenty-eight pounds weight of leaden pipe, value 3s. 6d. belonging to Henry Charles, and then and there fixed to his dwelling-houſe againſt the ſtatute.

The priſoner was taken with the pipe upon him.

**GUILTY.**

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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288. **JAMES POLLARD** and **ROBERT WILTSHIRE** were indicted for feloniouſly ſtealing, on the 13th day of January laſt, two plate coach glaſſes, value 5l. the property of James Smith.

JOHN WILLIAMS *ſworn.*

I drive for Mr. Smith of Chelſea, on the 13th of January, I left my coach at a public houſe door in Piccadilly; and I was called out, and Stephens had the priſoner Pollard by the collar, and the glaſs was at the bottom of the coach unbroke.

JOHN STEPHENS *ſworn.*

I left the coach a minute, the coach door was open, and they ſtooped down, when I came up the priſoner Pollard threw ſomething into the bottom of the coach, I went up to ſee what it was, and there was the glaſs and nothing elſe; I went after him, and brought him back, and ſent for the coachman, he was never out of ſight, I know nothing of the other, only he was in company with him.

*Priſoners.* We know nothing about it.

*Jury.* What ſituation was Wiltſhire in?—He ſtood by the left-hand ſide of Pollard as cloſe as he could ſtand.

**BOTH GUILTY.**

*Each to be whipped and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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289. **LEONARD STONE** was indicted for feloniouſly ſtealing, on the 8th day of January laſt, eight yards of woollen carpetting, value 42s. the property of Edward Johnſon and Thomas Butler, in their dwelling-houſe.

The proſecutor Johnſon ſaw the priſoner take the carpet out of his ſhop, as he ſtood oppoſite with Mr. Suffrey, who alſo ſaw him.

**GUILTY, 38s.**

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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290. **JOHN MOODY** and **PETER** (a black man) were indicted for feloniouſly ſtealing, on the 5th day of February one hundred and fifty-ſix pounds weight of lead, value 10s. belonging to James Benſon, and then and there fixed to a certain houſe of his, againſt the ſtatute.

**BOTH NOT GUILTY.**

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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291. WILLIAM LYCETT and JOHN JENKINS were indicted for feloniouſly ſtealing on the 24th day of January laſt, in the dwelling houſe of John Brown, one bank note, No. 2137, dated the 5th of December, 1785, value 20l. one other bank note, No. 8365 value 30l. one other bank note, No. 4754, value 50l. the property of James Haſtings, the ſaid notes, and every of them, being due and unſatisfied, and the ſeveral ſums due and payable thereon unſatisfied to James Haſtings, the proprietor thereof, againſt the ſtatute.

*The Caſe opened by Mr. Silveſter.*

JAMES HASTINGS *ſworn.*

On the 24th day of July laſt, I went into the Park, to know what time the King went to the Houſe; I was looking for the King, and I was accoſted by a perſon who looked like a gentleman, extremely well dreſſed, who aſked me what time I thought the King would come paſt; I ſaid I imagined he would be coming ſoon; he ſaid he ſhould be very glad to ſee him, for he was but lately come from the country, not above a week, from Nottingham, and muſt return the week after; ſays he, I think by your language you are North country; yes, ſays I; what part? ſays he; near to Berwick-upon-Tweed, ſays I; ſays he, I came from the next pariſh; and ſeveral circumſtances he mentioned, made me believe that he came from that country; he ſaid he came from Nottingham, and had married an heireſs, and was now in poſſeſſion of an independent fortune of four hundred a year.

*Mr. Garrow, Priſoner's Counſel.* You are ſpeaking now of the man you call Jones? —He ſaid his name was Scott; and when the King came paſt, he ſaid, we muſt drink together, and I ſaid, with all my heart; and he took me to a houſe in Hedge-lane, and when we had been there a little while, he ſaid, have you had any dinner? I ſaid, no; he ſaid, I will go out and get ſome pork chops; he went out, and returned, and ſaid he could not get any, but he brought ſome ſauſages; then came in that gentleman, the priſoner Lycett, and he ſaid to the priſoner Jones, I have got a part of your money, and he threw down a fifteen-pound bank note, and told out fifteen guineas, and the reſt you are to have next week; then, ſays Jones, that is one of the clevereſt fellows in England, I ſhould never have got this money, if I had not been recommended to him, he is Sir James Eſdaile's out-door clerk; ſays I, I have a kinſman in a banking-houſe, a teller at Mr. Caſtle's; oh, yes, ſays he, I know him very well; from that I looked very earneſtly at them, to take very particular notice of them; and this Mr. Jenkins he came in, and ſaid he wanted the way to the Park, where the officers walk; why, ſays he, I came up from Worceſter, and one of the officers that wears red clothes has run away with my laſs, and I will give all my money to find him; then he took out a pocket-book, containing a parcel of bank notes, as I thought, and threw down a quantity of gold; he ſaid we were all a parcel of poor taylors and barbers, and he had an aunt that belonged to the work-houſe at Worceſter, and he had more money than any one, and if he could meet with his girl, he would give it her all; he ſaid he would give a ſhilling if we could produce five guineas; he threw down a ſhilling; ſays Jones to me, have not you got five guineas? No, ſays I, I have but two guineas and a half; then, ſays Jones, I will make up the reſt, and he took up my half-guinea, and put down three guineas, and I believe he took up all the reſt afterwards, for I did not think to aſk for it; then he flung down a ſhilling, as he had done to the other man; ſays I, I will have none of your ſhilling, it ſhall not go into my pocket; but then, ſays they, them two ſhillings ſhall go for the reckoning; then, ſays he, I will lay you five guineas that you cannot ſhew one hundred pounds a piece; Mr. Jones ſays to him you are an impudent fellow, I can produce two or three, and alſo Mr. Lycett ſaid he could, and then they applied to me, could not I find it; I ſaid I had no ſuch thing; after a great many intreaties of them two, I ſaid, to be ſure I could do ſuch a thing if I was to go for it; they preſſed me very hard to go, they ſaid I might as well have the five guineas as not, and Jones would go along with me; I was fooliſh enough to go; I went to Lombard-ſtreet, I had a twenty-pound and a thirty-pound note at Caſtle's and Powell's, and the fifty-pound note I had at Mr. Bland's, that was Mr. Grey and Freeman's, but they went and got it for me, while I ſtaid there; then we came back to Hedge-lane, Jones and me; we had not been in one minute, Lycett and Jenkins were ſitting, and Lycett ſaid that Jenkins had loſt ſeventy guineas at a coffee-houſe with ſome officers; they ſaid he was a fooliſh country booby, and did not know his letters; he ſaid he thought he did as well as they; with that they got a bit of chalk, and marked A. B. C. D. then Mr. Jones made a letter, and Jenkins he turned about, and did not win it; they were to make a letter, and put a bottle over it, there was ſome guineas on the table, but how many I do not know; Jones won that bet, and I believe there was another bet, I believe Lycett won the next, but they inſiſted upon my making a letter, they ſolicited me to make a letter, I did make a letter C, ſo ſays Jones, put down one of the bank notes; I was fooliſh enough to put down one of the bank notes, a twenty pound; I made a C, and covered it with a bottle, I believe the bet was four or five guineas, but which I cannot ſay.

How came you to put down a bank note?——I had no caſh, and they ſolicited me very hard to do it, and I had abſolutely forgot he had taken up the two guineas and a half of mine; I made the letter C, and put the bottle over it, and then Jenkins turned round, and Jones ſays, once, twice, thrice, and off; ſo Jenkins pointed to C, and this Mr. Lycett ſays, it is all your's, it is all your's, and he puſhed my bank note and money to him, and Jenkins whipped up the note, and out he runs out of the room; I was thunderſtruck; then up the reſt got, and away the other two run after him; my pocket-book was laying at my left hand, and as ſoon as ever they were gone, I looked into my pocket-book, and the thirty and fifty-pound bank notes were gone too.

Look at thoſe men, are you ſure that thoſe are the men?——I am very ſure of it, I took a great deal of time to look at them.

How long was you in their company?——I was in their company above an hour; it is impoſſible for any man to ſee theſe men an hour, and be in their company, and not know them again; I took particular notice of Mr. Lycett, when he ſaid he was Sir James Eſdaile's clerk, ſo particular that he had a pair of corderoy breeches, and they looked very ſhabby, it is a face that no man can be deceived in, and his voice, I am ſure of them, that they are the two men.

*Mr. Garrow, Priſoner's Counſel.* I recommend it to you not to conclude too ſoon that no man can be miſtaken, perhaps you will hear twelve men upon their oaths ſay, you are miſtaken?—Perhaps not.

I rather think you will, do you know the number of the notes at all?——This is my hand writing.

Taken from the banker's ſince you loſt your notes?——Yes.

Then you may put it in your pocket.

*Mr. Silveſter.* The notes you had, who had you them from, the banker?——I had the fifty pounds note from Mr. Gray's clerk.

Is that clerk here?—Yes, and the other clerk.

*Mr. Garrow.* Now, Mr. Haſtings, what countryman are you?——I told you I came from the neighbourhood of Berwick.

Had you been long in town before this King went to the Houſe?—Thirty-eight years.

That is marvelous! did you know Hedge-lane?——I know Hedge-lane, for I lived in the neighbourhood of Hedge-lane many years, I have connections with Mr. Roberts in Oxendon-ſtreet, a lawyer there.

May you be of any trade Mr. Haſtings?——No, I am in no trade, I have an employ in the cuſtoms.

That is more marvelous ſtill?——I am not aſhamed.

There is nothing to be aſhamed of, not even your folly; you like the reſt of the loyal ſubjects, were gaping for the King?—I had not much to do that day.

So I ſhould ſuppoſe; the man you picked up was a perfect ſtranger?——I knew Jones before, I had ſeen him walking upon the change then, and I ſaw him twice ſince.

Did you lay hold of him?——He is a very tall man, and he had a great ſtick in his hand, I went to get a conſtable firſt.

I think one came in that was the clerk to Sir James Eſdaile, and afterwards there came in the booby, a ſort of lout, a thing that had not much brains, you thought?—He had too much for me.

He had too much for you! you took him to be a ſort of lout, you took him to be a fool of a fellow, that was ſquandering his money?——I did, and theſe people plied me ſo very hard.

In ſhort, to make very ſhort of the ſtory, you thought there would be no harm in having ſome of the fool's money?—I had a very great ſcruple.

However, you put yourſelf to the trouble of going to Lombard-ſtreet, to get more money, to win ſome of the fool's money; why the biter was bit, north countryman as you are, you do not come far enough north yet?——*No anſwer.*

Ha! not a word, perfectly dumb, thunder-ſtruck; why Mr. Haſtings, I ſhall not get forward at this rate at all, we ſhall ſit here till this day month, we are likely to ſit long enough without it; what bet did you win?——I received none.

That is well, then you never ſaid, you won five pounds?——I never ſaid ſo.

Did not you win five pounds by producing the hundred pounds, you know the firſt heat?—I did not receive it.

I know that very well, you produced the hundred pounds?—I ſwear it never was produced, the hundred pounds upon the table.

Now, I aſk you, and attend a little, upon your oath, was it not ſo produced, as that the wager was declared to be won by you?——No, it was never mentioned after we came into the room, for they began, Lycett and he upon the A. B. C. and it was never mentioned.

You ſaw that ſomebody had won at the A. B. C. very eaſy, you ſaw they beat the fool at it?—They beat him.

You thought you could beat him too, ſo you made your letters?—Yes.

Will you ſwear that you did not depoſit the whole hundred as a bet againſt your hundred?—I will ſwear that, if I was to meet my God this moment.

You muttered ſomething, that you was be-

bewitched, we know that love bewitches men; I take it, it was the love of gain that bewitched you; you thought you could get a cool hundred out of the fool, it was better than that he ſhould ſpend it at that houſe; did not you mean to win the hundred from the fool, you was in love with the fool's fortune, and you got it at laſt; now do you mean to ſwear poſitively that you took the hundred pounds to Hedge-lane?—Yes, I ſaw the the bank-notes after I came there, when I took them out to lay the twenty pounds down.

You put up your pocket book again?—No, I did not, it was not a minute, I was ſtanding, and my pocket book was there, and the letter was before me, in a minute's time it was gone.

When you had put your letters under the bottle, the next thing was to make the depoſit?——Indeed the depoſit was down before the letter was made, the depoſit was down, for Mr. Jones inſiſted upon my making it.

The twenty pounds was the ſtake?——Undoubtedly the twenty pounds was put down as the ſtake.

Do you mean to ſwear that you carried the thirty pounds and fifty pounds with you?——I ſwear that I carried the thirty, and fifty, and the twenty pounds to Hedge-lane.

Are you ſure that you did not pledge the whole upon that ſtake?——No, I am very ſure I did not.

Before theſe perſons went, did they tell you for what purpoſe they were going?—No.

How long did you continue in the houſe?—I do not know, I was ſurprized, I ſaw what company I had been in, I was not in the houſe half a minute.

Will you venture to ſwear that you did not continue in the room waiting for theſe people ten minutes?——I will ſwear that I did not continue there five minutes, I am ſure it was not two minutes; after I recovered myſelf, I ſaid, to the man of the houſe, do you know theſe men; ſays he, I do not know them; ſays I, ſurely you muſt have ſeen them, he ſaid, he had ſeen the little one ſomewhere in Holborn, well ſays I, they have robbed me.

You ſaid ſo cooly, juſt as a man would talk of being cheated at play?——I ſtaid but a very little, I dare ſay, I did not ſtay there above ten minutes, and the man aſked me where I lived, in caſe he ſhould hear of any of them; it was a fortnight before I divulged it to any perſon upon earth.

How ſoon after the fortnight was it before you went to the houſe of Lycett?——I cannot poſitively ſay the day.

Was it a week, or three weeks?—It was not above three or four days.

Now you have told us you was directed to the houſe of Lycett?—Yes.

You went in diſguiſe, and you found him in the buſineſs, and it ſtruck you directly as ſoon as you ſaw him?—Yes.

Who gave you the information?——I do not know the perſon that gave it me.

Was it not one of the thief-takers that told you?—No, it was not.

Can you tell who it was?——I do not chuſe to tell you.

Will you ſwear that that perſon did not tell you, that at the houſe you went to, you would find the perſons who had defrauded you?—No, he did not ſay I ſhould ſee the men in Lycett's houſe, there were more houſes that he directed me to.

Did you go to theſe other houſes firſt?——I had been in ſeveral houſes.

Did not you go there to find the men that defrauded you?—I have been looking for them ever ſince I loſt it.

Upon your oath, did not you go to Lycett's houſe to find the men that defrauded you?—I went into many houſes.

*Court.* That is a very fair and plain queſtion, did not you go to look for the people that defrauded you?——Yes, my Lord, I did.

*Mr. Garrow.* Had not you gone to the other houſes firſt?—I am conſidering which of the houſes I went to firſt; I went into the Brown Bear, Bow-ſtreet, and from there I went to the Queen's-head, Chandos-ſtreet, and from thence I came down Holborn to Chancery-lane, and went to Mr. Lycett's.

Did not the perſon whoſe name you chuſe to conceal, and who gave you the information, tell you that at Lycett's houſe you would ſee the men that had defrauded you?——No, he did not ſay I ſhould find them there, he ſaid there were houſes to which I might go, but the moment I came in I knew Lycett, there was a perſon talking with him, and Lycett ſaid, I know all the ſpies are out; thinks I, it is high time for me to get away; I ſaw Jenkins ſitting in the ſame box, I knew his eyes directly, his is a remarkable face; I was not ſatisfied with that, I would not have them taken up till I ſaw them once more; either the next day or the day following I went to Lycett's and had a pint of beer.

What ſort of room was it, where you loſt your money?——A little room below ſtairs from the tap room.

How many people were in the tap-room?—I cannot ſay.

Suppoſe you had called out ſtop thief! would they not have been ſtopped; did not this man go through the tap room; a man muſt come into the tap room to get out?——Yes.

*Court.* Then this door opens into the paſſage?—Yes.

*Mr. Silveſter.* When the bet was made for the twenty pounds, they put down four or five guineas?—Yes.

You did not bet the whole twenty pounds?—No.

### RICHARD GWILLY *ſworn.*

I am clerk to Caſtle and Co.

Do you know the number of the note from your memory?——I cannot ſay I do.

Have you examined the books?—I have.

*Mr. Garrow.* Did you compare that with the number on the book yourſelf?—The number of the twenty pounds is 2137, 8365 the number of the thirty.

### THOMAS FLOWER ELLIS *ſworn.*

The number of the fifty pounds is 5754; I am clerk to Mr. Bland.

*Court.* Let all the witneſſes go out, and let them be examined ſeparate, I have a queſtion to aſk of the proſecutor firſt; Haſtings, can you recollect what time of day it was, when you went to this public houſe?—It was almoſt four o'clock when the King went, it was very late, I know it was after three when I went to the public houſe.

How long had you been there, when Lycett came in?—I ſuppoſe half an hour, or three quarters of an hour, it was before, becauſe I was in the city I fancy before that time, I fancy it might be between four and five when Lycett came in.

How ſoon might Jenkins come in?——I cannot poſitively ſay whether it was before Lycett or after, but I think Lycett was the firſt, becauſe he aſked for the parcels, and they aſked what parcels, and he ſaid there were three parcels; then Jenkins came in after, I think it was after, it was not many minutes.

About what time was it when you went to the banker's?——It was about five o'clock.

*Court to Gwilly.* Do you recollect what time it was theſe men came to your ſhop?——Between four and five.

*Court to Ellis.* It muſt have been in banking hours, I ſuppoſe?——Certainly, Sir.

Conſequently before five.

*Court.* Let Mr. Haſtings go out of Court, and go into the parlour, I ſhall have a queſtion to aſk you after they are examined.

### BENJAMIN BROWN *ſworn.*

I keep the Horſe and Groom, in Hedge-lane.

Do you remember Mr. Haſtings that you have ſeen here, ever at your houſe?——Yes, Sir.

Was it the day the King went to the Houſe, the 24th of January?——Yes.

Was he in your parlour any part of the day?——Yes.

Was there any company with him?——Yes, another gentleman came in with him.

How is that parlour ſituated with reſpect to the fire and the tap room ?——Cloſe to the tap-room.

Can any perſon go into the ſtreet, without going into the tap room ?—Yes.

Did you ever recollect ſeeing him before ? —I did not.

Do you know the two priſoners at the bar, or have you ever ſeen them ?—No, Sir.

Upon your oath was either of them at your houſe with Haſtings ?——I never ſaw them before, I am clear they were not in company with Haſtings at my houſe.

Whoever the people were that were in the parlour with Haſtings, do you remember their going away ?——Yes.

How long after was it you ſaw Haſtings ? ——It may be ten minutes.

You think it was ?—I think it was, he came out of the parlour once or twice, they came out of the parlour, and left the door open, and he ſat in the parlour facing the tap room, he came into the tap room, and ſeemed very uneaſy, and aſked where thoſe gentlemen were that were in the parlour.

What did he ſay to you when he ſpoke to you ?——He aſked me whether I knew theſe gentlemen, I told him no, ſo he began to hang his head, and ſaid, he had met with ſome bad company, I aſked him why, what is the matter, he ſaid he was taken in.

Did he tell you how ?——Yes, Sir, he came to the bar, and leaned over the bar, my wife and I was in it, and he began to tell us the caſe, that he had laid wagers on figuring, and that he had loſt a quantity of money.

How many people were in the tap room at that time ?——The tap room was pretty full.

Then he leaned his head over to you that the company in the tap room might not hear ?——Yes, I went into the parlour after that, and he told me the whole how it was; he ſaid, he was aſhamed of himſelf and did not know how to make mention of it; he ſaid, he was never ſo deceived, and taken in ſo in his life; he could not have thought that he ſhould be led into ſuch an error.

Did he ſhew you how he had loſt his money ?—He told me by figures or letters by writing ſomething on the table with chalk, I think it was letters, I do not recollect ſeeing the remains of any, there was ſome little daſh of chalk, but I do not recollect what it was.

Did he complain any thing of being robbed or any force being uſed to him ?—Not that night.

How long did he ſtay after they were gone ?——I cannot ſay, but I dare ſay, he was there good part of an hour talking about this.

*Mr. Silveſter.* You are the landlord of the Horſe and Groom ?——Yes.

You had a good deal of buſineſs that day ?—I was pretty buſy.

Who was your company in that little room that day, do you ſee any of them in Court ?—No, I do not ſee them.

Do not look always at the bar for your friends ?——I know that the priſoners are not the men, I ſhould know the men if I was to ſee them.

How long had you been in the room ?—I ſent out for ſome ſauſages and pigs kidney, and I ſerved them with beer, I have a boy, I never ſaw this Mr. Jones or Mr. Jenkins or the other in my life; when this man ſaid he was ſadly taken in, he ſaid, he had loſt his money.

*Court.* Had you occaſion to be much in the room with theſe men ?—No, Sir, no more than waiting on them.

Had you any reaſon to obſerve them particularly ?——By his telling me of them, made me recollect more.

When you was in the room with theſe people, had you any particular reaſon for obſerving them ?—None at all.

You never ſaw them before ?——Not to my knowledge.

Have you any doubt about it ?—I might ſee a perſon in the ſtreet, I do not know that I have, I may and I may not.

Do you know that you had ever ſeen them before that day ?—Not that can recollect.

Do you recollect that you have ever ſeen them before?—I never did.

Were you acquainted with the two priſoners before that time?——No, nor ſince.

When did you firſt ſee the two priſoners?—I believe it was the day they were taken up, they came down to our houſe with the officer; I do not know how he came to bring them to my houſe; the priſoner Lycett came to tell me he was going to the Juſtice's, he brought the conſtable to my houſe to know whether I knew him, I told him I did not; I ſaw them go out, they all three went out together, it was in the evening.

What time?—We had lighted candles, it might be five o'clock, or between five and ſix, I cannot poſitively tell the time.

Do you remember their coming in?—Yes.

Did they all come in together?—No, they did not.

Who came in firſt?—This Mr. Haſtings and another.

Did they come in, firſt one and then the other?——I think they did.

After they were all four in the room, was there any other company with them?——No, not to my knowledge; Mr. Haſtings and one of the others went away; the perſon that came with him, went away with him.

What drink had they?——They had ſome porter, and ſome rum and water; I do not recollect they had any ſpirits, I ſaw the three men go out.

Who paid the reckoning?—They paid the reckoning as they went out.

Did you ſtand in the paſſage to take the reckoning?——The bar door was in the paſſage, and they gave it me as they went out at the door.

Are you ſure of that?—Yes.

Did Haſtings ſee that they paid the reckoning; or did you tell him that they had paid the reckoning?—I dare ſay I did, I do not recollect he aſked me that queſtion.

Did you tell Haſtings that you had ſeen them go out?—Yes, he came and aſked me, and looked about and aſked if they was there, and I told him I ſaw them go out.

No, but did you tell him?——I did not tell him.

Did you tell him you had ſeen them go out at all?——He knew I muſt ſee them go out.

Did Haſtings pay the reckoning over again?—No queſtions were aſked by him about the reckoning, the laſt time they came in, they had two ſixpenny-worths, and they paid me the other when they came out.

Being a round ſixpence it was ſoon paid?——It was paid in a ſixpence, they gave me ſixpence.

They paid you firſt one ſixpence and then another; ſo then they had no occaſion to ſtop for change?——No.

Who paid for the ſauſages and beer?—They paid for that before they went out, they paid their dinner ſcore before.

Did Haſtings pay his part?——I do not know.

Did you receive the reckoning in the room with them all?—Upon my word I do not know whether they came to the bar, as they came out of the room to pay me the laſt ſixpenny-worths.

Then the reckoning was paid at three different times?——I cannot tell whether they had ordered a pot of beer or not, their dinner ſcore was paid together.

When did you firſt ſee Jenkins?—I never ſaw him him in my life ſince, when I ſaw Lycett, Jenkins was not with him, they were both at our houſe, but not together.

What brought them to your houſe?—I did not aſk them.

Is there any body of the name of John Brown, that keeps a houſe in Hedge-lane?—No.

Your name is Benjamin you are ſure?—Yes.

Have you never told any body it was John?—No.

There is a blank left for the name, and filled up with inſtructions, poſitive inſtructions for the proſecutor.

GEORGE NORTHOVER *ſworn.*

I live at No. 36, Iſlington Road; I am a carpenter; I know the priſoner Mr. Lycett; he lives at the Hole in the Wall, Chancery-lane; I made a new bar for him; I remember being employed by him on the 24th of January, and for fourteen days before, I had not finiſhed it but a few days; on the 24th of January, I breakfaſted with him, and I had a bit of luncheon, and I drank ſomething with a gentleman belonging to the Royal Circus, I continued in the houſe till nine at night, he was there all the time, he was very lame, he told me it was by wreſtling; he aſked me to go on the Saturday night, I found him lame when I came to work, and he was lame the remaining part of that week.

Can you ſay, that from one o'clock on the Tueſday, till eight o'clock at night, he did not leave you?——I can venture to ſay it, Sir, upon oath; I wiſh to be put to the ſtricteſt oath you can give me, I am able to ſay he was not from home; I have no particular reaſon for recollecting the day, till they aſked me if I remembered his being at home; I was ſerved with a ſubpœna to attend this Court.

What means did you take in order to recollect?——I could tell by my work, and his being lame, I was there at work every day in that week.

But how was you able to recollect this lameneſs was in that week?——I recollect it chiefly by being the time the King went to the Houſe; I know the day before he was lame, I heard alſo a talking of it at that time; I am poſitive he was at home, I dined with him, and I recollect what I had for dinner, there was a gentleman belonging to the Royal Circus, his name was Mr. George Brett; about eleven, or between eleven and twelve, there was a gentleman, who is a cheeſemonger, and there were gentlemen, who were butchers, had a luncheon, and Mr. Lycett aſked me to come and have a bit.

*Mr. Silveſter.* When did you begin this work, repairing the bar?——I made a new bow window and ſhutters to the bar againſt the ſtreet; I took out two other windows, and put in a bow window; I began the work ſome where about the 18th or 19th, but I cannot be certain, without my book; I was at the houſe about a fortnight before I finiſhed it; the latter end of that week, on a Saturday, I brought away my tools, I think I left off working the 28th.

You have been there backwards and forwards?—No, I have not been there above once or twice ſince; I recollect the King went to the Houſe, becauſe we were having a reliſh, and we were talking about it; I did not hear when he was taken up for this; he was backwards and forwards in the parlour to the tap-room; he had a cut ſhoe, without a buckle.

*Court.* How long did this gentleman's lameneſs continue, how long did he wear the cut ſhoe without the buckle?——To the beſt of my knowledge, as well as I can recollect, about a week, he had not left it off till Saturday night; to my knowledge, he wore it the whole week; but not thinking of any circumſtance, I did not take ſuch notice to remember the particular day, but by the King going to the Houſe, and the croud of people that was there, and there were two chairmen there, and they ſaid they ſhould get a job, and I heard different people talking about it.

Was this the ſubject of converſation at dinner?——I do not recollect the circumſtance of that paſſing at dinner, I cannot charge my memory that it was.

This is a houſe of pretty full cuſtom, pretty much frequented?—I do not know, I never ſaw any body there but tradeſmen.

Is not it a houſe much reſorted to by cuſtomers?—It was.

Then there were different ſorts of people might ſee this man in his cut ſhoe?——I never ſaw many ſtrangers come in.

Is not this houſe reſorted to by all the porters and ſervants of Lincoln's Inn?——Not to my knowledge.

### JOHN BURROWS *ſworn.*

Where do you live?——The corner of White's-alley, Chancery-lane, I am a butcher; I know Lycett, I have dealt with him, I went there about eleven, and ſtopped there a bit the day the King went to the Houſe, I was there from eleven till one, and one Hayward, Edwards, Northover, and Lycett were there together; I ſaw Lycett there about eleven o'clock, his leg was ſwelled very much, he reſted his hand on a ſtick; one Edwards, a cheeſemonger, came in with the leg of a gooſe, I have ſeen that gentleman, I drank with him out of the ſame cup, I am ſure it was the 24th of January, becauſe of the cheeſemonger's being in company with me, I told him to ſend me ſome butter, he ſent it in the next morning, and that was the 25th.

### EDWARD EDWARDS *ſworn.*

I was out on Tueſday the 24th of January laſt, about ſome particular buſineſs; upon my coming home, I called at Lycett's, between eleven and twelve, I ſaw ſeveral people in the back room, I ſaw Lycett at home all the day, he had ſlippers, I think his leg appeared to be a good deal ſwelled; I ſtaid there till near two o'clock, we had our beer together.

How ſoon after this did you hear that Mr. Lycett was accuſed of this affair?—A party came to me, and aſked me if I could remember the day when I brought a part of a gooſe? I ſaid I could tell the day by my day-book, becauſe that day Mr. Burrows gave me an order for ſome cheeſe and butter; I was there between half after eleven and two; I do not believe he was able to go out of his houſe, he had been making an alteration in his houſe.

### OLIVER MARSDEN *ſworn.*

I live in Ray-ſtreet, Clerkenwell, at No. 29, I am a carpenter, I know Lycett, I remember being in his houſe the 24th of January, from twelve to twenty minutes paſt one; I went to dine there, I had beef-ſteaks and onions; he was very lame, he could ſcarcely walk acroſs the tap-room, I cannot ſay what ſort of ſhoes he had on, he had a ſtick in his hand.

Could he have walked far?—Not as he appeared to me; I remember Northover the carpenter being there; I worked in Lincoln's Inn, when we quitted work, we went to Lycett's houſe to have ſome beer.

Did he appear to have his lameneſs ſtill?——Yes, he was lame for two or three days together.

*Mr. Silveſter.* How do you recollect this 24th of January?—Becauſe we were talking about going to ſee the King, and I ſaid no, becauſe we were too much in a hurry.

How ſoon after this was it that you heard that Lycett was accuſed of any offence?—I cannot recollect.

Why cannot you recollect ſo remarkable a thing as hearing that your friend was accuſed of an offence?——I recollect dining there, and the King's going to the Houſe, and talking about it, but there was very little ſaid to me; when he was accuſed of the crime I cannot ſay to the day, it might be a fortnight, I cannot ſay.

Then you have no recollection before that particular day, nor no recollection of any thing that happened ſince?——I cannot recollect; the people ſaid that ſuch a night there was ſuch a man came in diſguiſe, and I recollected being there.

What coat had Lycett on?——A black coat.

### GEORGE BRETT *ſworn.*

I profeſs muſic, I was employed at the Royal Circus; I dined at Lycett's with him and his wife, the carpenter that was putting up a bar in his houſe, and another gentleman that was a ſtranger, and after that I drank tea with Mr. Lycett and his wife; I was there from about half paſt one till after nine at night, Lycett was very lame.

*Mr. Garrow.* He could not have danced to your muſic?——No, Sir, he was very lame, his ſhoe was a ſort of ſlipper; to the beſt of my knowledge he was not abſent half an hour together, I am perfectly convinced of it, he could ſcarcely walk along the place, his leg was reſted on a chair the beſt part of the day; he had on that day a black coat, I believe he does generally wear a black coat; I called on Mr. Lycett on the Monday, my benefit was on the 16th of January laſt at the Royal Circus, and we had not ſettled, and he was very lame; he ſaid, I am ſo lame, I cannot look for the tickets that were not taken, and he wiſhed me to call again in a day or two; I called on the 24'h, and dined there, and we ſettled; I have the tickets he returned me, I am ſure it was the day the King went to the Houſe.

*Mr. Silveſter.* After dinner, what became of Mr. Lycett?—Him and me, I ſuppoſe, ſat ſmoaking our pipes.

The carpenter drank tea with you, I underſtand?——Only with Mr. Lycett and his wife.

Did you eat a bit of ſupper there?——No, Sir, I went home to ſupper; I ſtaid till paſt nine, I believe the carpenter ſtopped till he had done his labour.

Did not he take a pipe with you?—I will not ſay particularly; there was a man, or two or three at work there, but whether they were carpenters or not, I cannot ſay.

Were there more carpenters than Northover that day?——I cannot anſwer for that; the laſt day that I dined at Lycett's was the day that the King went to the houſe, ſome people came in, and ſpent the evening.

### THOMAS HAYWARD *ſworn.*

I am a bricklayer in Bell-yard; I was there, and we had a hind quarter of a gooſe; there was Northover, the cheeſemonger, and a butcher, and the landlord, he brought the beer; we had our reliſh, and ſtaid there till towards one.

How was Lycett that day?——He was very lame, ſeemingly to me, his ancle appeared to be ſwelled.

Had he a ſtick with him, could he have walked from Chancery-lane to the Park with great eaſe?——I do not know how long his lameneſs continued; I ſet down in my caſh book money received of Lycett, the entry is on the 24th of January, I am poſitive of it.

And you referred to your book, hearing he was charged?—Yes.

*Mr. Silveſter.* How came you not to bring your book?—I did not know it would be wanted.

Did you obſerve his ſhoes or ſlippers?—No, I did not obſerve particularly, only his walking lame.

### JOHN HALLING *ſworn.*

Where do you live?—At Mr. Lycett's, I am a chairman, I ply and lodge there; I was there the 24th of January, I think on the Wedneſday, the day the King went to the Houſe, we uſed to carry a fare out that day, and I got up and got my chair ready, and was diſappointed; I ſaw my landlord there all day long, he was never out of the houſe at all, he was ſo lame he was not able to walk acroſs the room, he hurt his foot the Saturday before, he could not wear his buckle at all, his heel was vaſtly ſwelled; I had opportunities of ſeeing him from one or two in the afternoon till paſt ſix; I can ſwear he was not from home for a quarter of an hour.

If he had gone from home, muſt he have limped ſo that every body muſt obſerve it?—Yes; he could not walk ten yards without a ſtick; I believe he had on a blackiſh coat that day; Northover the carpenter was there ſeveral days before making a new bar.

*Mr. Silveſter.* How long have you lodged there?——Between eight and nine years; this lameneſs was in his foot, it was got by a ſtrain; I was ſent with no meſſages to Lincoln's Inn.

Had you part of the reliſh of the leg of gooſe?——No, Sir; but I know them that had; they were in the parlour, and I was in the tap-room, it is a houſe much frequented by people, all the ſervants of Lincoln's Inn and porters.

### WILLIAM HUNT *ſworn.*

I am a chairman, I am partner with Halling, I ply at Lycett's, I was there the whole day the King went to the Parliament Houſe, I ſaw the landlord there all day, to the beſt of my knowledge, he was never out the whole day, I muſt have miſſed him if he had been from home but half an hour; I am ſure he never was abſent half an hour, his leg was ſwelled a good deal, I am ſure he was at home the whole of that day.

*Mr. Silveſter.* You do not live there?——I live at No. 6, Crown-court, Chancery-lane.

*Court.* If you, gentlemen, have reaſon to think his witneſſes are right, you need not call to character.

*Priſoner Lycett.* I went to Hedge-lane, to know whether Brown knew me, and the gentleman aſked him, whether he knew me, he ſaid he did not know me.

### THOMAS SMITH *ſworn.*

I live in New Gravel-lane, I am a carpenter and undertaker; I know Jenkins ſeven weeks or two months, he called at my houſe the 24th of January, between one and two, and dined with me, and remained in my company till between ſeven and eight, and then left me; my reaſon of recollecting it was the ſecond day of term, and I had ſome buſineſs with Mr. Willey, an attorney, and I was to have gone, and Jenkins coming, I omitted going, on account of his coming, as he knew my friends and relations; I am very poſitive to the day he dined with me, on the 24th of January, my wife and family dined with me, and George Sibley.

*Mr. Silveſter.* What is Jenkins?——I do not know; he enquired for a waiter's place; he brought a meſſage from my brother about ſeven weeks ago, I am poſitive as to the time, becauſe of neglecting going to the place I mentioned.

*Mr. Garrow.* He kept a coffee-houſe at Briſtol, did not he?—I do not know.

*Mr. Silveſter.* What had you for dinner?——A piece of pork and ſome greens.

What had you to drink?——Porter.

Any thing elſe after dinner?—Yes, beer repeated.

Did you drink tea in the evening?——No.

How came they to ſit ſo long with you?——We were in diſcourſe about the country and relations; we had five or ſix pots of beer.

Did Sibley ſtay there all the time?——No, he did not.

What time did he go away?——I cannot ſay.

How long before Jenkins?——I ſuppoſe an hour before, more or leſs.

Who came firſt?——Sibley.

### GEORGE SIBLEY *ſworn.*

I live in Ratcliff-Highway, No. 102, I am a patten-maker and ſaleſman; I went there the 24th of laſt month, we had a pint of beer; a young man came in, his name was Jenkins, he ſaid, let us have a pot of beer, for he is a countryman, and Mr. Smith ſaid, ſtop, and we had a bit of dinner, pork and greens, and ſome beer and a pipe; I ſtaid till ſeven.

Was you a countryman?—Yes; we had no tea at all, only ſome beer; we were talking about ſome friends, I recollect it was the 24th, for I went to fetch my grandſon to ſee the King go to the Houſe, that was the reaſon, or elſe I ſhould not have taken any *nomination* of it.

*Mr. Silveſter.* Did you ever dine there before?——No, I came from Tewkſbury, in Glouceſterſhire.

How many pots of porter had you?—I cannot ſay, we might have three or four; we dined at two o'clock, we ſtaid till ſix, we had boiled pork and greens; the company conſiſted of Mr. and Mrs. Smith, and Mr. Jenkins.

*Court.* Did any body elſe dine with you?—Nobody elſe.

Man, woman, nor child?—No.

How long had you been acquainted with Smith?—Three or four years.

What does his family conſiſt of?—His wife and a ſon, I cannot tell the reſt of the family; the ſervants I did not take any notice of.

Are you rated?—Yes.

What is your name in thoſe books?—George Sibley.

Have you never been known by any other name?——No.

*Jury.* What coloured clothes had the priſoner on that day when you dined?—A blue coat; it may be the ſame coat, but I am ſure that's the man, I never ſaw him before in my life, I never was in this Court in my life.

Not upon any account?——Is this the King's-Bench Court, I have been there?——No, it is not.

Then I never was here in my life.

*(The priſoner Jenkins called two more witneſſes to his character.)*

*(The priſoner Lycett called one witneſs to his character.)*

JOHN PITT *ſworn.*

I know that man they call Sibley; I am poſitive he never was in this Court before; his real name is George Sibley, he comes from Tewkſbury.

*Court.* Call in the Proſecutor Haſtings.

*Court to Proſecutor.* When was Jenkins taken up?——They were taken up in one day; he was taken at the Queen's Head in Great Queen-ſtreet, Lincoln's-Inn-fields.

Had you ever ſeen Jenkins and Lycett together, except when you loſt your money?——Never, till I ſaw them at Lycett's houſe about two or three days before they were taken up; I went in there, and he was playing with a turn-about thing with a man that ſells gingerbread; when he was taken up, the landlord of the Queen's Head wanted to perſonate Jenkins; I am equally clear to the perſons of both the priſoners.

How were they dreſſed at the time you loſt your money?—Lycett had a black coat on, and the ſame kind of button, and as to his face, I am poſitive ſure of it; I made quite ſure of them, before I would have them taken up.

Theſe two priſoners came in after you and Jones?——Yes.

Who went off with the money?—Jenkins went firſt, Lycett followed, and then Jones.

Did you obſerve any thing of any of them being lame?——When Lycett ſat, he had his leg up, and his breeches very ſhabby.

Had he ſhoes or boots on?——He had ſhoes on.

Were his buckles ſilver or yellow?—I cannot tell, Jones had boots on, I did not obſerve Jenkins.

Who paid the reckoning?——The landlord told me they paid it as they went out.

*Priſoner Jenkins to Brown.* Do not you know one Burbeck?—Yes.

Was not he one of the three that was in the room?——That was the man.

*Priſoner Jenkins.* My Lord, I am informed there was a man of the name of Burbeck, who is very much like me.

William Lycett, }
John Jenkins, } Guilty

*Of ſtealing, but not in the dwelling houſe of John Brown.*

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* Recorder.

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292. JOHN VANDERPORT was indicted for feloniouſly ſtealing, on the 11th day of February, one boiling copper, value 10s. belonging to Hugh Mucklanetod, and then and there affixed to his dwelling-houſe againſt the ſtatute.

HUGH MUCKLANETOD *ſworn.*

I live in Barrett's-court, Marybone, No. 25, I loſt this boiling copper, on the 11th of February, I heard the cry of ſtop thief! and I opened my door, I went down directly and found the copper miſſing, I had not ſeen it for two days before, when I ſaw it, it was fixed in brick work, it appears now as if it was lately taken from the place, I can ſwear ſafely it is my copper; I found the priſoner at the door with one Hamilton, the priſoner ſaid nothing, I took him into cuſtody.

### ALEXANDER HAMILTON *ſworn*.

I ſaw the priſoner coming from this man's door with the copper in his hand, I aſked him where he was going with it, he ſaid he was carrying it home; I aſked him whether he had a right to take it home, he ſaid, he had; I let him walk till he came to the end of the court, and there I ſtopped him, and he ſet the copper down, and ſaid, he would go and call a woman that would ſhew his right; I deſired him to lift up the copper and take it back, he did not move the copper, but walked towards the houſe, I took the copper, and followed him, when we came near the houſe, he ſet off as faſt as he could; I flung down the copper, and ran after him, and took him, I gave him to the cuſtody of the watchman, after I brought him back, there were four places in the copper marked, where he had raiſed it up.

*Priſoner*. A man aſked me to carry it.

*The priſoner called three witneſſes to his character.*

GUILTY.

*To be whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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293. THOMAS JEFFRIES was indicted for feloniouſly ſtealing, on the 22d day of February, one wicker baſket, value 6d. one linen cloth, value 6d. and forty-four pounds weight of butter, value 40s. the property of Joſeph Davis.

*(The witneſſes examined ſeparate at the requeſt of the Priſoner.)*

### JOSEPH DAVIS *ſworn*.

I loſt a baſket of butter, on the 22d of February, I came down ſtairs about a quater paſt ſeven, in the morning and unlocked the back door of the ſhop, I expected a baſket of butter, I never recovered the bſk et, but in conſequence of the information I received, the priſoner was taken.

### WILLIAM DELAHAY *ſworn*.

On the 22d of February, I laid down a flat of butter at my maſter's ſhop door, between the hours of ſeven and eight in the morning, upon which I went into a private door to get the key to open the ſhop door, and when I opened the ſhop door it was gone.

### CATHERINE OLDING *ſworn*.

I was coming acroſs the way, and I ſaw the priſoner take the flat off his head.

Which is he?—That is he.

*(She looks the wrong way.)*

Go to him and touch him.

*(Goes to Harvey the conſtable and touches him.)*

What did he do with it?——I had nothing more to do with it, I am ſure that he is the man.

What opportunity had you of obſerving him to know him again?—By his face.

You know his face again perfectly well?—Yes.

And that is the man?—Yes.

### JOHN DOWNE *ſworn*.

I live at the houſe where the priſoner lodges; on the 21ſt of February, the priſoner ſlept out all night, and on the 22d, between ſeven and eight he came home, and he brought home a flat of butter with him, and ſet it on the table, he aſked me for a knife, I lent it him, he then cut the parcel open, he carried the parcel up ſtairs and went to bed; I went up ſtairs, and in the parcel I ſaw a note, the 19th of February, ſent to Mr. Davis, three dozen and eight pounds of butter; and in the evening I heard a baſket rattle, it was taken out of the back part of the houſe.

*Proſecutor*. I heard no more of my butter, the next evening the priſoner ſent to me, and aſked if I would mitigate matters if he paid for it, he ſaid, to be ſure it was a very fooliſh thing.

Had any thing been ſaid to lead him to

any expectations of favour?——Not one ſyllable, he ſaid that another man had deſired him to carry the butter home; and he took the butter up at my door, and they took it to my houſe, and went to bed together, he ſaid the other man had the property and not him, he acknowledged the taking of it, and offered to pay for it.

*Priſoner.* Whether I did not ſay the baſket was in the room where I lay, which is a common lodging room.

*Proſecutor.* No, I ſwear that he told me he took it.

### PATRICK DIVINE *ſworn.*

I am door keeper to the Rotation-office, in Litchfield-ſtreet; I had this man in cuſtody, he was brought to the Rotation-office and examined, and ſtood committed; he aſked me to look to ſee whether Mr. Davis was gone, I did, I aſked him what he wanted with him, he ſaid I ſhould be glad to ſee him to try if we could ſettle matters, for although I took the butter as the man deſired me, I did not know whoſe butter it was; I went to Mr. Davis, no promiſes were made to him.

*Court to Downe.* When he came home that morning, was any body with him?—Yes, there was the other man had a pint of beer in the tap room, the other man did not go up ſtairs at firſt, but he went up afterwards.

### PRISONER's DEFENCE.

I had got out, and was coming to my lodgings, a man called out, that I had been drinking with at the Coach and Horſes in Welbeck-ſtreet, he had a baſket on his head, he aſked me where I was going; I told him I lodged at that houſe, he called for a pint of beer, he ſtaid, I was ſleepy and went to bed; he ſlept in the bed the boy ſlept in, with another man, there were three men in the room, the man got up and brought up the baſket, they had been playing at Juſtice Jarvis or ſhove-halfpenny, he played for ſome hours, and loſt ſeveral pots of beer, he had no money to pay for it, he went out and brought in ſome money, where he got it I do not know, he went away, I never appeared before a Court of Juſtice before; I leave it to the Court and Gentlemen of the Jury, for upon my honor I am innocent of the affair.

The priſoner called one witneſs to his character, who ſaid, he was a ſtay-maker, but could not work on account of his eyes, and that he maintained himſelf by writing letters and petitions.

*Proſecutor.* His own account that he gave of himſelf at the Magiſtrates, was that he played the Clown at the pantomime at Mr. Aſtley's, and was articled to Mr. Aſtley for three years.

GUILTY.

*To be whipped and impriſoned for ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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294. CHARLES FLETCHER was indicted for feloniouſly ſtealing, on the 29th day of January, one iron gate belonging to Ann Gee, then and there fixed to a certain iron fence belonging to the dwelling-houſe of the ſaid Ann Gee.

### ANN MYERES *ſworn.*

I live with Miſs Gee, in Red-lion-ſquare, I am cook; the area gate was loſt the 29th of January, we were alarmed at eight, with an account of its being loſt, I know the gate.

### WILLIAM ANDREWS *ſworn.*

I am a peace officer, about eight on Sunday morning, I took the priſoner with the gate.

### RICHARD BAKER *ſworn.*

On the 29th of January I was going through Red-lion-ſquare, about ſeven, and after I got to this ſtreet, I ſaw two men buſy at this houſe, on the right hand of the ſquare out of Fiſher-ſtreet, and ſaw the priſoner and another take away this gate, the priſoner carried it into a public houſe; I ſent for a conſtable and took the priſoner, I am ſure he is the man, I never loſt ſight of him, but it was two or three hundred yards diſtance, I went to the pump, on the other ſide of the ſquare, and he went into Fiſher-ſtreet.

Then you loſt ſight of him?—Yes, for a little while.

ROBERT HURST *ſworn.*

I ſaw two men pitch an iron gate, the priſoner was one, I did not ſee whoſe ſhoulder it was pitched from, I was within twenty yards of him in a blue coat and a red cape, I paſſed them twice afterwards, I ſecured the property.

*Andrews.* I took the priſoner in his own houſe in Newtoner's-lane, he keeps an old iron ſhop, he put on his coat, either brown or blue, I cannot be poſitive which, there were two ſuits of clothes in the room, I cannot tell what colour.

*(The gate depoſed to.)*

*The priſoner called four witneſſes who all gave him a good character.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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295. SARAH SEAVES was indicted for feloniouſly ſtealing, on the 3d day of February, one woollen jacket, and trowſers, value 18d. the property of William Harris.

The priſoner was taken with the things upon her, which Elizabeth Fiſher ſaw her take.

GUILTY, 10d.

*To be privately whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

296. ALEXANDER FALCONER and JAMES TURNER were indicted for feloniouſly aſſaulting Benjamin Salmon on the King's highway, on the 16th day of February, on the river Thames, and putting him in corporal fear and danger of his life, and feloniouſly taken from his perſon and againſt his will, one ſilver watch, value 30s. one ſeal, value 1d. one key, value 1d. and eleven halfpence, value fivepence halfpenny, his property.

BENJAMIN SALMON *ſworn.*

Between twelve and one, on the night of the 16th of February laſt, I was robbed off New Crane-ſtairs, on the river, I was on board a lighter, and a boat came alongſide with ſix people, and five came on board, one remained in the boat; William Terry was with me in the barge, I was getting out of my cabin to go upon deck, when the dog alarmed me, I did not ſee the priſoners come alongſide, I ſaw five people upon deck, four of them came down into the cabin, I ſaw thoſe that were upon deck out of the hatches, I aſked them what they wanted, and they took my watch out of my pocket, Falconer did.

What did they ſay to you?—When they came down, they ſaid they wanted their property, or property; then they went to the other part of the cabin, and they had got a dark lanthorn, and they told us to ſhut our eyes, and ſaid, fire on them you b—gg—rs, fire on them! it might be one or two that ſaid ſo; then the priſoner Falconer flaſhed a piſtol at me, I am ſure of that, and it did not go off, with that he flaſhed at me a ſecond time, he preſented a piſtol, I am ſure ſnapped it a ſecond time.

Did it flaſh a ſecond time?——Yes.

How could that be?——He primed it again.

How do you know?——He did, to be ſure, it ſeemed to flaſh.

Did it flaſh a ſecond time?——To the beſt of my knowledge I think it did, I believe I ſaw it the ſecond time.

Did you, or did you not?——Well, I am ſure it did, it flaſhed the ſecond time, after he had taken my watch; then three of them went to our little bit of a cabin, and opened the drawers, and took a pocket-book out, and they drew the lights of the dark lanthorn, and ſhewed themſelves, and two of them ſtood up at the part I was at, and looked at the pocket-book by a glimmering light, and took the notes out of it, and left the book in the cabin; after they had ſo done, they went upon deck, and they drew the captain out of his cabin; for any thing I know they did, they ſaid they did, I did not ſee them, they ſaid they hauled him out by his legs.

What did you ſee them do, did you ſee them haul him out of his cabin?——Yes, I did.

*Court.* If you come here to tell a true fact, why all this heſitation about it?——(*No anſwer.*)

Who brought you here to give your evidence?—To give my evidence! I was not deſired to come here by any body.

Who carries on this proſecution?—Who carries it on!

Who indicted thoſe men, who pays the expences of it?——I have nobody to carry it on, but myſelf.

Do you pay the expences?——I do not know that.

Who does then?—I paid the expences, what was laid on me; the priſoner drew the cabin ſlide upon us.

Was Terry in the ſame cabin with you?——Yes.

Then he could hear and ſee all that paſt?—For any thing that I know; there are two places in the cabin that we call bed-cabins; they hauled him out of his bed-cabin, I ſaw them, that was after they took my watch.

You ſaw them do that?—Yes.

How came you, when you firſt ſpoke of hauling Terry out of it, to ſay you knew nothing of it, but as he told you?——As he told me!

Aye; how came you to ſay that?—To the beſt of my remembrance.

Are you ſober?——I am not drunk.

Have not you been drinking this morning?

*Court.* He is not in a condition fit to give evidence againſt two men for their lives.

### WILLIAM TERRY *ſworn.*

Three or four men came into the cabin, but I do not know any of them, I ſaw nobody, but they took and rifled me of my handkerchief and breaſt-buckle, there are two bed places.

Could you ſee and hear all that paſſed?—They threatened him; he had a watch when he went to bed, I know he had not it afterwards, but I did not ſee him take it, nor who they were I do not know; they put a blanket over me, there was a piſtol ſnapped in the cabin; I know they had piſtols, by putting them cloſe to my face; there was no light at all, I was in bed, and *aſleep*.

Did you ſee them have any lanthorn?—No.

Did you hear or ſee any piſtol fired before you was blinded?——No.

Did you hear any thing afterwards?——I heard them make uſe of theſe words, Murder him! I cannot ſay I heard any arms ſnap; I am a lighter-man, Salmon is maſter of one of our crafts.

Why did you let him get into a condition not to be fit to give evidence in a Court of Juſtice?—I cannot ſee he is drunk.

### JOHN ORANGE *ſworn.*

On the 17th of February, I received information early in the morning, of a frigate being robbed; Mr. Elby and me went in purſuit of the people, and on information we found Falconer in bed, and the other priſoner at another place; I found a knife upon the ſhorteſt, which Mr. Terry has ſworn to. I ſaw no watch found.

### WILLIAM ELBY *ſworn.*

On the 17th of February, I heard of the brig being robbed; nobody was on board but a boy; after that it ſtruck Mr. Orange and me who it was; I was not at the taking of Falconer, I was the firſt apprehender of Turner.

Do not you know that this was a common lodging-houſe?——There might be diſorderly girls kept there.

I aſk you again have you any doubt that this houſe where you found this man, is a common lodging-houſe?——I look upon it it was.

Have you any ſort of reaſon to believe that it was his own ſeparate lodging?——No. I found nothing upon him concerning this robbery.

### MARGARET BOWERS *ſworn.*

I live in Wilmot's-court; I got up to go to market between four and five, and going down the court, I ſaw three men ſtanding by Mr. Chaffey's door; I aſked them what it was o'clock? they ſaid it was pretty nigh five; I ſaw one of them with a bag.

Who were the three men?—Theſe two priſoners were two, and another a kind of a Jew ſort of a man.

*Court.* Gentlemen of the Jury, excluſive of this drunken man, there is no evidence at all.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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296. The ſaid ALEXANDER FALCONER and JAMES TURNER were again indicted for feloniouſly aſſaulting William Terry, on the 16th day of February, on the river Thames, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, a ſilver breaſt-buckle, ſet with ſtones, value 10d. a ſilk handkerchief, value 2d. one claſp knife, value 1d. and four ſhillings in monies numbered, his property.

### WILLIAM TERRY *ſworn.*

I loſt an old black handkerchief off my neck, and a ſilver breaſt-buckle, with ſome ſtones in it, about four ſhillings in money, and two or three halfpence.

Were there any other things you loſt?—No, not belonging to me.

Did you loſe any knife?—That was my knife, but I do not know how they came by it; I had a knife in the day-time.

*Mr. Knowlys, Priſoner's Counſel.* After you had dined, you went on ſhore?—Yes, we went to waſh our dinner down.

You drank pretty freely?——We had a pint or two of beer.

Have not you ſaid, that that very evening you was exceedingly tipſey; have not you ſaid to ſome of his friends, that you wondered any body ſhould have ſworn to the perſons; that you and Salmon were both too drunk to know any body?——Not to my knowledge.

Did not you ſay ſo to Mr. Lucas?——Not to my knowledge, I will not be poſitive.

### WILLIAM ORANGE *ſworn.*

I found the knife in Turner's coat-pocket with another.

*Terry.* A knife is a hard thing to ſwear to.

*Court.* Gentlemen of the Jury, there is no evidence.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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297. The ſaid ALEXANDER FALCONER, JAMES TURNER, and ELIAS ABRAHAMS, were indicted for feloniouſly ſtealing, on the 16th day of February, one cloth coat, value 10s. three rules, value 2d. two iron gimblets, value 2d. two linen bags, value 6d. the property of John Richardſon.

### JOHN RICHARDSON *ſworn.*

I loſt my box about ſeven on the 17th of February; it contained the things mentioned in the indictment; the veſſel was at Rotherhithe, the box was upon deck, there was no room to put it below, the ſhip was ſo lumbered; I ſaw it the night before.

Did you ever hear of it again ?—I heard of the rules and great coat at Shadwell. I believe them to be my rules, for my name is upon one of them.

### WILLIAM ELBY *ſworn*.

On the 17th of February, I was at New Crane, and I heard of a boat being ſtolen from there, that was loaded with cotton; I took Falconer, who was a-bed at Mr. Chaffey's, and when I came down ſtairs, there were two women in bed, and I found theſe tools up one pair of ſtairs in a cupboard on the landing place, and this dark lanthorn, and ſome gimblets, and ſome rules.

I think you told us, on a former indictment, that this houſe of Mr. Chaffey's was a lodging-houſe ?—There is only one bed in the houſe; the two girls lay in another chamber; Falconer ſaid he knew nothing about the things; it is a diſorderly houſe, I am informed, and from the company I ſaw in it, I know it to be ſo; here is a coat which was up in the one pair of ſtairs at Chaffey's, in the room where the girls were.

*Mr. Knowlys, Priſoner's Counſel.* In fact, you have known a number of people aſſemble in that houſe at different times ?——I have ſeen other families there.

### ——— FORRESTER *ſworn*.

The priſoner Turner and Abrahams were in a garret there, and there I found this great coat, in the room where they were, it is all over cotton; Turner and Abrahams were in the room together; there was a girl of the town put a handkerchief round the Jew's neck, and they denied any knowledge of the great coat, but the Jew lad ſaid this was his bag; they did not ſay how the great coat came there; the girl of the town ſaid that two ſailors had brought it a day or two before.

*Richardſon.* This is my coat.

What do you know it by ?—I have had it eight years, there is no ſleeve-linings, and it is moth-eaten on the right ſide, and ſeveral of the buttons ſhelled; I cannot ſwear to the bag.

*Priſoners Turner and Abrahams.* There are witneſſes on the outſide of the door, about the great coat.

### COLLET MOORE *ſworn*.

What do you come here about ?——It is enough to ſhock one to ſpeak among all you gentlemen, but if you will give me time, I will ſpeak.

Let me caution you to ſpeak the truth ?—Very well gentlemen, I will ſpeak as far as I do know; I live at No. 8, and this coat was brought by two men into my ſiſter's houſe, where I live, Sir.

What coat was it ?——A light colour dirty coat, it was before theſe two men were taken up.

Who were the two men ?—I cannot ſay they came to their lodging, and went away the next morning, and they left their great coats behind them.

Did they leave it to pay their lodging or what ?——They paid for their lodging, and they aſked leave to leave it.

What ſort of a great coat was it ?——A lightiſh dirty ſort of a drab colour, juſt like this man's coat, but only it may be dirtier, I will not ſay.

What became of the coat afterwards ?—Mr. Forreſter came on the Friday morning, and took it out of my ſiſter's houſe, it was the very ſame coat that the men left, which Forreſter took out on the Friday morning, I am quite ſure it was the ſame.

You were in the room with theſe two men when they were taken ?—Sir, I was not in the room, when theſe men firſt came up, I went up after.

Do you think you ſhould know the coat if you was to ſee it ?—I never took it up in my hands.

*Court to Elbey.* Shew her the coat you produced ?—That is not the coat.

*Court.* Shew her the other ?——Yes, I will ſwear to the coat, it was much ſuch another as this.

Can you ſwear the coat that Forreſter took on Friday morning was the ſame coat the man left?—No, only it was the ſame colour.

*The priſoner Abrahams called four witneſſes to his character.*

ALEXANDER FALCONER, NOT GUILTY.

JAMES TURNER
ELIAS ABRAHAMS, } GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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298. **THOMAS HODDINGBROOK** and **DAVID STORER** were indicted for feloniouſly ſtealing, on the 6th day of February, twenty-five pounds weight of lead, value 2s. the property of Thomas Longbotham, belonging to his dwelling-houſe.

**THOMAS LONGBOTHAM** *ſworn.*

I am a houſekeeper in Shoreditch, I miſſed a piece of lead from my houſe, on the 5th of February, on the Sunday morning, from the ſky-light, it was there the Saturday afternoon.

**SAMUEL TURNER** *ſworn.*

I am a watchman, on Monday morning I alarmed the houſe, I heard a great noiſe, and two men jumped off the premiſes, I ſeized one piece of lead which was in the court, and another piece of lead was hanging on the top; the piece of lead that was found in the court, that the watchman repreſents, was my piece.

PRISONER HODDINGBROOK'S DEFENCE.

I am not the man, there were other people in the court, two other men dropped from this houſe, I was taken up on the alarm.

*Turner.* I am ſure of the man.

PRISONER STORER'S DEFENCE.

I made no reſiſtance when I was taken, I was not at the top of the houſe.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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299. **JOHN WILLIAMS** was indicted for feloniouſly ſtealing, on the 26th day of January, one iron grate, value 2s. belonging to William Waters, and affixed to his dwelling-houſe, againſt the ſtatute.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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300. **THOMAS ROBINSON** was indicted for feloniouſly aſſaulting Elizabeth Vincent, ſpinſter, on the King's highway, on the 16th of February, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one woollen cloak, value 2s. 6d. her property.

*There being no evidence the priſoner was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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NUMBER III. PART IX.

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M DCC LXXXVI.

[PRICE SIX-PENCE.]

## THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

301. HENRY HALL was indicted for feloniouſly ſtealing, on the 23d day of January laſt, one wicker baſket, value 2s. ſeven quartern loaves of wheaten bread, value 3s. 6d. the property of Chriſtopher Nichols.

**CHRISTOPHER NICHOLS** *ſworn.*

I am a maſter baker; on Monday the 23d of January laſt, my ſervant took ten quartern loaves of wheaten bread out with him, he went from my ſhop a quarter before twelve, and returned without his bread a quarter of an hour after.

**JAMES GIFFORD** *ſworn.*

I left my baſket the corner of North-ſtreet; I left ſeven quartern loaves in it, I found them at Juſtice Walker's, I know the bread and the baſket, I made the bread; I ſaw the priſoner at the Juſtice's about ſix in the evening.

*(Depoſes to the Bread and the Baſket.)*

——— **CUMMINGS** *ſworn.*

I took the priſoner with the baſket in Dyott-ſtreet; he dropped the baſket, I took him to the round-houſe, he ſaid before the Juſtice, a man gave him the baſket, and that he knew him, and had drank with him ſeveral times.

**PRISONER's DEFENCE.**

Coming down Tottenham-court-road, a man hired me to carry the baſket, I had not broke my faſt for three days; the man was a ſtranger to me.

GUILTY.

*Whipped.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

302. BENJAMIN BULL was indicted for feloniouſly ſtealing, on the 24th day of February, twelve pennyweights of ſilver cuttings and turnings, value 3s. and thirteen pennyweights of ſilver ſolder, value 2s. the property of Heſter Bateman.

**PETER BATEMAN** *ſworn.*

I live in Bunhill-row, I carry on buſineſs as a working goldſmith for my mother Heſter Bateman. On Friday the 24th of February, being at dinner in my back parlour, in conſequence of an information, I ſent for an officer, and ſent for the priſoner; ſaid I, Mr. Bull, you have ſome of my mother's property; he denied it; I told him, it is in vain, we have proofs of it; he then acknowledged it, and he put his hands in his pocket, and produced a ſmall bit of ſilver ſolder; he preſented it to me: immediately I gave him in charge of the officer I ſaid this is not all, do you ſearch him; upon which the officer felt in his pocket, and another piece was produced; upon which I ſaid, that is not all; ſays he, I aſſure you it is, Sir; ſays I, I am informed there were ſome turnings, he denied it, I deſired the conſtable to ſearch him again, and in his other pocket I found ſome turnings and cuttings looſe together, upon this, he was committed: there were, I think, twelve pennyweight of ſilver, value 3s. and thirteen pennyweight of ſolder, value 2s.

ABEL BECK *ſworn.*

I work with Mr. Bateman. Laſt Monday, the 14th of February, I went up into the ſhop, and got under the board after dinner; in about two or three minutes, the priſoner came up, and he came to the board as I ſat down, for we had miſſed things very often before, and the priſoner came and cut a piece with the ſhears, this was the firſt piece he cut, this is the piece that was left; then he went into the ſhop, and went to my lathe where I work, and took ſome turnings, then he went to the box, and put theſe turnings and cuttings in his pocket; then he came back to the board again where he cut the firſt piece of ſolder, and then went down ſtairs; and I informed my maſter, and the things were found upon him.

CHARLES MOSELEY *ſworn.*

I am the officer, I produce ſome ſilver; theſe are the things that were found in my preſence.

*Priſoner.* I have nothing to ſay.

*To Proſecutor.* How long has this man lived with you?—Four months conſtantly; in our buſineſs we may be robbed every day of our lives, and loſe three or four pounds in a day, and not miſs it; we employ forty men. I had a very high opinion of that man, but ſince he has been taken up, I find there has been very bad connections; he lived with another man's wife, and that very man is brought into Newgate.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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303. ANN MEADS, wife of Thomas Meads, was indicted for feloniouſly aſſaulting William Moore, in the dwelling-houſe of William Maſon, on the 23d of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, ſeven guineas, value 7l. 7s. two half-guineas, value 1l. 1s. ſeventeen copper halfpence, value 8½d. one copper farthing, and twelve ſhillings in monies numbered, his property.

*(The witneſſes examined apart.)*

WILLIAM MOORE *ſworn.*

On the 24th of January I was robbed in the houſe of one William Maſon; he told me it was his houſe. I was at a ſhoemaker's ſhop, upon ſome buſineſs, and the priſoner came in, and ſaid, how do you do, Tom? ſhe clapped me over the ſhoulder; ſays I, I do not know you, I never ſaw you in my life; and there were three more men and I went into the public-houſe, and preſently a pot of beer came in, and this priſoner came in, and placed herſelf by me; ſhe ſaid, will you give me ſome beer? you do not know your neighbours; ſays I, I do not know you, but you may have ſome beer; ſhe ſtaid there ſome time, and went away; I went to another public-houſe, and the priſoner came there, and ſaid to me, is your buſineſs done? for your wife and me, and Mrs. Horſenail, are to drink tea together, and we want your company; I ſaid, there is a gentlewoman of the name of Horſenail oppoſite to me, but I have no buſineſs with my wife's companions,

nions, but I ſhall come as ſoon as I can; ſo I ordered a boy to call Mr. Croker to come and ſpeak to me; the priſoner heard me, and ſhe ſaid, Mr. Croker is a friend of mine, I will go and call him, and ſhe went and came back again in ten or twelve minutes, and ſaid, Mr. Croker is at a private houſe, and does not chuſe to come to a public-houſe, if you'll go, I will ſhew you where he is; I went with her, and when I came there, I ſuſpected it was not a good houſe, and I would not go up; ſhe prevailed with me at laſt, and I did go up to the top of the ſtairs; ſhe ſhoved the door open, and a man came to the door with a bludgeon, and knocked me down, and another man came directly to his aſſiſtance, and held me ſo that I could not cry out, and in this violent manner the woman ſays, gag him, and I will *do him*; upon which, ſhe got my pocket turned inſide out, and I loſt the things mentioned in the indictment; the man held me in that ſituation, and the other man ſaid, get his *tick*, and ſhe ſaid the man has no watch; ſhe ran down, and got a light, and the two men made their eſcape, I cannot ſwear to the men; when the men run away, ſhe laid herſelf down a little way off on the floor, as if aſleep; my head has never been right ſince I felt the blow; I cried out, and Mr. Croker and ſome others came to my aſſiſtance, and they looked about, and found a ſhilling and half a crown.

### MATTHEW CROKER *ſworn.*

Here is the money, ſealed up before the Magiſtrate, which I found in the apartments of the priſoner; I found the proſecutor ſtanding in the priſoner's room, I aſked him what he did there? he ſaid he was introduced by the priſoner, ſhe was laying on the floor in the middle of the room, the proſecutor ſaid he had been robbed by the priſoner, and two more men aiding and aſſiſting; I aſked him what money he had loſt? he ſaid, a quantity of gold, ſome ſilver, and ſome halfpence, I forget what quantity; the priſoner ſeemed ſtupified, ſhe pulled out a ſhilling and ſome halfpence, ſhe went and ſat down on the ſide of the bed, and I ſaw her put her hand on ſome ſilver halfpence, which were on the ſacking, and I took the ſilver immediately, and there was a half-crown with a black ſpeck on it, which the proſecutor ſaid was his, the proſecutor was neither quite drunk nor quite ſober, the houſe has thirty rooms in it or more, it is a common lodging houſe, there were many people in it, we found no gold; when we were taking the priſoner before the Magiſtrate, ſhe ſaid, if he would give her an hour's liberty, ſhe would produce all the property.

*Priſoner.* I have people that will give you a full account of the whole matter, I am as innocent as a child unborn.

### THOMAS SMITH *ſworn.*

I am the officer that took the priſoner into cuſtody; I was ſent for by Mr. Croker, I found the woman and man in the room, the money was found before I came in the room; I ſearched the woman narrowly and found nothing more; and the woman ſaid, there were in the room two men one named John Smith, at Mile-end, a cow-keeper, and the other a poulterer; and the man ſaid one of them knocked him down; ſhe was very much in liquor; as I took her to the Juſtice, going along ſhe ſaid, if they would allow her to go home to her huſband, ſhe would make the money up in half an hour, I went after the men ſhe named, but could not find them.

### JOHN GAYMORE *ſworn.*

I was coming along Baker's-row with my wife and child, I ſaw a man ſtanding at the door with a candle in his hand; I heard ſome perſons ſay the woman had got a cull, and I heard murder from the houſe where the priſoner was, and I ſaw a woman that lives in the lower part of the houſe, run out, I went in with a man, and there came in a woman, who ſaid, is there ever a man that has got a heart, then I got a weapon, and when I found ſo many people to back me, I went up one pair of ſtairs into the entry, and the door was ſhut, I puſhed it open, and ſaw the proſecutor laying on the ground, he ſaid, he was robbed, I helped him up; the people laughed, and Mr. Croker came up, and they could not make the priſoner ſpeak, only hem, and ſhe took out a ſhilling and ſome halfpence, Mr. Croker picked up ſome more, the man appeared to be drunk, and the woman very much in liquor, I ſaw nobody run away; after I went in, the proſecutor ſaid, his half-crown had a black dent.

### MARY RATTY *ſworn*.

I ſaw this man and woman in the paſſage below ſtairs, he aſked her if ſhe had got ſome tea ready for him, and ſhe ſaid yes, ſhe ſaid, Mr. Croker was there, and the proſecutor went up, and ſhe came down again to light a candle, and as ſoon as ſhe returned up ſtairs, the proſecutor cried out murder! and watch! he was robbed, and I called for aſſiſtance; nobody was up ſtairs then, but ſhe and him to my knowledge, nobody came down ſtairs after the cry; if there had been two men up ſtairs, they could not have made their eſcape without my ſeeing them, I do not believe there were any men concealed up ſtairs, when I went up they lay about ſix feet aſunder, he with his breeches looſe, and ſhe in a moſt woful ſituation.

*Court to Proſecutor.* What became of theſe two men?—One man held me ſo that I could not cry out; the robbery was committed before the candle was brought up.

*(The half-crown depoſed to and the ſhilling.)*

### PRISONER's DEFENCE.

I have been married theſe eighteen years, we had two pints of beer, the proſecutor was gaming with five or ſix men, I told him I was a married woman, and he would follow me up ſtairs, and he threw me down on the floor, and wanted to uſe me ill; and when he found he could not gain his ends, he ſaid, I robbed him, and called the people up ſtairs; they ſtripped me naked in the room, I never had any of the money, ſo help me God! this man offered twenty guineas to a woman to come to Hicks's-hall, to hang me.

*The priſoner called two witneſſes to her character.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

---

304. **THOMAS BURDETT, HENRY FAWCETT and WILLIAM BROWN** were indicted for burglariouſly breaking and entering the dwelling houſe of William Eaton, about the hour of four in the night, on the 2d day of January laſt, and burglariouſly ſtealing therein, one hundred and fifty-nine pair of ſilver knee-buckles, value 70l. eight pair of ſilver ſhoe buckles, value 10l. one watch, value 40s. a chain, value 10d. a ſeal, value 6d. a key, value 1d. two hundred and eighty-eight baſe metal coat buttons plated with ſilver, value 50s. and one pair of ſtone knee buckles ſet in ſilver, value 40s. his property.

*There being no evidence but that of the accomplice, the Priſoners were*

ALL THREE ACQUITTED.

*Tried by the London Jury before Mr.* RECORDER.

---

305. The ſaid **THOMAS BURDETT, HENRY FAWCETT and WILLIAM BROWN** were again indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Carter and William Wake, about the hour of three in the night, on the 1ſt day of December laſt, and burglariouſly ſtealing therein, thirty pieces of black ſilk, value 200l. and ſix pieces of Florentine ſatin, value 100l. their property.

*A ſecond count*, Laying it to be the houſe of William Carter only.

*There being no evidence but that of the accomplice, the priſoners were*

All Three Acquitted.

*Priſoner Burdett.* My Lord, I hope you will indulge me with a few words, with regard to this Nodeley; one houſe we robbed was my Lord Grantham's, of all the gold medals, he had the Speaker's gown, and the *grand ſeal*, and the gold off the gown he burned.

*Tried by the London Jury before Mr.* Recorder.

---

306. GEORGE BROOK was indicted for feloniouſly ſtealing, on the 16th day of February, one carcaſe of mutton, value 18s. the property of Edward Cox.

The priſoner was taken with the mutton upon his ſhoulder.

Guilty.

*Whipped.*

*Tried by the London Jury before Mr.* Rose.

---

307. WILLIAM STEERS was indicted for feloniouſly aſſaulting Ann Crutchley, on the King's highway, on the 21ſt day of January laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will four linen gowns, value 40s. a black callimanco petticoat, value 10s. a ſtuff petticoat, value 4s. a linen ſhift, value 1s. two pair of cotton ſtockings, value 3s. three pair of worſted ſtockings, value 4s. two check aprons, value 3s. a cloth apron, value 1s. five caps, value 1s. 6d. two muſlin handkerchiefs, value 18d. and three ſilk and cotton handkerchiefs, value 4s. the property of the ſaid Ann.

ANN CRUTCHLEY *ſworn.*

Do you know the priſoner?——I never ſaw him before he ſtopped me, he ſtopped me in the Pancraſs-road.

What time of day was it?——Half after four in the afternoon.

Where was you going?——I was going to Mr. Wright's, Kentiſh-town, I live there; I had the things mentioned in the indictment, I was going to ſervice, they were my own wearing apparel, the priſoner was walking in the road to Kentiſh-town, and he ſtopped us; he ſaid, ladies, your money or your lives! I told him I had no money, he put a razor to my throat, and ſaid, he muſt have my money or my life; I told him I had no money, he might ſearch me if he pleaſed; he did not ſearch me, then he ſaid, he muſt have my bundle, then he took my bundle, and he dropped the bundle after he took it away from me, and dropped ſome of the things out, and in dropping the bundle, and picking ſome of the things up, he dropped the razor, which he held up to my throat, I am ſure it was the priſoner, I ſaw nobody elſe nigh at that time, I ſaw him when the patrols took him, and carried him to the George, at Pancraſs.

When was he taken?—On the Thurſday night, this was on the Monday, I told the patrols, what ſort of man he was.

When did you give this information to the patrols?——The ſame night.

Did you wait till they firſt came?—Yes, they came at about a quarter before five, on the Thurſday following, I had information from the patrol, that a man was taken anſwering my deſcription; I went to ſee him, at the George, at Pancraſs, the priſoner was there when I came, I knew him again.

How long did the robbery take up?——As nigh as I can gueſs, about five minutes.

Was there any diſguiſe on his face?——No, he was in the ſame apparel as when he was taken.

I ſuppoſe you was very much frightened and alarmed at his behaviour?—Yes, my Lord, I was at firſt, but being ſo long, I took particular notice of him, the time I was with him.

You will conſider upon your teſtimony the man's life depends; will you venture to ſwear he was the perſon that ſtopped you and took your bundle?——Yes.

Had you ever ſeen him before that time? ——No.

Was anybody in company with him?—No, not that I ſaw.

*Mr. Peatt, Priſoner's Counſel.* How old are you, young woman?——I am eighteen on the 11th of this month.

What part of the road to Pancraſs did this happen in?——Between the old workhouſe and the George.

Is that on this ſide Pancraſs or the other towards Kentiſh-town?—On this ſide.

Did you obſerve or ſee the perſon that came cloſe to you, before he came to you? I did not, it was like turning a corner, he met us as we were going up the road, he was coming down, Sarah White was with me, I met her at the bottom of the road; and was aſking her the way to Kentiſh-town, I never ſaw her before.

How long might it be from the moment you firſt ſaw him to the time of his putting the razor to your throat?——Directly, as I ſaw him.

You was exceedingly intimidated?—I was frightened at firſt.

How near did he hold the razor at your throat?——Cloſe to it.

You was exceedingly frightened?—Yes.

Ready to fall down I preſume?——I was not.

What religion are you?—A Chriſtian.

When he dropped the bundle, how far might he be from you?——He was cloſe by me.

Was his back to you or the ſide of him? —No, his face; he dropped it as ſoon as he took it out of my hand.

I believe when you firſt ſaw him, you heſitated a little as to his being the perſon that robbed you?——No, I did not.

Did you ſay at that time, that you knew him?—Nobody was in the room but him.

You was ſent for there, was not you?—Yes.

And the perſon that you ſaw there, was juſt ſuch a ſized man as met you on the road?——It was the ſame man.

You are determined not to depart from the perſuaſion, that you knew him?——I could not when I was ſure I knew him; I never ſaw him before.

*Court.* When the patrol ſent for you to the George, it was for the purpoſe, that you ſhould obſerve the man that was in cuſtody, in order to inform yourſelf whether he was the perſon or not?—Yes.

Not to fix on the man you was to ſee? ——No.

Are you ſure the man you ſaw in the room was the man that did in fact rob you?—Yes.

SARAH WHITE *ſworn*.

I never ſaw the laſt witneſs till the night we were ſtopped on the road.

Where was you going?—To my place, I live at Kentiſh-town.

What time of day?—It was about half after four in the afternoon.

Did you ſee Ann Crutchley, the laſt witneſs, on the road that day?—Yes.

Did you join and walk with her?—She met me, ſhe was ſaying ſhe was afraid of being put out of her way to Kentiſh-town, and before that word was out of her mouth the priſoner at the bar ſtopped us, he laid hold of me firſt, and he ſaid, he muſt have my life or my money; and I ſaid, I had none for him, I had no bundle, then he put a razor to my throat, and ſwore he would cut my throat, he then put the razor to Ann Crutchley's throat, and he took a bundle from her, which ſhe was going to carry to her place.

Did he at firſt demand her money?—Yes, and ſhe had none for him, ſhe ſaid you may ſearch me if you pleaſe, and he took her bundle from her.

How long was this robbery committing?—About five minutes.

What paſſed after the bundle was taken

from her?——He dropped a bundle, and while he was picking it up he dropped a razor, he went off with the bundle, nobody was in the road at this time.

Whereabouts was it?——Between the old work-houſe, and the George.

Was you at the George, when he was in cuſtody?——Yes, I went with Ann Crutchley, he was in a room by himſelf when I ſaw him there, I knew he was the man, I am very ſure he was the ſame man, he was in the ſame dreſs, as he was the night he ſtopped us, and I took particular notice of him.

Was not you much frightened and alarmed at this time?—I was very much frightened and alarmed at firſt, when he laid hold of me, but I recovered myſelf ſo well, that I took particular notice of him; I am now very ſure he is the man, I had no acquaintance with Crutchley before in my life.

*Mr. Peatt.* I ſuppoſe he laid hold of you?——Yes.

Did he lay hold of your companion?—Yes; he preſented the razor to me firſt; he took hold of my handkerchief, and he ſaid, I ſhall not be above a minute about what I have to do to you, I ſhall be very quick in my motions.

Are you a Chriſtian?—Yes.

Were you born of Chriſtian parents, or of Jew parents, were your father and mother Chriſtians?——Yes.

Do you expect any thing to happen to you, in conſequence of a conviction, if one ſhould take place?——No.

### ANN MITCHELL *ſworn.*

To the beſt of my knowledge, I ſaw the priſoner paſs by the George a little after four on this day, my huſband keeps the George, it was on Monday afternoon; I did not take notice of the day of the month, it was the day the young women were robbed; I cannot ſwear to the priſoner.

*Mr. Peatt.* Who brought you here?—I was ſubpœned.

*Priſoner.* My Lord, I never was at Pancraſs, but the patrols took me there, I never ſaw the proſecutrix before in my life, I was never out of my lodgings from Sunday breakfaſt till Tueſday breakfaſt.

### AGNES SMITH *ſworn.*

Was you in company with the priſoner any time laſt month, and where?—On the 16th of January, and the 15th likewiſe, I was at the Brill at Pancraſs, the 16th was upon the Monday; he never was out of the houſe the whole day; Mr. Towers keeps a houſe at Pancraſs, and I was there the whole day.

Was you in the ſame room with the priſoner?—The ſame room the whole day.

Then, how late in the evening was you in company with the priſoner?——Till between ſeven and eight, when we went to bed.

*Court.* Do you live at Mr. Towers's?——Yes, I did then, when I was out of place.

Are you any way related to the priſoner?——No, Sir.

How came you to be in his company the whole courſe of the day, that you can ſpeak to his being there all day?——I was in the ſame room, he lodged there alſo, he lodges there now.

Could not he be abſent for the ſpace of half an hour?—No, Sir, he was not; he never was abſent a quarter of an hour the whole day.

What buſineſs had you to be in the room all day?—I had no particular buſineſs.

Have you no buſineſs of your own?—No, Sir; there were more rooms, but we had only one room with a fire in it.

Where were you on the 15th, the day before?——I was in the ſame houſe then; I went out in the morning, he was there all the time, I was there all the afternoon of the 15th; he is a ſawyer, he is out of place, he was at home every afternoon: I remember the 16th, becauſe he was taken up, he never was abſent half an hour.

### MARY TOWERS *ſworn.*

I live next to the Brill, I never was over the door threſhold on Monday the 16th of January, he was taken ill on the Sunday night, he was in my preſence all the time; he is as honeſt a man as ever lived, he never was out of my ſight, nor the witneſs Smith neither.

*After the Judge had ſummed up the evidence, the Patrol deſired to be examined, which the Court refuſed. The Jury retired for ſome time, and returned with a verdict*

Not Guilty.

*Tried by the firſt Middleſex Jury before Mr. Baron* Perryn.

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308. **STEPHEN GOLD** was indicted for feloniouſly aſſaulting William Shakeſpear on the King's highway, on the 11th day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, a boy's ſuit of clothes, value 5s. the property of William Shakeſpear.

**WILLIAM SHAKESPEAR** *ſworn*.

I am ſon of John Shakeſpear, I live with my father; on the 11th of January I was going from my father's, No. 12, in the Strand, to Prince's-ſtreet, and in a paſſage, the corner of Catherine-ſtreet, I ſaw three men ſtand, I was going to take a boy's ſuit of clothes to be preſſed, which were ſent to my father to be made up, and I paſſed them, and going up Catherine-ſtreet, one of the three men took the bundle from me, and I run after him, and in the paſſage another man came and knocked me down; he was not out of my ſight, and I purſued him; he run up Eagle-court, and when I came up to him, I paſſed two women, they aſked me what was the matter? and they ſaid, your mouth bleeds; and I told them what was the matter, and they told me where to find him, and I loſt ſight of him after I paſſed theſe two women; I found him afterwards in Newtoner's-lane, at a houſe where a woman directed me, her name is Ann Chapman.

Did you find any of the clothes again?—No, Sir; it was a day or two afterwards.

**JOHN SHAKESPEAR** *ſworn*.

The laſt witneſs is my ſon, I ſent him with the clothes to be preſſed, and ſoon after he returned, with his mouth bleeding, brought by three ſtrange men, and they told me that the perſon that robbed him would ſoon be taken, if he ſtaid in London; I never got my clothes again. This is the ninth time I have ſuffered by houſe-breakers or ſtreet-robbers.

**ANN CHAPMAN** *ſworn*.

I live in Eagle-court, Catherine-ſtreet; I was ſtanding at my door the night the robbery was done, and that gentlewoman talking to me, the priſoner ran by as faſt as he could run; he had a bundle with him, but I could not tell whether it was black or brown; I ſaid to the women, there is Stephen Gold running, he has been at no good; I know the priſoner before this time, he lodged at a houſe near me up two pair of ſtairs; the boy came up immediately, crying, for God's ſake, give me my clothes; his mouth was all over blood; ſays I, little boy, what have you loſt; ſays he, that man has robbed me of my clothes; he ſaid Stephen Gold was the man that robbed him; I did not ſee him rob him; then Gold run away, and got out of ſight.

*Court to the Boy.* Did you tell the ſame ſtory before the Juſtice of Peace?—Before the Juſtice of Peace, there was a boy threw a marble at the window, and his head was out of the window, and he did not hear a word I ſaid, and he turned his head, and ſaid, commit him for diſorderly.

*Court.* Had you loſt ſight of the priſoner before you came up to Ann Chapman?——No, Sir.

You had not?—No; the gentlewoman ſaid, let us cry ſtop thief! as you know him; I ſaid, no, do not.

*Priſoner.* They did not tell the ſame ſtory at the Juſtice's, Juſtice Walker acquitted me.

### ELIZABETH LAYTON *ſworn.*

I live in Eagle-court; on the 11th of January I was preſent when the boy came into the court, I ſaw the priſoner run paſt as I was in converſation with Mrs. Chapman; he had a bundle, I ſaw the little boy come up, he was running after the priſoner, and he ſaid he had been robbed by that man; I have frequently ſeen the priſoner about the neighbourhood, and I am ſure that was the man; I ſaid to Mrs. Chapman, cry out, ſtop thief! but ſhe ſaid not, and we followed the boy into Swan-yard, and Mrs. Chapman informed him where he lived.

### CHARLES YOUNG *ſworn.*

I know nothing further than apprehending the priſoner in Short's Rents, on the 17th of January.

*Court to Boy.* When the priſoner ſnatched away the bundle from you, did he ſtrike you, or uſe any violence?—No; he only ſnatched it away, and I was knocked down afterwards by another perſon that I think had a wooden leg.

Then it was that you received a blow which made your mouth bleed?—Yes.

Before he ſnatched the bundle from you, did he uſe any words?——No.

He only came up and ſnatched the bundle away?——Yes.

*Jury.* What time of night was it?——Between ſix and ſeven, it was dark, I followed the priſoner till I got paſt theſe two women, I ſaw his face afterwards, I know him to be the perſon that took the bundle.

*Priſoner.* I have not a word to ſay, only that I am innocent, I have not a ſoul in the world; he ſaid before the Juſtice that the man had either a white coat, a brown, or a black one, he could not tell which, and that he could not ſwear to his face.

*Young.* He ſaid either brown or black.

*Court.* What is the value of theſe things?——Five ſhillings.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

309. JOHN M'COUL and BENJAMIN M'COUL were indicted for feloniouſly ſtealing, on the 28th of January laſt, two guineas, value 2l. 2s. two half guineas, value 1l. 1s. a piece of foreign ſilver coin, called a rupee, value 2s. a pair of Mocoa ſleeve-buttons, ſet in ſilver, value 1s. a ſilk purſe, value 1s. a counterfeit ſixpence, of no value, and three ſhillings in monies numbered, the property of Thomas Furnace, privately from his perſon.

### THOMAS FURNACE *ſworn.*

I went to Drury-lane playhouſe to ſee half a play, I meant to pay half price, for which I preſented half a crown, the box-keeper gave me eighteen pence in return; I went into the two-ſhilling gallery; I had been there but a very ſhort time, before I wiſhed to come out again; I was then oppoſed coming out again by the two priſoners, firſt by John and then by the other; they joſtled me, I ſpoke to them, and told them I wiſhed to come out, I was extremely crowded, and very hot; I got through, and came out; I puſhed John with my arm, and the other then put himſelf entirely in my way, then I ſpoke to him, upon which I got out paſt them, and the door immediately flapped on their backs, there is a ſtep or two down as ſoon as you are out of the door, and I ſaw my breeches-pocket lay upon my thigh; I naturally concluded theſe men had picked my pocket, in conſequence of which I was determined to purſue them, finding it impoſſible they could have got out of the gallery, I called to a conſtable to go and ſeize the priſoners behind the door, I deſired that they might be examined, and there was a kind of a partial examination, which I found would never anſwer; I then deſired they might be carried to Bow-ſtreet, and I would attend them; I perceived then that the Juſtice was not ſitting, then I deſired we might go into ſome drinking-houſe to have them examined properly; they were carried into a drinking-houſe, there they were examined, and the money was produced; there was found upon them a purſe, with ſeveral guineas in it, but amongſt them there was a half-guinea which I will ſwear to, and a ſixpence, of baſe metal, which I can ſwear to; the purſe was found on John; after this, I left them in charge of a conſtable at this houſe. On Monday morning I went to Sir Sampſon's; theſe men were unknown to me before, but Sir Sampſon thought proper to commit them to Newgate. Previous to my going to the play-houſe, I took out my purſe; I had a friend or two with me, I took twelve guineas out of my pocket, and delivered them to my friend, telling him I was going to the play-houſe; then I looked at two guineas and a half, two ſhillings, and a bad ſixpence, which I know as well as I do myſelf, and a rupee, and a pair of ſleeve-buttons.

Was the rupee in the purſe?——No.

Were the ſleeve-buttons?——No, nor my purſe; the purſe that was found on the priſoner, was not my purſe.

Was there any thing found on the other priſoner?—Nothing.

One of the half guineas and the ſixpence you know?—Perfectly ſo.

*Mr. Silveſter, Priſoner's Counſel.* It was at half price you were going to the play?—Yes.

Many other people were there?—Yes.

There are three doors going into the gallery?——Yes.

How many of thoſe doors did you attempt to go in at?——Only one.

When you came out, you was oppoſed by perſons going in?——They were in the gallery as well as myſelf.

Was you further in than they?—I was on the inſide of them.

They ſtood between you and the door?——John laid his hand on my ſhoulder; I thought that rather rude behaviour.

By the box-keeper you mention, you mean the gallery-keeper?—Yes.

Your direction was to take the two men behind the door?—Yes; I told them they had picked my pocket of money.*

How much money?——I cannot recollect whether I ſaid the quantity of money.

You did not ſay five guineas?——I had not five guineas in my pocket.

That may be; a man ſays he has money in his pocket, when he has not; did you ſay ſo?—I will not ſay that I did.

Theſe men were taken to one of the beer houſes, and there they were examined?—Yes.

What ſort of a purſe was your's?——A mouſe-colour purſe, and the buttons were at one end, and the money and rupee at the other.

None of theſe were found, but in this man's purſe were found ſome guineas?——Yes.

How many guineas?——Seven, eight, or nine.

You did not know the guineas again?—Some of them may be mine.

Now as to the half-guinea, was there any mark upon that?——There was a ſufficient mark upon it that I know it, it has a caſt upon it.

What do you mean, did it ſquint?—A bend it has got; it is a very freſh half-guinea.

What year was it coined in?—That I will not pretend to ſay.

Do you know what King?—It was King George.

Was it George the Second?——That I cannot tell.

Was it George the Firſt?——I believe not; I know it when I ſee it, and I ſwear to it.

That is right. Did you ever ſee a bent half-guinea before in your life?—Yes.

Now, as for your bad ſixpence, what is the mark upon that?——Mark upon it! I cannot ſay the mark; there is a ſcratch, it is an extreme bad one, an old traveller of mine, I know him perfectly well.

You muſt know all its faults, becauſe you know it as well as you know yourſelf; is there any particular mark, beſides it's being bad?——I cannot tell; there is no mark upon it in particular, but I know it when I ſee it, it travelled with me all the way from York, I had it in town too.

How long had you been out of the gallery before you took this man up?—I never went out of the gallery at all; I took them inſtantly, I conſidered a little.

*Court.* On the Saturday evening, when this purſe was taken, and the gold was produced, did you, when the money was turned out of it, expreſs to the officer your knowledge of theſe pieces?—I ſaid immediately to the conſtable, I will ſwear to the half-guinea; ſays I, take charge of him this moment, then I ſaid about the ſixpence.

When the priſoners were brought out of the gallery, had you a recollection of their perſons as the men you ſaw before?——I cannot poſſibly ſwear that.

For inſtance, if you had not ſeen them again for a day or two after, ſhould you have known them?—I cannot ſay that.

### JOHN SHALLARD *ſworn.*

I ſearched the priſoners; I found nothing upon Benjamin, but I found a purſe and ſome gold upon John; the purſe contained nine guineas, he took it out of his pocket, when I ſaid I ſhould ſearch him; there was ſome halfpence in his pocket.

(*The Money handed to the Court.*)

*Court.* Had you ever obſerved in what part of the coin your half-guinea was bent?—I do not ſo far recollect it.

Suppoſe any gentleman here had a new half-guinea that was bent, by what means could you diſtinguiſh them?——The ſixpence and half-guinea are ſo ſtrong in my mind, that they have made a very great impreſſion.

*Mr. Silveſter.* It is very unfortunate for me that I ſhould have a bent half-guinea.

### RICHARD BLANDY *ſworn.*

I took John M'Coul; Mr. Furnace told me he had been robbed, and his pocket picked; to the beſt of my knowledge he mentioned five guineas.

### JOHN BARRET *ſworn.*

I was the firſt officer.

Who did Mr. Furnace deſire you to take?——Benjamin, he told me he had had his pocket picked, and pointed to Benjamin, he was then in the lobby coming out of the gallery, I ſearched him, they were both on the ſteps of the lobby outſide the door.

*Priſoner John.* I am perfectly innocent of the charge, the gentleman at firſt ſaid five guineas.

*Barret.* He mentioned more money than he had in his purſe.

*Mr. Silveſter.* I will not call any witneſſes in ſuch a caſe as this.

BOTH NOT GUILTY.

*Tried by the London Jury before Mr. RECORDER.*

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310. JOHN MURREY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Launcelot Davidſon, about the hour of three in the night, on the 6th day of January laſt, and burglariouſly ſtealing therein, three hundred pounds weight of tobacco, value 40l. three ſilver tea ſpoons, value 5s. and one watch, with the inſide caſe made of ſilver and the outſide caſe covered with fiſh-ſkin, value 30s. his property.

*A ſecond count*, For the like burglary, and ſtealing the ſame things, the property of Joſeph Sales and Benjamin Parnell.

### LAUNCELOT DAVIDSON *ſworn.*

I live at Cock-hill, Ratcliff, I keep a houſe there; on the 6th of January laſt, between three and four in the morning, my warehouſe belonging to my houſe was broke open, and a great quantity of tobacco taken out.

Did that warehouſe communicate with your houſe?—It joins to the houſe, there is a partition wall between the warehouſe and the houſe, there is a door opens from thence into the yard; they opened that door, and from the yard they went to the kitchen window, and broke a pane of glaſs, and the upper bar was taken down, they went through the kitchen into the cellar.

When had you laſt made any obſervation on theſe ſeveral places you ſay was broken?——I ſaw them every night of my life, I ſaw it all ſafe when I went to bed, which was about eleven or rather before, we were diſturbed in the morning by hearing people in the cellar; my wife awaked me, I heard a noiſe, I got a light as ſoon as I could, and came down ſtairs, and ſaw what I have told your Lordſhip; this was pretty near four in the morning, I went down ſtairs, I miſſed nothing in the parlour, and looked and finding the window left open, I thought it had been the ſervants, but when I ſaw the iron bar broke, I ſaw it was thieves, there was a great deal of tobacco taken away, but I cannot tell the quantity, from the parlour there were three tea-ſpoons taken, and a ſilver watch of my wife's, in a fiſh-ſkin caſe, which hung by the fire ſide.

What was the value of that tobacco that you ſuppoſe was taken away?——It might be two hundred pounds weight, or five hundred pounds weight, I cannot be ſure, there was more than two hundred pounds, it was worth thirty pounds I think, it was fine tobacco; three or four days after, I heard the priſoner at the bar was taken up for a watch, and my wife went and knew her watch, it was at the watch-maker's to be mended, the watch-maker has the watch; I never got the tea-ſpoons, nor any part of the tobacco.

### CATHERINE DAVIDSON *ſworn.*

I am wife of the laſt witneſs, on the morning of the 6th of January, I was awaked with a noiſe in the houſe, I immediately got out of bed, I heard ſomething tumble down ſtairs, like one man over another; there is a ſtep in our paſſage, that deceives any body that is not acquainted with it, and I imagined that was the caſe, for I heard four or five; my huſband loſt tobacco out of the warehouſe, and two or three tea-ſpoons, I am only ſure to two, my ſervant ſays, there is three; my watch I did not miſs till after the hand-bills were printed in the evening, and then it was too late to inſert them in it.

Did you in fact loſe a watch?—Yes, I have ſeen it ſince, I knew my watch, it was at Mr. Allen's, the watch-maker's.

Was it in the ſame ſtate as when you loſt it?—No, the ſpring was broke, but the outſide fiſh-ſkin was there, but the woman's chain was taken off, and the paper taken out.

### ——— ALLEN *ſworn.*

I am a watch-maker, I have this watch.

*(Produces It.)*

*Court to Mrs. Davidſon.* Do you know the number of this watch at the watch-maker's?—No, Sir.

Will you venture to ſwear to it?—Yes, Sir, it is very particular, there are many marks about it, I had the caſe made to my own fancy and the lining.

*Allen.* On the 11th of January, the priſoner brought this watch to my ſhop, to get it repaired; I looked at it, and told him the main ſpring of the watch was broke, he ſtood motionleſs, and almoſt ſpeechleſs, he made no reply to that, I aſked him when he wanted it done, he told me to ſuit myſelf, he was in no hurry; I made him for anſwer, he ſhould have it the latter end of the week, he went out of the ſhop, I ſaw him no more till I ſaw him at the Juſtice's; one of Juſtice Green's men came to me on Thurſday and enquired about the watch, his name is John Orange, in the evening he came with the Juſtice's compliments, and deſired me to attend at the office, I was very unwell, and deſired he would bring down the party, this was on Friday night; on Saturday morning, Mrs. Davidſon came down herſelf, and deſcribed the watch, ſhe ſaid, it was a ſilver watch, with a green fiſh-ſkin caſe; I aſked her the name and number of the watch, ſhe told me ſhe had had the watch twenty years, but could not tell me the name or number; I then aſked her what kind of a dial plate it had, ſhe ſaid, it was an old faſhioned dial plate, an enammelled dial plate, I then gave it into her hand, and ſhe ſaid, ſhe would ſwear to it. (*The watch ſhewn to the Jury.*) It is exactly in the ſame ſtate as when I had it; I am ſure the priſoner is the perſon who brought it to me to repair.

Did he leave his name with you?—No, on the Friday when the officer came to me and acquainted me, John Murray had ſent him for a watch that I had to put a main ſpring to, I ſaid, I did not know the name of Murray; and about half after ſeven came a young woman into my ſhop, and aſked me if the watch was done belonging to John Murray, ſays ſhe, I am John Murray's ſiſter; ſays I, you ſhall not have the watch nor any body elſe, out of my poſſeſſion, till I know who is the right owner of it.

### JOHN ORANGE *ſworn.*

I am the conſtable, on the 13th of January, Murray was brought into the Virginia Planter, on ſuſpicion of another robbery, he was left in my cuſtody, and while I was ſitting with him, he ſays to me, Mr. Orange what ſort of watches are theſe that Mr. Hamilton loſt? ſays I, ſome are ſilver and one is gold, then ſaid he, I have not got the watches, for the only watch I have got, is a ſilver watch with a ſilver caſe, ſays I, where is that, ſays he, I broke the main ſpring, and left it at Mr. Allen's to be mended, upon that I went to Mr. Allen's, the priſoner was committed that night, and brought down the next day, then Mr. Allen attended, and Mrs. Davidſon; before the Magiſtrate, he ſaid, he bought the watch of the Jew, and gave him half a guinea for it.

### PRISONER's DEFENCE.

A man that belonged to this office ſtopped me and ſearched me, I told him I had a watch that I bought the 9th of January, and I aſked him if he would go himſelf and ſee the watch; he came back, and ſaid, he could not get it, and then this young woman came on purpoſe to convince him I knew nothing of the other watches, I ſent her and one of the watch.

Have you any witneſſes to call relative to your purchaſing this watch of a Jew?—I have a woman.

### ELIZABETH LLOYD *ſworn.*

All I have to ſay, is, John Murray came into the houſe where I live, on Old Chriſtmas-day at night, and he was in liquor, he went to bed, and on the Monday morning following, he bought a green watch, that was in Denmark-ſtreet, at one Mr. Bagg's, I was nurſing a woman; on the Monday following another young man came in, and brought in a green watch without a chain and glaſs, and he deſired me to go down and get a glaſs, and I did ſo.

What day of the month was that?—I believe it was the 9th.

It was a watch with a green ſhagreen caſe?——I am no judge of watches, I do not know that I had ever one in my hand before, there was no glaſs in it nor chain, and I got a glaſs put in it, there was another man with him, one Joe Phillips, that worked along with him, and he ſaid, he gave half a guinea for it.

*Priſoner.* The man that was along with me when I bought the watch, has ſet ſail for the Eaſt Indies, in the Europa Indiaman.

*The Priſoner called three witneſſes, who gave him a good character.*

**NOT GUILTY.**

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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311. **THOMAS CHANT** was indicted for feloniouſly ſtealing, on the 2d day of February, one ounce ſeven penny weights of ſilver, value 6s. and two ounces ſeven penny weights of ſilver wire, value 10s. the property of William Eaton.

(*The Caſe opened by Mr. Silveſter.*)

(*The witneſſes examined apart.*)

### WILLIAM EATON *ſworn.*

I am a buckle maker, I live in Addleſtreet, on the 2d day of February laſt, my men were all at work about a quarter before eight, and I went up ſtairs with a candle in my hand, and I went to Chant's vice, and while I ſtood there, I ſaw there was a good deal of ſilver cuttings, which they get off the buckles, which he had got that day, I went down ſtairs and in about a quarter of an hour after, he came down ſtairs and went away; I went up ſtairs to ſee what he had done with the cuttings he had got that day, and I looked for the cutting, and I found the bench was ſwept down, and the cuttings were ſwept off the bench, and not in the trough; I looked into a little box, and they were not there; I looked into the hubbing lathe box, and I found there about a penny weight of cutting which he had got me that day; I thought that was not all, I came down ſtairs, and went to ſee for a conſtable whoſe name is Harding, and I took him to Chant, and before I came down, I called to my apprentice, and told him to ſtand by the vice till I came back, I went to the public houſe to his brother, and he had not been there; we came to his own houſe, the conſtable knocked at his door, and aſked if Mr. Chant was within, Mr. Chant anſwered him, and ſaid that no ſuch perſon lived there; I then ſtood at the door, and when I heard him ſay the words, I went in to him, ſays I, this is the man we want, I puſhed him into the parlour, and I ſaid, what have you done with the cuttings you have got me to day, he ſaid, he had left them in the box underneath the trough; I ſaid they were not, he was much frightened, he ſaid, they were in a piece of paper behind the blocks on the bench, I told him they were not there, for I had looked; he then ſeemed very much frightened, and ſaid, he believed he had put them into the hubbin lathe box; I told him there was ſome there, but not what he had got me, I ſaid I muſt ſearch him, he ſaid, I ſhould not, for he had things about him, he then ſaid, I have only one thing about me, if you will let me deſtroy that, you ſhall ſearch me, he did ſo, he had his hand in his breeches pocket, and I ſaw him draw out his hand, and give it a ſort of chuck; I found nothing upon him, I went to the bed and found three pieces of ſilver wire, and I looked at it, and ſaid, I think this is my property; I gave it to the conſtable, then I went to ſearch the drawers, there I found nothing; I pulled out one of the little drawers, and there I found ſome papers that were pinned up.

Whoſe wire was that?—I believe it to be mine.

What quantity of it, do you know?——Rather better than two ounces, but I found one piece in a cupboard, which he ſaid belonged to the other, and it was put to the other, which made four pieces in the whole: the cuttings are off the buckles, little bits about half as big as a pin's head.

*Mr. Garrow, Priſoner's Counſel.* It is not wire?——No, I did not go after wire.

Are you a wire drawer?—I draw for my own uſe.

Are you at all able to identify this wire, to ſay that it is yours?——I cannot ſay I have any knowledge of it.

Do you happen to know whether his brother was at the houſe at this time?——No, Sir, I do not believe he was.

Do you know whether in fact there was an execution, either againſt the perſon, or the effects of that perſon in that houſe?—Not that I know of, I have not heard any ſuch thing.

I believe before the Magiſtrate, you only charged this man with ſuſpicion of this?——Yes, Sir, but my man ſwore to this property.

Are you ſure of that?——I will not be poſitive of it.

Do not you know that he was committed on ſuſpicion, and has been out upon bail, and has ſurrendered himſelf to day?—Yes.

Was not that becauſe no creature could venture to identify this wire?——I could not ſwear to it.

Do not you know now that nobody could?—I cannot be ſure.

You heard your porter examined?—Yes.

Look at this inſtrument, is it an inſtrument for wire drawing?—Yes.

Is it poſſible for any man to ſwear to wire of any ſize; would not a like wire be produced by an inſtrument of that ſort in any one's hands?——It may be poſſible to produce the ſame, and I have a drawing plate of the ſame kind as this.

How is it poſſible for any man to diſtinguiſh a wire, which is drawn through a drawing plate of the ſame ſize?——The purity of the ſilver is much the ſame.

I fancy it muſt; had not your houſe been robbed?—Yes.

Did not you make ſome application to the priſoner?—Yes.

What application did you make to him or what offer did you make to him?——I told him, if he would tell me, and act the honeſt part, that I would help him, and do him all the ſervice I could; on finding the wire upon him, he told me he would give me an account how he came by the wire.

Did not you offer him thirty pounds, if he would give you ſome information that you wanted?——No, Sir, no ſuch word, none at all, not a farthing.

Tell us what you did ſay to him?——The words I repeated before.

Let us hear them again?—I told him I was informed he knew ſomething of my robbery, he ſaid, he did not, I told him if he knew any body that would tell me, I would be his friend, I believe that was what I ſaid, I am ſure it was.

How many men were left there, when the priſoner went away that evening?—All my men but four.

Did not you tell Mr. Yardley you delivered out your ſilver to your men, and received it back by weight from them?—I never ſaid any ſuch word to him.

Had you any converſation with him about the weight?—None at all.

I believe you had ſome reaſon to know that the priſoner was not the man that committed that robbery?—I believe the people are taken.

It is a very near relation of yours that committed that robbery?—No, Sir.

*Court.* There is not the ſmalleſt ſuſpicion on the priſoner about that.

*Mr. Garrow.* Then I am content.

### THOMAS HARDING *ſworn.*

I am the conſtable, I went to Chant's houſe, I firſt of all went with Mr. Eaton to Chant's brother's houſe; he told me he was not there, but he expected him there in a little time; I knocked at the door, the priſoner came to the door, I aſked him if his name was Thomas Chant, he ſaid no, he rather equivocated and ſaid his name was Joſeph, Mr. Eaton ſtood at the door, he immediately came into the houſe, and ſaid to me, this is the man I want, I immediately went into the room, and Mr. Eaton told him he wanted to talk with him, that he ſuſpected he had robbed him of ſome ſilver that day, he ſeemed rather confuſed about it; immediately Mr. Eaton ſaid, Chant we muſt ſearch you, I ſaid ſo likewiſe; he inſiſted he would not be ſearched, he equivocated a long time with his hands in his pockets, and he ſaid if he might deſtroy a piece of paper he had in his pocket, he might ſearch him; Mr. Eaton ſearched him in my preſence, and after finding nothing, there was a little bed in the corner of the room, and Mr. Eaton ſaw ſome ſilver wire which he immediately caught up, and ſaid he believed it was his property, he looked about, and in a little cupboard he found another ſmall piece; Chant ſaid he hoped Mr. Eaton would forgive him, as it would ſadly hurt his character, if he made any kind of ſtir about the buſineſs, that he would prove how he came by it, that he bought it of ſomebody; then Mr. Eaton began to accuſe him about ſome cuttings; he ſaid the cuttings he had cut him that day were in a drawer under the bench, he went home with us, there was none there.

*Mr. Garrow.* How ſoon after this was the priſoner bailed?—On the Monday after, this was on the Friday; he was committed only on ſuſpicion.

Did Mr. Eaton ſay any thing to you about any ſilver wire?——No.

How many men were in the ſhop when you went back ?——Two, and a young lad; Matthews was there.

### EDMUND READER *ſworn.*

The laſt piece of wire I miſſed was about five weeks ago, which I drew myſelf about a week before the priſoner was taken up; I think, according to all appearance, this is the wire; I know none of the others.

*Mr. Garrow.* How long have you worked for Mr. Eaton ?——Thirteen months this laſt time; I worked for him formerly.

That was before you took apprentices perhaps ?——Yes.

How many apprentices have you had from the pariſh of St. Luke ?——None.

What pariſh have you had laſt from ?—St. Sepulchre's.

What name did you take them in ?——In my own name.

What name was that ?——Reader.

Are you ſure of that ?——Yes, I have no other name.

Where is he now ?——I do not know, he came to me when I lived in Long-alley, when I worked with Mr. Eaton.

Did you not repreſent yourſelf in the name of Read ?—No.

Why you ſtripped the boy and left him naked, and the pariſh officers are after you for it ?——God forbid I ſhould ! I deny it with a ſafe conſcience.

If this piece of wire had not been rough, could you have diſtinguiſhed it from any of theſe that I ſhew you as to ſize ? *(ſhews him ſeveral.)*—No Sir, I cannot ſay I could.

So that a little accidental roughneſs at the bottom of the piece is the only thing by which you can ſpeak to it ?——Yes.

### GEORGE MATTHEWS *ſworn.*

I ſtood by the vice till they returned, as I was directed.

*Court.* He does not ſwear poſitively to the wire, nor can he.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* RECORDER.

312. ROBERT THOMPSON was indicted for feloniouſly ſtealing, on the 27th of Auguſt laſt, one cloth great coat, value 10s. the property of William Smith.

*(The caſe opened by Mr. Garrow.)*

*(The witneſſes examined apart.)*

### WILLIAM SMITH *ſworn.*

I drove a waggon to town, it was a hired waggon, came from Workſop, Nottinghamſhire, we came with furniture, we came to the George Inn in Drury-lane; we came on the 27th of Auguſt, when I came to the inn, my great coat was in the waggon-tail, I did not ſee it after I came to the inn; when I miſſed it, I enquired of the priſoner and all the men in the yard, and they none of them knew any thing about it, and the priſoner ſaid he knew nothing about it; I ſaw my coat again, three weeks to-morrow, in the cuſtody of the pawnbroker, his man is here, and the man that took it to pawn; I knew my coat again.

*Mr. Silveſter, Priſoner's Council.* Mr. Smith, you are a ſervant to a waggoner at Workſop, one hundred and forty-ſix miles from London; who brought you up to town on this buſineſs ?—His waggon.

Who was at the expence of this proſecution ?——I hope the Court will be at the expence, or elſe I ſhall be wrong.

Who pays counſel and attorney, now, Mr. Smith, upon your oath ?—I have not paid them at preſent, but I may do.

Does not Mr. Thorne lend the money ?——I ſuppoſe it is not material, I have not paid it; I ſuppoſe Mr. Thorne will pay it.

Did not Mr. Thorne write to you to come up about it ?——Yes.

Did not he write to you that he would be at the expence of your coming up ?—Yes, he did.

*Mr. Garrow.* Have you got his letter ?—No.

*Mr. Silveſter.* Did not Mr. Thorne advance the money to proſecute this man ?—I underſtood that he would pay, he knew that I was not capable.

Will you anſwer the queſtion ?—I have been at part of my expences.

You underſtand the queſtion perfectly well; is not Thorne at the whole expences of this proſecution ?—I have been at ſome expences myſelf.

Has not he paid both counſel and attorney ?—Yes, I ſuppoſe he has.

Do not you know, is not there a diſpute between Thorne and this man ?—I do not know of any diſpute, except that he found out this coat.

Did you never hear Thorne ſay this man had an information againſt him ?—No.

And that he would hang him if he could? ——No, I never did.

How came you not to come up before ?—I could not come before I heard any thing about it.

Then the firſt news was a letter from Thorne ?—Yes.

And he wrote you word, that if you would come up, he would pay the expences? ——Yes, he did, or it would have been badly worth fetching, though it coſt me eighteen ſhillings; I had not worn it a great deal, perhaps ſix or eight days, or a fortnight.

*Mr. Garrow.* You came to do your duty to the public to proſecute ?——Yes.

And you thought it would have been a very bad thing, unleſs Thorn would pay your expences ?——Yes.

### JOHN MOSELEY *ſworn.*

I am a ſervant of Mr. Thorne's, I am hoſtler at the George Inn in Drury-lane; the priſoner was hoſtler there in Auguſt laſt, I remember Smith coming up with the waggon; I do not remember any enquiry about a great coat.

Had you ſeen ſuch a thing at any time? ——I went into the ſtable on the 18th of Auguſt, on the Sunday morning, and I ſaw a great coat rolled up in the ſtable, it was a brown great coat; I aſked the priſoner if he knew whoſe it was, and his anſwer was, it belonged to himſelf.

Have you ſeen ſuch a great coat ?——I have ſeen that many times ſince; I have ſeen the coat which Smith ſays is his, I believe that to be the coat that I found under the manger; this was the ſtable that the priſoner had buſineſs in, but not the ſame ſtable that the countryman's horſes were in.

*Mr. Silveſter.* Did you take out the great coat ?—No, I did not meddle with it, it was rolled up.

You could not tell whether it was a looſe or a tight coat ?——No.

Has not that great coat been worn by every ſervant in the inn ?——Only by the priſoner; he wore it publicly of cold mornings and evenings.

I believe he laid an information againſt your maſter ?——Yes.

For running his chaiſe without a ticket? ——Yes.

What did your maſter ſay then ?——I cannot tell.

Did not he ſay, he would be d——d if he would not hang him ?——I never heard him ſay ſo, I never heard him ſay he would do any thing to him; he never knew any thing about it, till my fellow-ſervant told him; I never heard him ſay at any time what he would do to him.

### THOMAS CARTER *ſworn.*

I am hoſtler at the George Inn in Drury-lane, the priſoner was hoſtler.

Did you ever pawn any thing for him? —Yes, a great coat.

What ſort of one ?——A drab-coloured one.

Where did you pawn it ?—At Mr. Cowper's in Wych-ſtreet; he told me it was his own coat. *(The coat produced.)* I know the coat again; I pawned it in my own name.

Did you redeem it ?—No, Sir; it was not redeemed till it was taken to priſon.

*Mr. Silveſter.* What had you on the great coat ?——Three ſhillings.

How much did you keep for yourſelf ?—One ſhilling; I was diſtreſſed for a ſhilling, he ſent me for two ſhillings, and I got three.

What was the other two ſhillings ſpent in?——Nothing.

Why did you pawn the great coat?——By his deſire; he uſed to wear it, I do not think any body elſe ever wore it; he wore it of nights, when it was cold weather, and wore it publicly.

Did you know whoſe great coat it was?——No.

Do you remember any enquiries made about it?——When the farmer went away, he enquired about his great coat; I knew nothing about it, I never wore it.

Was not you threatened to be proſecuted?——Yes.

How many people were preſent when you had it of him to pawn?——Nobody, that I know of.

Was you committed?—No, they acquitted me of the affair as againſt me.

*Mr. Garrow.* Do you remember the farmer enquiring for a great coat?—Yes.

Did he enquire of the priſoner?——He was out of town at the time, he was gone down to Egham races.

Was the priſoner in town when the farmer went out of town?——Yes.

When you was taken, did you tell immediately who pawned it?—Yes, Sir.

WILLIAM JORDAN *ſworn.*

I was ſhopman to Mr. Cowper, a pawnbroker, in Wych-ſtreet; I remember Carter, I have received ſeveral things from him, and amongſt the reſt, I find I took a coat of him, one of my billing; I left it in pledge when I left Mr. Cowper; I lent him three ſhillings upon it on the 7th of December.

——— MOLD *ſworn.*

I am ſervant to Mr. Cowper, I have lived with him four years; I produce a great coat which was pledged at Mr. Cowper's, in the name of Thomas Carter, for three ſhillings, the 7th of December; I had it in my cuſtody ever ſince; the 7th of this month, I took it to the office, there was application made to us that the coat was ſtolen, and deſiring us to go to the office with it, I took it there.

*To Jordan.* Is that the coat you took from Carter?——Yes.

*To Carter.* Is that the coat you received from the priſoner?——Yes.

*To Moſeley.* Was it ſuch a coat as this you ſaw under the manger?—It was much ſuch a colour, I have forgot rightly the colour.

*Proſecutor.* This is my coat, any man might ſwear to this bit, and the buttons were great part of them off when I loſt it, here is a remarkable button in a remarkable place, it is different from the others, I obſerved that before I loſt it; I knew if that button was upon it, I could ſafely know it was my own coat, it was very near off when I loſt it; I am ſure it is my coat that I loſt.

*Mr. Silveſter.* That new coat of your's had loſt all it's buttons?—They ſoon broke off.

Thorne came down to you at Workſop, did not he?—Yes.

Then he deſcribed the coat?——He had no occaſion, he knew it was my coat; he ſaid, that if I would come up about it, I might have my property again.

He told you it wanted buttons?——He never told me any ſuch thing, I remembered the buttons.

Where have you lived ſince you have been in town?——In many places.

At the George in Drury-lane?—Sometimes.

Only meal times?——No.

Do not you breakfaſt with Mr. Thorne?——I have, I have not dined with him very often; I lay at the George Inn.

JAMES THORNE *ſworn.*

The priſoner was a ſervant of mine; I remember Smith the waggoner coming to my houſe the 27th of Auguſt, I remember his enquiring about a great coat, I know Smith aſked the priſoner in my preſence, and I likewiſe aſked him, and he ſaid he had not ſeen it.

You went down to Workſop about this buſineſs?——I did about three weeks ago, I cannot ſpeak exactly to the time.

What induced you to go down?—I will give you my reaſon for it; the yard I lived in has been repeatedly robbed, and other yards had been robbed; theſe two men, Carter and the priſoner, had quarrelled about a robbery before, and I thought it my duty to take them into cuſtody; I did not think about going, but the Juſtice ſaid the waggoner muſt be produced; I went down after the priſoner was committed.

Had the priſoner given ſome information againſt you for penalties?——There was a report ſo.

Did you encourage this proſecution out of ſpite and malice towards him?——Upon my oath, I have no kind of malice againſt him, neither do I know he is the man that did lay theſe informations; I ſhould rather have dropped the proſecution.

When you went down, did you give any particular deſcription of this coat to the man?——I never ſaw it.

*Mr. Silveſter.* Your love of public juſtice induced you to take a ride down there?——Nothing more than that, and wiſhing to be ſecure.

Your love of public juſtice induced you to lay down the money for this proſecution?—I am not at the expence of this proſecution.

Who has paid the counſel and attorney?—The money came out of my pocket; this man is a man that does not carry a great ſum of money about him, and he is a ſtranger to law. I would lend the man money.

You advanced the money, did not you?——I did, Sir; I advanced it upon the credit of Mr. Smith, I offered to pay his carriage to town, becauſe he was not willing to lay out the money, I advanced it upon this credit, and this only, it was from the Juſtice's telling him when the man was committed, he was very loth to be bound over to proſecute, and the Juſtice informed him, and his clerk likewiſe, that if he proſecuted, the Court would pay his expences.

The Juſtice could not tell you that, before you paid the carriage?—No, Sir.

Have not there been a few informations againſt you for running your chaiſes?——No.

What was it for, then?——For filling up a ticket for twelve miles inſtead of thirteen.

You have declared, upon your oath, that you would be revenged of this man?——Never before this proſecution.

Did you ever declare you would be revenged of him?——Never, that I know of.

Recollect yourſelf?——I do.

Have not you declared you would ſell your beſt chaiſe and horſes to be revenged of this man?——Never, that I know of.

Will you ſwear you never did?—I will ſwear I never did.

Do you know a woman of the name of Curl?——Yes, I do.

Did you never declare, in her preſence, that rather than not be revenged on that man, you would ſell your beſt chaiſe and horſes?——Never, that I know of; ſhe is beneath my notice.

Did you never declare you would be revenged of him?——Never before the proſecution.

Did you ever declare ſo at all?——I never made uſe of the expreſſion, nor a word to that purpoſe.

What could induce you to go to Workſop, if not out of revenge?—It was not; I did not know Smith the proſecutor till he came up that day.

Who has ſupported that man ſince he came to town?—He lived at our houſe all the time, except when he has been out any where.

Do you know a man of the name of Taylor?——Yes.

Do you know a man of the name of Wing?——Yes; he keeps a public houſe in our neighbourhood, and Taylor drives a poſtchaiſe.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 22d of FEBRUARY, 1786, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

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THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

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## *Continuation of the Trial of Robert Thompſon.*

ANN CURL *ſworn.*

I never heard Mr. Thorne ſay any thing about the priſoner.

THOMAS TAYLOR *ſworn.*

I am a poſt-boy; I know the George in Drury-lane, I do not know the great coat; I was left to take care of this man's buſineſs while he was gone, he was abſent three days the laſt Egham races, I do not know when they began; when he went out of the yard, he deſired me to take care of his things, and there was a great coat in the ſtables, and he deſired me to take care of it, for if Carter got hold of it, he would pawn it.

*Mr. Garrow.* How long had you known him before Egham races?—I lived fellow-ſervant with him.

*Mr. Silveſter.* What is his character?—A very good character as ever I heard.

*Mr. Garrow.* Did you know him when he lived at Dartford?—Yes; I came away before him, I do not know why he left it, upon my oath; I know no further about him.

How many days had you been at the George, before you went to Egham races?——Backwards and forwards a few days.

Have you ſeen that coat before?—Never; he deſired me to take care that Carter ſhould not take it to pawn it; it was under one of the mangers, I never looked to ſee what ſort of coat it was.

JOHN STEVENSON *ſworn.*

I am ſervant to Lord De Spencer, and have been near twenty years; I have known the priſoner fourteen or fifteen years, his general character has always been very good, he lived near four years in the ſervice, when he was diſcharged, he lived with one 'Squire James, he had a very good character from my Lord; his father has lived with the family upwards of forty years, and is now in the family; he has always born a good character, I never heard any thing in the world againſt him.

*The priſoner called three more witneſſes, who gave him a very good character.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

313. **JOHN PEAZY** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Granger, about the hour of three in the night on the 16th day of January laſt, and burglariouſly ſtealing therein five pounds thirteen ſhillings and ſixpence, in monies numbered, his property.

JOHN GRANGER *ſworn.*

I was robbed on the 16th of January laſt in the morning, being Monday.

*Court.* Deſcribe how it happened?——On Sunday night, I went to-bed at half after eleven; I live at the Peacock in the Minories; I was the laſt that went to-bed; my wife and boy went up together; I faſtened the front of the houſe myſelf, the windows were all ſhut, but the back part of the houſe has no faſtening; I locked my till, I faſtened the bar door, all the houſe went to bed before me; my wife came down at half paſt ſeven in the morning; there were three or four pounds worth of halfpence in the till; I ſaw the priſoner frying beefſteaks on the fire; the parlour window was not quite ſhut when I came down in the morning, the bar-door was wrenched, and I found the till had been unlocked, and money taken out; I went to Mr. Evans's at the Three Kings in the Minories, and the priſoner was there; I ſaid, John, you have been robbing me; and he ſaid immediately, I am very ſorry for it; he did not deny the charge; I ſaid, Jack, you have got my halfpence; he began to cry, and ſaid, Sir, I hope you will not hurt me; I ſaid, John, you muſt ſuffer the law now, and I ſent for a conſtable; there was a box which belonged to the priſoner, and we examined it, and there was my property in it, I ſaw a great quantity of halfpence, part in a handkerchief, and part in a blue apron, and I ſaw his linen with a mark on it, I. P. There were ſix or ſeven ſhirts in his box, I will not ſwear they were my linen; amongſt the halfpence, I found a button, a gingerbread nut, and a ſcrew, which I believe were in the drawer when I went to bed.

*Mr. Chetwood, Priſoner's Counſel.* This young man, I believe, was a ſervant to you?——Yes.

He lived with you twice?——Yes.

Who had you a character of him from? He lived with Mr. Button, who kept the houſe when I took it of him; he then was out of place, and went and lived with Mr. Parker, at the Angel and Crown in Whitechapel.

Do you know how he came to leave Mr. Parker?——No.

Upon your oath, do not you know?——No.

Do not you know he was ſeduced from that place?——No.

Did you never hear that?——No.

Then you will preſently; he left your houſe with credit that time?——He uſed to get drunk ſometimes.

I aſk you the queſtion, did you, knowing him to be a drunken lad, give him a good character?—I gave him a character of being obliging and civil.

Was he a ſervant at Ratcliff-croſs at Dr. Horſefall's, when this robbery, as you call it, was committed?——I do not know.

Was not he ſeduced from that place by any part of your family?—No, Sir.

Pray, before any talk or any pretence of the robbery or burglary, had you any quarrel with your wife?——No, never in my life.

Had you no jealouſy concerning this young man?——No, Sir.

Nor have had none ſince?—No.

I aſk you whether or no you have had jealouſy of him?——I never expreſſed any jealouſy, not to my knowledge.

You muſt know whether you have, or have not?—I have not.

You have had no jealouſy or ſuſpicion?—No, Sir; becauſe I never had any proof.

Pray, did you never viſit him in the Poultry Compter?—I went there once, by the deſire of Mrs. Davis; ſhe ſent for me.

Did you, or did you not, in the Poultry Compter, tell him, if he would confeſs whether he had ever been great with your wife, you would maintain him, and get him out of his troubles?—Never in my life, ſo help me, God!

That you ſwear poſitively?—Certainly.

Did you or not turn your wife away?—I ſay that, and inſiſt upon it.

You know Mrs. Davis?—Yes.

She was there, and her two daughters?—Yes.

And no ſuch converſation paſſed?—I never was jealous of my wife.

You think the parlour windows were down?—I am ſure they were ſhut.

Your ſervants might have lifted them up, for what you know; was there any appearance of force to the windows?—Not to my knowledge; he could not come into any other part of my houſe.

Will you ſwear that?—I have no other reaſon to think he got in any other way, my ſervants were all locked up that night.

Who ſent for the box?—I did not; I aſked the priſoner, I ſaid, John, how came you to rob me? ſays he, I do not know; ſays I, how did you get in? ſays he, at the parlour window; I had no reaſon to quarrel with him about it; the halfpence were taken out of the box by the conſtable.

Do not you know how he came by them?—Upon my oath I do not.

Might they not have been given him?—A great many things happen that we do not know of.

Did not your wife leave you that day?—Yes.

For what?—I do not know.

Was it not for quarrelling with the black?—I did not quarrel with him, we had no words at all.

What did your wife leave you for?—For fear I ſhould ill treat her; I cannot tell her reaſons for it.

Upon your oath, cannot you aſſign any reaſon for it, why ſhe ſhould be afraid of your ill uſing her?—No, I cannot.

Cannot you gueſs?—I cannot.

You have treated her roughly before?—Yes; it is too hard a queſtion for me to anſwer.

You muſt give the Court an anſwer; what was the reaſon why your wife ſhould think you would ill treat her that morning?—Becauſe I had ill treated her before; I cannot anſwer that queſtion, I cannot do it.

Did you ever ill treat your wife, on account of this boy?—Never on his occaſion, in my life.

You ſwear that?—I have ſworn it before.

You dropped a word of his being let in the over-night?—I know nothing of it; I have received information from my wife that he was let in; I heard of his coming in over-night, I heard from my wife that he had been aſking her to give him lodging; he had no place nor money, and ſhe gave him permiſſion to ſleep there.

Did not your wife tell you, that he was diſtreſſed for a lodging?—Not in the dwelling-houſe.

She had given him leave to come upon the premiſes?—Yes.

Upon your oath, did not your wife tell you that ſhe had ordered him to be let into the houſe, becauſe of his diſtreſs?—She told me that ſhe had given him leave to ſleep in an out-houſe, ſhe mentioned that at my Lord Mayor's the morning ſhe was examined.

Was it denied by your wife; was there not mentioned that the halfpence were made a preſent, becauſe he was out of bread?—No, Sir, my wife never gave him a farthing.

*Court.* Did the maid ſay that this man was let in, by order of her miſtreſs, into the houſe, or into the out-houſe?—Into the out-houſe.

*Mr. Chetwood.* Did not it come out before the Lord Mayor, that your wife had ſent him money very frequently while he was at Mr. Parker's?—No, Sir.

Was it not in evidence, that ſhe had ſeduced him from that place?—No, Sir.

Did you, or did not you not, promiſe the young man to pay his expences, and get him ſafe out, if he would inform you how often he had familiarities with your wife?—No, Sir, ſo help me God!

There were a good many people there? ——No doubt of it.

Did not you ſay no harm ſhould happen? —No, Sir, I never mentioned it.

*Jury.* You talk of a back houſe?—— Our houſe is a narrow houſe in front, and we have a way to come in through a neighbour's houſe; it was a place where he had an indulgence to ſleep.

Is it cuſtomary for your wife to go into the bar when ſhe comes down ſtairs?—— Yes.

You ſay the bar-door appeared to be wrenched open?——Yes.

Did not ſhe give you notice of it?—— She ſaid ſo when I came down.

*Court.* I underſtood by you, that it appeared to be wrenched open?——The bottom part of the door has a ſingle lock, and the top part was forced from the bottom; there is a wrench in the bar-door now.

REBECCA GRANGER *ſworn.*

I am wife to the laſt witneſs; I ordered the priſoner to be let in to ſleep in one of the out houſes, on the night the robbery was committed.

Did your huſband know that at the time? ——No.

Did you ſee the condition of this houſe before you went to-bed on the Sunday night?—No, I cannot ſay I did; my huſband ordered us to go to-bed, and he would ſee that every thing was faſt; we all went before him.

Did you come down firſt in the morning? ——When I came down, the ſervants had been into the bar, and had ſerved; it was open when I came down.

Did you ſee them at the bar when you came down to the bar?—No, Sir; I knew they had been ſerving, by the money they gave me; I did not think there had been any robbery committed, as I had no occaſion to go to the till; the bar-window which looks into the paſſage was bolted; I did not take notice whether all the windows were ſhut, I did not go into the parlour; the maid had cleaned the parlour before I went in; I did not ſee the till wrenched at all.

Did no perſon in the bar ſhew you the bar, and tell you it was wrenched?—No.

Did your huſband tell you that the money had been taken out of the till?—No, not till he was ſent for out; then he ſaid he had been robbed.

When had you laſt any communication with the till?—An hour before I went to-bed; my huſband had the key of me to lock the door; I went to the till for what I wanted, but I cannot tell what money was in it, there were halfpence in it.

How much do you think there were?— Two or three pounds worth there might be, I cannot ſay.

Were they looſe, or in papers?—Looſe.

Had any body that day the key, but you or your huſband?—No.

Was there any thing beſides money in the till?—No, without it was bits of ginger or chalk.

Was there no ſcrew there?——I cannot recollect.

Did you never ſee a ſcrew there?—There were ſcrews and nails there; there was ginger and chalk.

Did you ſee a button, or button ſtone there?——No, I cannot ſay I did.

*Mr. Chetwood.* When you came down in the morning, you found your ſervants had been ſerving in the bar?—Yes.

That was no more than uſual?——No.

Who had the key in the morning?—— They came into the room for the key; they had it from my huſband.

Do you ſwear that?—Before he was up.

As for the window of the bar, that you found bolted?——Yes.

And as for the opening of the door, can you account for that?—I did not ſay the key of the bar, but the key of the croſs door my huſband gave to the ſervants.

How did they open the bar-door?—By taking down the ſhutter.

Then it opens of courſe?——Yes.

There was no breaking or wrenching ſhewn to you?——No.

THOMAS SHAW *ſworn.*

I am ſervant to Mr. Granger, on Sunday

day night we all went to bed at the ſame time, I faſtened the houſe, and it was all ſafe, I was down firſt and the maid came not a minute after, I went to my maſter for the key of the bar door, becauſe we wanted ſome gin; and it was not faſtened, we could not find the key of the bottom door, I did not examine the till; I went into the bar to ſerve a glaſs of gin, the bar was upon the jar, it did not appear to me to be wrenched at all, I did not take particular notice of it.

Were there any halfpence in the bar?—I did not ſee a farthing but what I took.

Did you examine the till at all?——No, Sir.

Did you examine the bar at any time?—No.

Did you ſee how the window was?——No, I did not mind it, coming through the paſſage, I ſaw the priſoner behind the paſſage door, and he aſked me for a glaſs of gin.

Had the door been open then?——The door had been open, and I had been up I ſuppoſe three quarters of an hour.

Which way did he come from?——He came in at the back door, that was open, and he was behind it; my miſtreſs came down about a quarter of an hour after I ſerved him with a glaſs of gin, I took a penny of him for it, and he went away, and my miſtreſs aſked me who it was for, and I told her for Jack.

*Mr. Chetwood.* It was half an hour after you came down, before your miſtreſs came down?—Yes.

And ſometime after your miſtreſs came down, your maſter came down?——Yes, my maſter came down about half after eight.

*Court.* Was it light enough to ſee a man's face, when you came down ſtairs?—No, Sir, it was not.

Was it light enough when your maſter came down to ſee a man's face?——Yes.

Did you ſerve him by candle-light?—No, Sir, it was by day light.

### WILLIAM BOX *ſworn.*

I am a conſtable, Mr. Granger came to me about eleven, and told me he had been robbed, he ſaid, he had loſt ſome brown paper off the ſhelf, and he believed he had got the thief; I went to the Three Kings, in the Minories, and there was the priſoner; I ſearched his coat pockets, and found a few halfpence, his waiſtcoat pockets, and breeches pockets were full of halfpence, his box was on the tap-room table, he ſaid, it was his box, and I opened his box, and found a quantity of halfpence in a blue apron; ſome in papers and ſome looſe, and I found this ſcrew, and button, and ſtone, and a bit of ginger; I aſked him how he came by them, he owned he had taken them from his maſter that morning, he told me, that at five in the morning he got in at the window, the people were talking to him.

Did any of theſe people ſay any thing to him?——I did hear the people ſay it would be better for him, and they ſaid he had better ſay how it happened.

Recollect whether ſome of theſe people did not tell him, it would be better for him if he did confeſs the whole truth?——Upon my word I cannot be ſure, but I think they did.

*The halfpence ſhewn to the proſecutor: and the button and button ſtone, and other things depoſed to.*

*Court to Proſecutor.* Did you hear any perſon offer favour to him?——No, I did not.

*Mr. Chetwood to Conſtable.* What time did he come to you?—About eleven, Mr. Granger was preſent all the time, I was preſent with the priſoner, he did not attempt to make his eſcape, he did not appear drunk.

### GEORGE EVANS *ſworn.*

I am a cooper, the priſoner came into the Three Kings, in the Minories, and aſked for lodgings, this was on Friday evening, before he was charged with this affair, on Saturday he ſtaid there all day, on Sunday night he went out and came home on Monday morning when it was light, about half after ſeven, he called for a pint of beer, he gave me all bad halfpence to pay for it, I am not ſure that they were bad, he laid down on the bench, and aſked for the maid, he ſaid, he was up at three in the morning and wanted me to ſend my boy for the girl, accordingly the girl came, and ſaid to him, all I know is, you are as drunk as an owl, I ſee; I went out of the tap-room, and left him ſome time, and ſhe went out, he lay ſometime, he then took out a ſilk handkerchief from his box, with a parcel of halfpence and farthings, and he was over-hauling them, and I was looking at him; there was a gingerbread nut, and a good many trifling things, I ſaw part of a button or a whole button, I could not ſwear to it, he ſaid, he had them of his maſter for wages, then I ſent to Mr. Granger who came in the morning.

ANN BOYCE *ſworn.*

I was ſervant to Mr. Granger ſix weeks, I came after the priſoner went away, he was a ſervant to an apothecary's ſhop in Ratcliff-highway.

How came you to know that?——My miſtreſs ſent me on Sunday afternoon, to tell him, ſhe would be glad if he would come and take a walk with her that afternoon; he came after my maſter went out, and ſhe left word for him to knock at her mother's door, I gave that direction to him, but whether he went or no, I do not know, he came to our houſe on Sunday evening, and I was ſent four Sunday evenings running on the like meſſage, and he came every Sunday evening; my miſtreſs was up, and he came and knocked at the door, I told my miſtreſs, black John was at the door, and ſhe deſired me to go out, and open the back door and let him in; I let him in, and faſtened the door after him, he then went through our back kitchen and there ſtaid, and I went and told my miſtreſs that he was there, and ſhe went and ſtaid about half an hour, and came back again; I do not recollect any trunk being carried out; my maſter came home in about a quarter of an hour after, and at twelve o'clock we all went up ſtairs together, I do not know whether any body came down that night after we went up ſtairs to bed; my miſtreſs went into the bar firſt that morning.

Did ſhe ſerve the liquors?——Yes.

Was there any notice of the bar being in any unuſual ſtate that morning more than any other?——None at all.

Did you hear of any ſuch thing then?——No.

Was there any mark or break of any kind complained of?—No.

Did you ſee black John there that morning?—Yes, my miſtreſs gave him a glaſs that morning of the queen's cordial, my miſtreſs gave it him, and ſhe has given him many; I went to him to the Three Kings, he was very much in liquor.

Had you any meſſage from him?——He ſaid he wanted to ſee my miſtreſs, I aſked him what he wanted, he ſaid, my miſtreſs knew what he wanted, I told my miſtreſs, and ſhe ſaid ſhe would give any money if he would go any where elſe, for ſhe could not go to him; my maſter and miſtreſs had ſome words that day, and ſhe left him, and did not come home till that day week, the words were concerning this lad.

I believe there was ſome jealouſy between them?——I do not know whether it was jealouſy or the money being miſſing.

Do you know that he was jealous of this man?—I do not think my maſter was.

What were the words about?—About the money, that was the reaſon.

You ſwear the words were about this lad?—I believe it was concerning the money.

Was it about the lad, or the money, or both?——I believe it was about the money being miſſing.

Did you hear the black's name mentioned that morning while they were diſputing?—No, Sir, but about the money, I cannot tell the particular converſation, ſhe left my maſter juſt at Guildhall, directly as the lad was put into the Compter, and did not return for a week.

*Court.* This back kitchen is a part of the houſe?—Yes.

Do you know whether he had leave to ſleep in the houſe that night?——Yes, my miſtreſs gave him leave to ſleep in the houſe that night.

Did you hear your miſtreſs give him leave to ſleep in the houſe that night?——Yes, he had ſlept there ſeveral nights before.

Was it in the houſe or the out-houſe?—In the out-houſe.

The out-houſe has no connection with the houſe?——This out-houſe as we call it, is the back kitchen.

Do you mean to ſay, you call this out-houſe the back kitchen?——Yes.

Is it uſed as a back kitchen?——Yes.

Has it any connection with the houſe at all?——No.

Is it under the ſame roof?——I do not know.

Is there any roof that goes from the houſe to connect this with the building?—No.

Is it under the ſame roof?—No.

Is it all covered from the houſe to this, is there any wall or communication that joins the houſe to the out-houſe?——I do not know.

Pray does not the window of the back parlour look towards this houſe?—Yes.

Did your maſter ſit up that night?—No, we all went up ſtairs together.

And the back doors to the houſe were faſtened, and this man was not then in the houſe?—No, Sir, he was not in the houſe, he was in the back place.

*Mr. Chetwood.* You did not ſee him in the back place when you left him?—No.

Then might not he come into the houſe from this back houſe without your ſeeing him?——Yes.

MARY DAVIS *ſworn.*

*Mr. Chetwood.* Was you at either of the Compters when Mr. Granger was there when this lad was in cuſtody?—Yes, the boy came in, and he was a priſoner; and his maſter came in, and I ſaid, walk into our parlour; I was arreſted that night, and his maſter ſaid to the boy, you have robbed me, he ſaid, I did not rob you maſter, I have no more than my miſtreſs gave me; ſo his maſter ſaid, if you will confeſs what concern you have had with my wife, I will forgive you; that is all I know and heard; then I went down and left them there, and the maſter ſaid to the boy, how many times have you laid with my wife; then after this, he ſaid, ſend for my miſtreſs to give me ſome money; ſo he ſays, cannot you bail me, and ſo his maſter ſaid no, but I am very ſorry for what I have done.

*The priſoner called three witneſſes who gave him a good character.*

NOT GUILTY.

*Tried by the London Jury before Mr.* ROSE.*

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314. RICHARD CARTER was indicted for feloniouſly ſtealing, on the 30th day of January laſt, two ounces of muſk, value 10s. ſix ounces of quick ſilver, value 2s. two ounces of oil of almonds, value 2s. two ounces of rhubarb, value 1s. half an ounce of peppermint, value 6d. half a pound of pontefract cakes, value 1s. half a pound of nutmegs, value 5s. and divers other things, the property of Richard Williamſon.

The things were found in the priſoner's box; his box was locked, and he would not produce the key.

*The priſoner called ſeven witneſſes who gave him a good character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* PERRYN.

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* James Read ſerved the laſt day inſtead of John White.

**315. SAMUEL HALL** was indicted for feloniouſly ſtealing, on the 27th day of January laſt, one ſhew-glaſs, value 5s. ſixteen pair of baſe metal buckles, value 10s. fifteen cork ſcrews, value 7s. and divers other things, the property of John Bateman.

**JOHN BATEMAN** *ſworn.*

I loſt the glaſs, and was informed the priſoner had taken it.

**RICHARD SIMMS** *ſworn.*

I ſaw the priſoner take the glaſs from the proſecutor's door, I made way for him to come by; I told the proſecutor, I loſt ſight of the priſoner that while, we purſued him, I ſaw the priſoner again, and he had not the glaſs.

*Priſoner.* I never ſaw the glaſs.

*The priſoner called three witneſſes, who gave him a good character.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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**316. JOHN COLE** was indicted for committing an unnatural crime with Richard Harris againſt the ſtatute.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

*N. B. He was detained for an attempt to commit the above crime.*

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**GEORGE BAILLIE** was ſet to the Bar, whoſe Caſe was reſerved for the Opinion of the Twelve Judges, which Opinion was delivered by Mr. Juſtice Gould, as follows:

This priſoner was indicted at the Seſſions at this place, the 14th of September, 1785: the indictment ſet forth that at the quarter Seſſions, holden January the 31ſt, in the 23d of his preſent Majeſty; the priſoner who had been committed by a Juſtice of Peace, had been charged upon oath with being a rogue and vagabond, being found in an incloſed yard belonging to Mr. William Swan's dwelling-houſe, and the Seſſions having upon examination adjudged him to be a rogue and vagabond, ordered him to be detained in the Houſe of Correction for the ſpace of ſix months: then the indictment ſtated that at the Seſſions of the Peace, holden by adjournment, on the 12th of December in the ſame year, the ſame priſoner was brought before that Court, committed by a warrant of two Juſtices as an incorrigible rogue, having eſcaped from the Houſe of Correction before the expiration of ſix months, for which he had been committed; and theſe two Juſtices on his examination adjuged him to be an incorrigible rogue, and to be detained in the ſame Houſe of Correction for two years; then the indictment further charges, that the priſoner, on the 14th of May did offend again in like manner, as a rogue and vagabond; having upon him a certain implement called an iron crow, with an intent feloniouſly to break and enter a coach-houſe and ſtable; and alſo having upon him a certain offenſive weapon called a piſtol, with intent feloniouſly to aſſault ſome perſons. Upon theſe charges in the indictment at the Old Bailey Seſſions, in September, 1785, he was tried and found guilty, but two objections were taken by his Counſel, firſt that the offence deſcribed being created by the ſtatute of the twenty-third of his preſent Majeſty, cannot ſupport an indictment under the act of Parliament, made in the 17th of King George the Second: the next objection was, that the words *in like manner*, in the act of the 17th of King George the Second, referred to offences committed as an incorrigible rogue, whereas this priſoner offending on this indictment is ſtated to be offending in like manner as a *rogue and vagabond* not ſaying as *an incorrigible rogue.* Theſe two objections were by the Recorder laid before the Judges for their conſideration, and as to the firſt objection, which is, that the offence deſcribed being created by the 23d of his preſent Majeſty, cannot ſupport an indictment under the 27th of George the Second; all the Judges are of opinion that there is no ground for this objection: the ſtatute of the 23d of the preſent King, enacts that a perſon under the circumſtances therein deſcribed (among which the caſe of the priſoner as ſtated in the indictment expreſly falls) ſhall be deemed a rogue and vagabond within the intent and meaning of the ſtatute made in the 17th year of King George the Second; the Judges think this proviſion has the ſame operation, as if the deſcriptions in this act of the 23d of his preſent Majeſty, had been originally inſerted in the firſt ſtatute in addition to what is therein ſpecified to conſtitute the offence: The title of the act, though not regarded as a part of an act of Parliament, yet may ſerve in ſome degree, to point out the intent of the legiſlature, and in the preſent caſe, the title is "An Act to extend the "proviſions (or an act deſcribing the 17th "of King George the Second) to contain "caſes not therein mentioned." Upon this objection therefore, all the Judges concur in opinion, that the ſtatute of the 23d of George the Third, is to be conſidered as incorporated into, and making a part of the 17th of his late Majeſty: as to the ſecond objection, which is that the words *in like manner* of the 17th of George the Second, refer to offences committed *as an incorrigible rogue*, whereas the indictment ſtates the priſoner to have *offended in like manner, as a rogue and vagabond*, and it therefore does not follow in the words or intention of the act of parliament; the Judges are unanimous in opinion, upon weighing the ſeveral proviſions in the act of the 17th of George the Second, applicable to the caſe of the priſoner, that this indictment is ſufficient.—The act of the 17th of George the Second divides the offences into three claſſes; firſt, idle and diſorderly perſons, theſe are to be puniſhed by one or two Juſtices with one, or more, months impriſonment; the ſecond are rogues and vagabonds, puniſhable by one or more Juſtices, by whipping, or to be committed to the next general or quarter ſeſſions; the next are incorrigible rogues, who it ſeems are to be committed till the ſeſſions, and not puniſhable before. At the firſt commitment of the priſoner, the quarter ſeſſions adjudged him to be a rogue and vagabond, which is one of the offences mentioned in the act of the 17th of King George the Second, and detained him in the Houſe of Correction for ſix months; after this, he is brought before the Seſſions again, having eſcaped before the end of the ſix months, and on his examination, is adjudged by the Seſſions to be an incorrigible rogue, and ordered to be detained in the Houſe of Correction for two years; then it appears by the indictment, that before the expiration of the two years, he was guilty of another offence ſpecified in the act of the 23d of his preſent Majeſty; for by that act, it is declared, ſuch perſon ſhould be deemed a rogue and vagabond, within the intent and meaning of the 17th of George the Second; the proviſion of that act, in the 8th ſection, is, that if an incorrigible rogue, ſo ordered by the Seſſions to be detained, ſhall, before the expiration of the time, break, or make his eſcape, from the Houſe of Correction, or ſhall offend again in like manner, he ſhall be deemed guilty of felony. The context, which adopts the words *in like manner*, refers to breaking, or eſcaping, from the Houſe of Correction; therefore, recourſe muſt be had to another part of the ſtatute for the meaning of thoſe words: now, the third ſection provides, that all rogues and vagabonds, who ſhall ſo break or eſcape, and all who, after having been puniſhed as rogues and vagabonds, and diſcharged, ſhall again commit any of the ſaid offences, ſhall be deemed incorrigible rogues; to which proviſion in ſection the 3d, the words *in like manner* in the 8th ſection, muſt, in my opinion, neceſſarily refer; then the ſituation of the priſoner is, that having been adjudged an incorrigible rogue, and having been committed for two years, he eſcapes, and is at large before the expiration of the time, and commits a new act of vagrancy, he thereby becomes an incorrigible rogue the ſecond time, and ſo incurs the guilt of felony: theſe facts being diſcloſed in the indictment, and no technical terms or words of art being neceſſary for the deſcription of the offence, the law muſt draw the inference from the words, and that is, that by what the priſoner has ſo done, he becomes an incorrigible rogue a ſecond time, and conſequently has offended *in like manner*, and has ſo been guilty of the felony; he is therefore in ſuch a caſe as the act declares his perſon ſhall be deemed and taken to be guilty of felony. It is the opinion, therefore, of all the Judges, that this priſoner is liable to the ſentence impoſed by the act of parliament for ſuch a felon.

*Mr. Recorder.* Priſoner, the Judges having unanimouſly declared their opinion that your conviction was legal, the ſentence of of the law upon you is, that you be tranſported beyond the ſeas for the term of ſeven years, to commence from the time of your conviction, to ſuch place, or places, as his Majeſty, by the advice of his Privy Council, ſhall think proper to declare and appoint.

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# MISDEMEANOR.

317. BENJAMIN WOODMAN was indicted for attempting to obtain, by means of a falſe, forged, and fictitious letter, a firkin of butter, value 30s. the property of William Che.ke.

GUILTY.

*To be privately whipped and impriſoned one month.*

*Tried by the London Jury before* Mr. ROSE.

318. DOROTHY HANDLAND was indicted for wilful and corrupt perjury in her evidence on the trial of William Till, at the Old Bailey, in the month of December laſt.

*The Caſe was opened by Mr. Knowlys.*

THOMAS SHELTON, Eſq. Clerk of the Arraigns, *ſworn.*

*(Produced the Record, which was read.)*

RICHARD FINCH *ſworn.*

I had this from Mr. Shelton, Clerk of

the Arraigns; this is a certificate of the acquittal of William Till.

**THOMAS RUSSEL** *ſworn.*

You attended here upon the trial of Till in December ſeſſion?—Yes.

Look at the priſoner, did you ſee her ſworn here on that indictment?——Yes, I was ſtanding here; ſhe was ſworn, to the beſt of my knowledge.

Did you ſee her take the book?——I believe ſhe took the book, to the beſt of my knowledge.

You ſaw her?——I think ſo.

The queſtion to you is, whether you ſaw the woman take the book, and ſwear; can you ſay it, without any doubt?——I did not take any notice.

——— **JONAS** *ſworn.*

I ſaw the priſoner, I ſaw her ſworn, I heard the oath adminiſtered to her, and ſhe was ſworn.

*(The Short-hand Writer then read his Notes on the Trial of William Till.)*

**WILLIAM TILL** *ſworn.*

Do you remember being charged with robbing the priſoner?—Yes.

What day did ſhe charge you with robbing her?——On Saturday the 5th of November.

I mean, on what day did ſhe ſay you robbed her, when ſhe gave her evidence in this Court?——I do not know the day of the month.

Do you remember the day when this woman firſt came, and ſaid in your hearing that ſhe had been robbed?——She came in about nine o'clock in the evening; ſhe ſaid ſhe had been robbed between the hours of two and four.

Are you ſure ſhe fixed that time?—Yes, I am.

Do you know where you were that day, between the hours of two and four, will you tell us upon your oath?——I was in at Mrs. Wolf's, when ſhe came in to complain of this robbery; I had been there from ſeven till nine, I did not go out till eleven, when I went home to-bed.

Then from that were you in Robinhood-yard at any time between nine and eleven that evening?——No, I went home to-bed at eleven. I did not go out of Wolf's houſe from ſeven till eleven that evening; I live in Robinhood-yard with Mr. Ruſſel, coach-maſter.

Do you live over the ſtables belonging to Robert Beach?——No.

Then in fact, any time between ſeven and eleven, were you in Robinhood-yard with any bundle of woman's clothes?—No, Sir, I never was out of Mr. Wolf's houſe.

I need not aſk you, if the priſoner called to you between that time in the yard?——No, Sir, ſhe never ſaw me till ſhe came to Mr. Wolf's.

*Court.* Did the priſoner know you before?—Yes; ſhe was a lodger of my maſter's.

Then, ſhe knew your perſon before?—Yes.

Was ſhe a lodger at this time that ſhe charged you with this offence?—Yes.

Previous to this offence, had you had any quarrel with her?—No, Sir.

Never have had a word with her?—Not a word.

*Mr. Keys, Priſoner's Counſel.* How long have you been employed in that yard?——Upwards of five years.

Has Dorothy Handland lodged in that yard all the time?—No, Sir, ſhe has not been a lodger to my maſter ſo long as that; ſhe left my maſter's apartment about a year ago, and then ſhe came back again.

How long have you been acquainted with her?—Ever ſince I have been in the yard, and longer.

That is five years and a half?——Yes.

What buſineſs is ſhe?——An old clothes woman.

When ſhe goes out about her buſineſs, her room is left locked up?——Certainly; there have been ſeveral people after her, and ſhe has told me to take their names, and to deliver meſſages, and ſhe ſhould be at home at ſuch a time; but I never ſhewed any goods for her in my life; when I have been in the yard doing my horſes, ſhe has come down in the yard, and ſaid ſhe ſhould be at home ſoon.

You knew her little ſtock was there?—I cannot tell.

Is this alehouſe, the Robinhood, cloſe to the yard?—It joins the yard.

What diſtance is it between the Robinhood and that ſtable-door, where ſhe ſwore ſhe ſaw you paſs?——I ſuppoſe, a hundred yards.

When you was in this public houſe, what time did you go there?——At ſeven in the evening.

What time did you go there at dinner-time?—Before two.

What time did you leave the houſe?——About five, my maſter came home.

What is your maſter's name?—Beach.

Then you went into the yard?—Yes; I was there about half after ſix.

You ſwear, theſe four hours, from ſeven till eleven, you was not out of the public houſe?—I was not.

What part of the houſe did you ſit in?—I went to the chimney, to the box next to the jack-weight, where I always lay down.

How long did you ſtay there?—Why, I ſuppoſe till about eight in that box.

Was you alone in that box?—No, Sir.

Who was with you?——Three or four people; there were two Mr. Goffs, and two Quakers, one of their names is Meredith.

What is the other's name?——Charles Tippy, and one of Mr. Giles's men, his name is Thomas; and there was one Mr. Trott, a watchmaker.

How was you employed at this time from ſeven till eight?—In drinking two pints of beer; I had one pint of beer alone.

Who did you drink with afterwards?—With Mr. Trott and the other.

How much had you with them?—One pint of beer.

How much had you in all?—I was two pints, and they was a pint a-piece.

Had you any liquor beſides beer?—No.

And all that time you ſat in that box?—At eight o'clock, I went next to the fire, and ſtaid there till eleven; Trott and I went away together; two of them that lodge in the houſe went to-bed at ten, Tipping and Trott were there the whole time.

*Mr. Knowlys.* Have you any doubt that you was there from ſeven till a conſiderable time paſt ten?—I have no doubt of it.

Have you many more men in the yard?——Yes.

Is there any man like you in the ſame yard?—There is one about my bulk, he is a gentleman's coachman.

Does he wear his hair round as you do, without powder?——Yes.

*Mr. Keys.* Pray, does this public houſe admit diſorderly people, all ſorts of company?—I never ſaw any in my life.

*Court.* Were there any lamps in the yard?—There was not, nor has been theſe two years.

Is there any lamp near the loft-door?—No, nor any under the gate-way.

Do you recollect, on that evening, whether there was any moon?——I brought the watchman's lanthorn to light my candle; there was no moon, it was very dark, I am poſitive of it.

Do you think there was light enough that evening at half after eight, to diſcover the perſon of any body?—No, Sir.

Do you think you could have diſcovered any body you had known?—No, Sir.

### MARY WOLF *ſworn.*

What houſe do you keep?—The Robinhood and Black Boy in Leather-lane.

Do you know the priſoner?——I know her living in a yard adjoining my houſe.

Do you remember the evening ſhe came to you, and complained to you of the robbery?——Yes; it was on Wedneſday.

Was William Till in the houſe at that time?——Yes.

Was he near to Mrs. Handland?——He

was ſitting in a box, and ſhe was ſtanding in the tap-room.

Did ſhe ſay any thing to him ?—Nothing at all ; ſhe ſaid ſhe had been robbed.

Do you know, whether at that time ſhe ſaw Till ?——I imagine ſhe ſaw him, ſhe could not be off ſeeing him, the tap-room is not very large.

Did ſhe at that time ſay thing of Till having robbed her ?——Not at all.

*Court.* You ſay it was between eight and nine ?——Yes.

Can you tell with any certain accuracy whether it was eight or nine ?——It was nearer nine than eight.

When did ſhe next come to your houſe ? —I believe it was the next day ſhe came, and had ſomething to drink at the bar.

When ſhe was there the ſecond time, was Till there ?——I do not recollect he was.

On the Wedneſday, do you know where Till was, any time between eight and nine, or how long he was in your houſe that evening ?——He came near two o'clock to dine off roaſt pork, with his fellow-ſervant, and he went to ſleep after dinner, in a box that we have under the jack-weight, and then his maſter came home with the coach, which was pretty near five, and he went to do his buſineſs, and he came into the houſe again between ſix and ſeven, and he ſtaid there till eleven.

Are you ſure of that fact ?——I am ſure of that fact ; I believe I ſwore it before in Court on Till's trial.

Who were there beſides ?——There were ſeveral people in the houſe ; there was one Mr. Trott and one Mr. Meredith, and Mr. Tipping ; my niece was there, ſhe lives in the houſe with me.

I believe when you was here before, you ſaid Till was a very good lad ?—Yes.

*Mr. Keys.* This Robinhood-yard is a public common yard, any body may go in ? —Yes.

And ſometimes men and women go down there, that have no buſineſs there ?—Very poſſibly, it is not locked up.

### MARY GIBSON *ſworn.*

Do you know the priſoner ?——I do.

Do you remember the firſt time ſhe came to your houſe, and complained of being robbed ?——I do ; that was Wedneſday evening, I think it was the 2d of November.

What time in the evening was it ?—— About nine.

At that time where was William Till ? —Sitting in the tap-room.

Do you think Mrs. Handland muſt have ſeen him when ſhe came in ?—I think ſhe did, ſhe looked at him.

Did ſhe at that time ſay who had robbed her ?—No, ſhe did not ; ſhe ſaid ſhe had been robbed ; I ſaw him in the houſe about eight, I went to-bed pretty near eleven, I left him in the houſe then.

Do you know whether he was out of your houſe during that time at all ?——I do not recollect he was.

Did you ſee Mrs. Handland at all at your houſe afterwards ?——On the Thurſday or Friday morning ſhe came in.

Did ſhe complain of being robbed ?—— Yes ; Till was in the box facing her, and Mrs. Wolf was preſent.

Did ſhe mark Till out then as the man that robbed her ?——She did not.

Were there any others preſent with Till at this time ?——No, Sir, nobody in the houſe, as I know of.

Who was in the houſe the firſt evening with Till ?—There was Tate, Meredith, and Trott.

*Mr. Keys.* What time did you firſt come into this houſe ?—About eight.

How long did you ſtay in the tap-room ? —All the evening, till I went to-bed, that was almoſt eleven.

Was you in the tap-room all that time? —Sometimes in the tap-room, and ſometimes in the parlour.

Then he might go out into the yard ?— I do not know that he did ; he was aſleep part of the time.

*Mr. Knowlys.* If he had been out for any conſiderable time, ſhould you have miſſed him ?——I ſhould.

*Court.* When you was in the parlour, could you ſee what paſſed in the tap-room?——Yes, without I was by the fire-ſide; I do not think I was in the parlour two minutes the whole time; I had cuſtomers to mind in the bar, and ſometimes in the tap-room; I am niece to Mrs. Wolf, and ſo I aſſiſt her.

*Mr. Keys.* Mrs. Wolf, how was you employed from the time that Till came in, till the time he went away at eleven?——Sometimes in the bar, and ſometimes in the tap-room.

Was you in the parlour any part of that time?——No, I do not recollect I was; the tap-room was full of people, and nobody was in the bar.

Sometimes you was employed about the ſcores?—I had my eye all the time upon Till, I am very ſure he did not go out all that time.

Then you had your eye on him all the time?—Yes, he was ſitting in a box adjoining the fire ſide.

*Court.* Can you with certainty during the whole of that evening, and the buſineſs, and attention you paid to your buſineſs, ſay that this man did not go out?—I am ſure he was not out from the time he came in, 'till he went out to go to bed.

## JOSEPH RICHARDSON *ſworn.*

Do you know the priſoner?—Yes, between one and two he came into the tap-room, and he ſtaid 'till about half after four or five, and he never was out of the houſe, he fell aſleep part of the time; I was at his trial, and gave the ſame evidence, I was not in company with him in the evening.

Did you hear what Mrs. Handland ſaid of her being robbed?—Yes, ſhe told me of her being robbed, this was the night before ſhe took him up, that was on the Friday night, I aſked her who robbed her, ſhe ſaid William Till, I ſaid I do not think he would rob you, he was in company with me; he went to the Juſtices on Saturday, and came again on Tueſday, and on Wedneſday he was fully committed.

Is Handcock here?—No.

## WALTER RAWLEIGH TROTT *ſworn.*

I know William Till, I was preſent when Mrs. Handland complained of being robbed, William Till was aſleep under the jack, that was on Wedneſday night at nine o'clock that ſhe came in.

Do you know how long on that Wedneſday night Till had been there?——I came in about a quarter paſt eight, and ſtaid till eleven or a little after, when he and I came out together, he drank no beer with me till Mrs. Handland came in, and ſpoke to him.

Was that the evening that Mrs. Handland complained of being robbed?——She ſaid ſhe was robbed by a friend and not by an enemy, ſhe mentioned no names.

Was Till near her at that time?—He was, ſhe looked towards him.

Did he go out for any purpoſe?——No Sir, from eight till nine he was aſleep, then Mrs. Handland came in and ſpoke for her boy; and ſhe ſpoke of the robbery.

*Court.* Might he go to the ſtable yards without your knowing it?—No Sir, it could not be done, he could not go ſo far as the ſtable door.

Do you mean to ſay, when ſhe ſaid ſhe was robbed by a friend and not by an enemy, ſhe then looked towards Till?—Yes, I ſuppoſe ſhe muſt, ſhe looked towards Till undoubtedly at times.

Now did not you underſtand and conceive at the time that ſhe alluded to Till?——I ſuppoſe ſhe thought it might be Till.

Did you underſtand ſhe meant to charge Till?—I did.

*Mr. Knowlys.* Did any body elſe at the time expreſs ſuch opinion?——No, there were two others ſitting with him at the time, and I endeavoured as well as I could to prevent their ſpeaking to her, for fear ſhe ſhould get warrants.

I believe the priſoner is an old clothes-woman?—She is.

*Court.* You ſay ſhe came in between eight and nine?—It was full nine, if not paſt.

Was Till aſleep at the time ſhe ſaid this?—He was aſleep when ſhe firſt came in.

Was he aſleep when ſhe ſaid this?—He appeared to me to be aſleep.

## THOMAS MEREDITH *ſworn.*

I remember ſeeing the priſoner at Mrs. Wolf's, when ſhe came to complain of the robbery.

Do you remember what day it was?—I think it was on Wedneſday, the 2d of November, it was when Trott was there, Till was there when I came in, and when Mrs. Handland came in.

Was Till near her?——He was faſt aſleep when I firſt went in, to appearance; then he got up ſome time after, I cannot be accountable for the time, then he went to the corner of the tap-room and ſat down, and in ſhe came, and ſaid ſhe had been robbed, ſhe was very near Till at that time; I did not hear her make any charge againſt him.

Should you have heard her make any charge againſt him if ſhe had?—I certainly muſt, but I heard her make no charge againſt him, I came in about ſix; Till was in when I came there, and I did not miſs him out of the houſe while I ſtaid, which was till a quarter paſt ten or more; Till was there all the time to the beſt of my knowledge, I certainly muſt have miſſed the man if he had been abſent at any time.

*Mr. Keys.* Did he go out for a few minutes?—To the beſt of my knowledge I ſwear that he did not.

Will you ſwear poſitively he did not?—I cannot be accountable for it particularly.

Then he might to the beſt of your knowledge?—If he had been in my company I ſhould have miſſed him, I did not ſee him go out, certainly I muſt have ſeen him if he had gone out.

*Court.* You ſwear to the beſt of your knowledge, which is very different to the ſwearing to the fact; now Sir, I wiſh to know of you, whether you can ſwear poſitively that he did not go out; anſwer me, yes or no?——To the beſt of my knowledge he did not; I will ſwear that he did not go out no further than where I ſat on the ſeat; I never went out, and believe he did not, if he had gone out I muſt have obſerved him, I left him in the houſe.

*Mr. Knowlys.* He was awake when Mrs. Handland called out a robbery?——He was ſitting in the corner, he might be aſleep, he was a yard or two from Mrs. Handland, I remember her very well ſaying ſhe had been robbed, but I do not remember the words, ſhe looked round the tap-room when ſhe ſaid ſo, I believe, but I did not take particular notice.

*Court.* If ſhe ſaid ſhe had been robbed by a friend, and not by an enemy, muſt you have heard it?—I think I ſhould, but I do not recollect it particularly, I was in a box with a different company.

## CHARLES TIPPING *ſworn.*

I was at Mrs. Wolf's houſe when ſhe came in and complained ſhe was robbed, Till was there on Wedneſday at the time ſhe came in, it muſt be a little after nine, ſhe aſked for her little boy Bobby.

Did ſhe complain then of being robbed?——Yes, ſhe ſaid ſhe had been robbed.

Was Till there at the time?——He was.

Did ſhe ſay that Till had robbed her?—No ſuch thing, I came into this houſe a little after ſeven, and ſtaid till after ten.

During all that time, was Till there or not?——He was.

Are you quite ſure of it?—Yes Sir, to the beſt of my knowledge I am.

If Till had gone out of the tap-room for any time, do you think you muſt have obſerved him?—I think I muſt have obſerved him, and I am pretty confident I ſhould have obſerved him.

Who was in company with you?—

My partner Mr. Meridith, who works with me at the ſame ſhop, he was firſt in the box on the left hand ſide, he then moved and came under the jack, and ſat there, and there he was when the woman came in.

*Court.* As you was ſituated, could you ſee Till in the box during the whole time, in every box in which he was ſituated?—Yes, I was directly oppoſite, I was in company with Meredith and Trott.

*Mr. Keys.* You was in converſation all the time?—Yes.

Then ſometimes you looked at Meredith?—Yes.

How long was you looking at Meredith?—I cannot ſay, perhaps a quarter of an hour.

Will you ſwear you was not more?—No, I cannot.

Then during all the time you were looking at Meredith, Till might have gone out of the tap-room?——I think if he had gone out, I muſt have ſeen it, he was under the jack; he was by me all the time.

Might not he go out, and you not have ſeen him?—No.

*Mr. Knowles.* Now you have ſworn, and you are to ſpeak to the utmoſt of your knowledge, do you think he could have gone out without your obſerving him?—No, Sir, upon my ſoul I do not.

*Court.* Then if that is the caſe, you can ſwear poſitively he did not go out?—I am ſure he could not well go out, becauſe he was facing of me.

You may ſwear you never ſaw him go out, and will you ſwear he did not go out?—I cannot go to ſay that.

You did not obſerve that he did not go out, but you will not poſitively ſwear that he did not?——No.

## ELIZABETH COHAN *ſworn.*

I know the priſoner.

Did ſhe ever apply to you about an indictment againſt Till?—I am an old clothes woman, I dealt with Mrs. Grey, that's her name; I am a Jeweſs, I never deny being a Jew; ſo, ſhe ſaid to me, Bet Cohan, I have been robbed, William Till has robbed me of every thing I have in the world, I have nothing but what I ſtand upright in; ſhe told me this on the Friday morning, and ſhe had been robbed on the Wedneſday before; ſhe ſaid nobody elſe could rob her, nobody elſe knew the way of the houſe; ſhe ſaid ſhe would give me two guineas if I would go up to the houſe, and ſay I ſaw the man come out with a great bundle of clothes wrapped up in a ſheet, and ſaw one or two gowns hanging out of the bundle.

*Court.* Did ſhe deſire you to ſwear that it was a man or William Till?——She ſaid William Till; and I was to ſay, I ſaw him come out, and Mrs. Grey, the priſoner, ſhewed me a bit to look at to ſee what ſort of a gown it was, that was hanging out of the bundle, and ſhe told me ſhe had loſt a yellow gown, the bit ſhe ſhewed me was a ſtriped colour.

*Court.* What colour was it?——I cancannot tell directly, it was a very pretty pattern.

Was it a figured pattern?——There was no particular pattern that I took notice of, it was a new bit of cotton.

Let me look at the indictment againſt Till, is there any cotton gown in that?—There are three linen gowns in it, but no cotton gown.

*Cohen.* She ſaid ſhe had loſt ſeveral things, and ſhe told me if I would go with her, ſhe would give me two guineas, and if the man was convicted, there would be forty pounds, twenty pounds for her, and twenty pounds for me; I told her I would not be guilty of any thing of the kind, and ſhe d—nd my eyes, and ſaid, I robbed her, then ſhe followed me down into Holborn, and ſhe ſaid, you did not rob me I know, and ſhe ſaid, come your way with me, and ſhe wanted me to get drunk, ſhe called for a pot of hot and paid fourteen pence of it; and ſhe called to a man, and ſaid, I want a warrant for a man that robbed me, I caught him robbing me; ſo when I heard her ſay that, I thought I would ſee the end of this, I would go over with her, ſhe went acroſs the way from the Brown Bear, and ſhe went into the office, and ſaid, I want a warrant, ſays the man for what; ſays ſhe, a man has robbed me, and ſhe made ſuch a blundering ſtory, that they would not grant her a warrant, ſo ſays the man, if you will give me half a crown, I will go with you.

Did ſhe ſay who had robbed her at that time?——No, I cannot ſay ſhe did, ſhe only ſaid a man aſked for half a crown, and he would go with her, ſhe would not give it him, but ſhe told him, ſhe was a woman of great ſpirit, and if he did her buſineſs, ſhe would pay him well, he ſaid he wanted nothing but half a crown, I have known Mr. Till twelve months, I have known her ſixteen years.

Did you ever ſee this man carry a bundle, as ſhe wanted you to ſwear?——I did not, I told her it was falſe, and I would be hanged before I would do it, ſhe told me ſhe had loſt a yellow gown at that time, and that if I would be good to her, I ſhould never want bread.

*Mr. Keys.* My Lord, I ſubmit this evidence is not relative to the preſent charge, it is not ſpecified in the indictment, was this to be the caſe, any ſort of evidence might be produced, as it may ſubject the the priſoner to another indictment, that of ſubornation of perjury, I never remember any ſuch evidence admitted, the caſe is, whether ſhe ſwore falſly before the Court, when ſhe ſwore ſhe ſaw this man with the bundle.

*Court.* The queſtion here is, not whether this woman has ſworn falſe, but whether ſhe has ſworn corruptly, and this is certainly evidence to be received to ſhew the intention of the party, and it is a circumſtance to be left to the Jury.

*Mr. Keys.* Pray madam, who are you?——I am a Jeweſs.

That I know, where do you live?——No. 6, Roſemary-lane.

What do you deal in?—Old clothes.

How many times have you been an evidence in this Court?——Never but once, about ſome ſhoes I bought of a neighbour.

You was ſuſpected of buying them knowing them to have been ſtolen?—No, Sir, I came up as an evidence.

When was it you ſay you told Till of this?—The very day I knew of it.

What day of the month was that?—It was the Friday after the Wedneſday that ſhe told me ſhe had been robbed.

How came you not to have been here, upon Till's trial?——He never ſent for me or elſe I ſhould have come.

Who was preſent at that time?—There were were a good many people at once.

Who was preſent?

*Ruſſell.* I was preſent for one.

*Priſoner.* Aſk that witneſs Cohan, how long it is ſince her huſband was hanged?—I am a married woman, my huſband is alive now, he has not lived with me theſe ſeven years.

Was ever any man hanged that paſſed as your huſband?——I never lived with no man but my huſband, I know better than that.

*Court to Priſoner.* What was the name of that man that was hanged?——She had two children by him at a birth.

Do you know any thing of that?——I know of no man in the world that was hanged, belonging to me.

Do you know any man that was hanged for ſtealing a hat?——No, my Lord, I do not, I never knew a man that was charged with ſtealing of hats in my life.

Did you never hear of any ſuch charge of any man of your acquaintance?—No.

### ——— BLACKETER *ſworn.*

I took a man from Litchfield-ſtreet office; he was tried and convicted; I have ſeen this woman come to Newgate to ſee him, but I do not know there was any connection.

*Cohan.* My Lord, I knew a man that was taken up for robbing a baker's ſhop in Rupert-ſtreet, and this was the man I came to ſee, but I never knew a man about a hat.

Was that man convicted?—Yes, he was convicted, and died for it.

Now, I aſked you if you knew any man that was tried and convicted here, and you ſaid, no?——That was about a hat; you would not have me ſay any thing that is not right; this was for a ſuit of clothes; he was no more my huſband than any other man that is here; I knew that man's mother, ſhe nurſed me; I have been parted from my huſband theſe ſeven years, I defy the world to ſay any thing againſt me.

### WILLIAM HANDCOCK *ſworn.*

Who do you live with?——With the priſoner's ſon-in-law.

Was you examined at the laſt trial of Till?——Yes.

Was there ever any application made to you to give evidence againſt Till?——Not before ſhe brought a ſummons to me.

At what time was that?——Between ſeven and eight at night.

Who brought that?——Mrs. Handlahd.

What paſſed between you and Mrs. Handland about that ſummons?——It was on the night that Till was to go to Juſtice Blackborow in the morning, and ſhe told me to come and breakfaſt with her the next morning, which I did, and ſhe ſent me out for ſome liquor, and I drank part of it, and I went with her to Saffron-hill, to carry ſome rags to ſell, and then we had another quartern of gin; and then we went to the Sun at Clerkenwell, and there we had another quartern of gin; and then Mr. Chambers came in to us, and then we had another quartern of gin; and then Mr. Chambers aſked me, if I knew what I was come upon? I told him, no; ſays he, do you know you are come to take an oath? I ſaid, no; he ſaid, you are, and you muſt ſtand to it; the priſoner was by, and ſhe went to the Juſtice's.

Had ſhe and you, before you went to Chambers's, had any converſation about what you were to do?——All that was, ſhe told me, I think, as far as I know, I cannot tell what I did, nor what I ſaid then, ſhe never told me what I was to do, before I got down the ſteps to go in; ſhe then told me, now, ſays ſhe, you muſt ſay that you ſaw this William Till laying aſleep in a hay-loft, and when he awaked, you ſaw him come down, but you would not come down for fear; you muſt ſay you ſaw William Till open the door with a knife, and in opening the door with a knife, he took out a bundle of clothes in a ſheet, and took them away.

This time, were you ſober, or in liquor?——I was in liquor.

Are you ſure ſhe told you that?——I am certain ſure of it.

Did you do any thing in conſequence of her telling you to ſay that?—I cannot tell what I did; I told what ſhe bid me ſay before the Juſtice, as I was told the next day by other people; I did not know the next day.

Where were you the day the robbery was committed?——I was at home at work.

Did you ſee any thing of what ſhe deſired you to ſay you ſaw?—I did not.

Did not you ſay, upon your oath, that what you ſaid at the Juſtice's was not true?——I did not know, but as I was told the next day.

Did not you ſay here, upon the trial of Till, that what you ſaid before the Juſtice was not true?——It was not true, that I know of; I was this day the robbery was committed at my own work in the ſhop, I am poſitive of it.

Did you beg pardon of the Court for what you had done?——I did.

Should you, of your own account, have gone before the Juſtice, if this woman had not deſired you?——No, I am ſure of it.

Should you have gone without a ſummons to the Juſtice?—No, I ſhould not.

Was Mrs. Handland by when you aſked pardon of the Court?——Yes.

Did ſhe attempt to contradict you then,

before the Court?——I do not recollect now.

Did ſhe, at the time you aſked pardon of the Court for what you ſaid before the Juſtice, attempt to contradict you?——No, not at all.

*Mr. Keys.* Did this lady take you before the Grand Jury to find the bill againſt Till?—No.

I believe you have been tried for ſomething?—I have ben tried, but not for any thing out of the way; I was tried for my wages.

Was not you tried for a fraud?—They made a fraud of it.

I believe you was acquitted through defect of evidence?——I do not know how it was, but I know very well I did not mean to make it a defraud, I meant for the gentleman to have the money, if I had thought on it.

So, now you come here to ſwear that what you have ſworn before the Juſtice, was falſe?——Yes.

You was very drunk, you ſay?—Yes.

How came the Juſtice to take your evidence?——I do not know; I do not know now what I ſaid, any further than I was told the next morning.

Do you remember the Juſtice's clerk was here on the laſt trial?——Yes.

Did he ſay you was drunk or ſober, when you was before the Juſtice?—He ſwore I was ſober.

Did you contradict him?——I did not, but I was not ſober.

*The priſoner called two witneſſes, who had known her thirty years, and gave her a very good character.*

**Guilty.**

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* **Rose.**

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111. **MARY CALNIN** was indicted for falſely and corruptly ſwearing, that ſhe lived a yearly hired ſervant upwards of twelve months with Mr. Cann, and had not obtained a ſubſequent ſettlement, to her knowledge and belief.

**Not Guilty.**

*Tried by the London Jury before Mr.* **Rose.**

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## *The Seſſion being ended, the Court proceeded to paſs Sentence as follows.*

*Received ſentence of Death*, 24, viz.

(Sentence had been paſſed and executed on Joſeph Rickards for the murder of Walter Horſeman.)

John Mears, Thomas Tatham,* Samuel Francis,* Hugh Macdonald, William Houghton,* Thomas Horton,* Thomas Freeman, Joſeph Dyer, Cornelius Crone,* Joſeph Butler, George Charlwood, Thomas Colebrook, John Howes,* John Langford, William Piggot, Henry Thompſon, Thomas Harris, John Lockley, Sarah Parry, Thomas Burdett,* John Mitfall, alias Wilmot, alias Smith,* Margaret Dawſon, George Lyons,* Thomas Hopkins.*

*Thoſe marked thus * were executed on Wedneſday the 12th of April.*

---

*Received ſentence of Tranſportation for ſeven Years*, 44, viz.

William Linch, Joſeph Hobbs, James Maſon, Charles Hylens, Mary Williams, Robert Newman, Patrick Riley, John Boycott, Richard Carter, James Clark, John Green, John Gilbert, Samuel Miles, Joſeph Miles, Joſeph Ryland, Simon Solomons, Viner Cook, John Harwood, John Topping, William Atterbury, William Matthews, George Matthews, Francis Phipps, Thomas Jones, Gray Blandford, John Knight, Peter Whitmore, Richard Stevens, Thomas Herbert, William Hardy, James Butterworth, Thomas Lindſey, William Lycett, John Jenkins, John Horton, William Tramp, James Row, Leonard Stone, Samuel Wilſon, James Turner, Elias Abrahams, Thomas Heddingbrooke, David Storer, Benjamin Bull, Dorothy Handland.

*To be confined to hard Labour twelve Months in the Houſe of Correction*, 5, viz.

Mary Anderſon, Richard Smith, John Vanderport, Ann Chaddock, George Priſton.

*To be confined ſix months in the Houſe of Correction*, 18, viz.

Mary Jones, Mary Martin, Hananeel Fonſeca, Thomas Williams, Thomas Trainer, Thomas Brett, Jane Brooks, Chriſtiana Fitzpatrick, Samuel Biſhop, Ann Atkins, John Delaney, Sarah Lyon, Thomas Fiſher, William Haynes, James Pollard, Robert Wiltſhire, Thomas Jeffries, Sarah Seaves.

*To be impriſoned twelve months in Newgate*, 3, viz.

James Pilkington, George Charlton, Henry Bridges.

*To be impriſoned three months in Newgate*, 1, viz.

John Crawford.

*To be impriſoned one month*, 3, viz.

John White, Henry Hall, Benjamin Woodman.

*To be publicly whipped*, 24, viz.

Samuel Davis, Joſeph Taylor, Hananeel Fonſeca, John Carter, Thomas Williams, (twice) Thomas Trainer, Thomas Brett, Thomas Barton, William Screw, Samuel Biſhop, Thomas Fiſher, Alexander Mackenzie, Joſeph Bromley, John Williams, Robert Duke, Joſeph Fuller, John White, James Pollard, Robert Wiltſhire, Richard Smith, John Vanderport, Henry Hall, George Brook, George Priſton.

*To be fined* 1s. 4, viz.

James Pilkington, George Charlton, Henry Bridges, Thomas Jeffries.

John Davis, a capital convict at a former Seſſions, received his Majeſty's pardon, on condition of tranſportation beyond the ſeas for life.

The next Seſſions will begin on Wedneſday the 26th of April, at the Old Bailey.

## *Mr.* HODGSON

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THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

**NUMBER IV. PART I.**

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MDCCLXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; Sir JAMES EYRE, Knt. one of the Barons of his Majeſty's Court of Exchequer; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

| *London Jury.* | *Firſt Middleſex Jury.* | *Second Middleſex Jury.* |
|---|---|---|
| Richard Harris | Thomas Stokes | Chriſtopher Kempſter |
| Richard Ellis | Thomas Buſh | Joſeph Munday |
| Moſes Willett | *William Rogers | Luke Cade |
| Joſeph Lacey | John Shrimpton | Joſeph Newſham |
| Giles Ruſſell | William Humphries | John Beach |
| Samuel Tomkins | Samuel Kingſton | Robert Marriott |
| William Clarke | Matthew Stenſon | Thomas Wallis |
| Henry Williams | Charles Barber | Richard Morris |
| Thomas Weſton | Edward Walker | Portius Smith |
| Francis Carey | John Gibbons | Charles Slater |
| John Miles | William Smith | George Harriſon |
| James Robertſon | James Cowmeddow | Thomas Simpkin. |

* John Jobbins *ſerved after the ſixth day, in the room of* William Rogers.

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319. JAMES HATTER was indicted for feloniouſly ſtealing, on the 15th day of March laſt, forty pounds weight of lead, belonging to James Armſtrong, then and there fixed to a certain houſe belonging to the ſaid James Armſtrong, againſt the ſtatute.

### ROBERT JENKS *ſworn.*

Two young men who lodge at my houſe, hearing a great noiſe at the top of the next houſe to mine, they alarmed me about ſix in the morning; I came down directly, and ſaw the priſoner come out of the houſe with the lead in his hand in a bag; he was ſtopped by a young man who ſleeps at my houſe.

Do you know where it came from?——It was taken from the gutter between the two houſes; he went up, and would have put it in its place again.

### THOMAS COBB *ſworn.*

I heard a great noiſe at the next houſe; I got up immediately and came down, and met the priſoner with the lead, and called the watchman, who took him.

### —— BROOKS *ſworn.*

I fitted the lead, and it matched exactly.

### PRISONER's DEFENCE.

I was going by this houſe about ſix in the morning; it is an empty houſe, the door is always open, and children are often playing in it; I have been in it often; I know nothing of the lead: they gave me in charge of the patrol, who knew me very well.

GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

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320. JOHN GREEN was indicted for feloniouſly ſtealing, on the 28th day of February laſt, twenty-four razor-ſtrops, value 4s. the property of Charles Walker and William Baker.

### CHARLES WALKER *ſworn.*

Did you loſe any razor-ſtrops?——The priſoner came into my warehouſe between ſix and ſeven in the evening, with ſome goods that had been ordered; after being paid for them, my ſervant miſſed a parcel, containing twenty-four razor-ſtrops, which was made up, and marked ready for a cuſtomer; my ſervant went after him, and brought him back with the two dozen of ſtrops.

### JAMES CROSSLEY *ſworn.*

On Tueſday, the 28th, the priſoner brought ſome buckle chapes; as ſoon as I had paid him, I miſſed the ſtrops off the counter; I purſued him, and as ſoon as I overtook him, he dropped them; I immediately took him, and brought him back to the warehouſe; he ſaid he was very ſorry for what he had done.

*(The razor-ſtrops produced, and depoſed to.)*

GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

---

321. THOMAS HOBBS and HENRY GILES were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of William Shutt, about the hour of ſeven in the night, on the 26th day of February laſt, and burglariouſly ſtealing therein, one deal box, value 12d. one livery cloth coat, value 5s. one fuſtian coat, value 3s. one fuſtian waiſtcoat, value 12d. one ſtriped flannel waiſtcoat, value 12d. a white dimity waiſtcoat, value 5s. one pair of velveret breeches, value 2s. two pair of leather breeches, value 2s. one pair of leather ſhoes, value 5s. ſix ſhirts, value 30s. ſix muſlin neckcloths, value 6s. one linen neck-handkerchief, value 3s. five yards of nankeen cloth, value 5s. one pair of ſilver boot-garter buckles, value 3s. ſix gowns, value 30s. and one crown piece, value 5s. the property of Robert Durant; and one cloth coat, value 3s. the property of George Hemmings.

### ROBERT DURANT *ſworn.*

I am groom to Sir John Dyer in St. James's-ſtreet; I lodge at Mr. William Shutt's; I left my room about three in the afternoon, and the things were all ſafe; this was on Sunday the 26th of February: I left Benjamin Roſs in the room when I went out; I came home about a quarter before eleven; I miſſed the things mentioned in the indictment. *(Repeats them.)* I know nothing of the perſons that committed the robbery.

### GEORGE HEMMINGS *ſworn.*

I lodge in the ſame room with the proſecutor; I ſaw theſe things upon the bed between ſix and ſeven, when I went to clean myſelf, nobody was in the room, I found the door locked, and the key left in the door.

What things did you ſee on the bed?—I ſaw his frock and things lay upon the bed, and the box was there by the ſide of the bed, in the place where it uſed to ſtand; I left the room about half paſt ſix, and locked the door; I went to bed about half paſt ten, and I found Thomas Row in the room when I came in; he ſlept in the room; he was undreſſing himſelf; there were four perſons lodged in this room; when I went in, I ſaw the things were gone from the bed, and I aſked Row what he had done with the things? He ſaid he had done nothing with them.

What is Thomas Row?—He is a poſtilion.

Who did he live with?——Mr. Blackwhite.

Have you known him long?—No.

Do you know what character he bears?——No.

### THOMAS JOHNSON *ſworn.*

I went with the proſecutor to the houſe of the priſoner Hobbs in Theobald-road, he is a Sawyer by trade, and keeps a houſe there; I found ſome things, which the proſecutor claimed; Jealous produces the things; the priſoner Hobbs was there when we found the things.

What did he ſay?——He ſaid they were brought to him by Henry Giles; then I went and found the priſoner Giles at his lodgings in Vine-ſtreet, Saffron-hill; I found a pair of ſhoes on him, which the proſecutor owned, and the next day I found ſome books at the priſoner Giles's mother's, which the proſecutor ſaid were his.

Was Giles preſent when the things were found at his mother's?——No, he was in cuſtody.

Did Giles ſay any thing in your hearing?—No, he ſaid he would tell the truth.

*Mr. Knowlys, Counſel for the Priſoner Hobbs.* Hobbs always perſevered in the ſame ſtory that the things were brought there by Giles?—I never heard him ſay ſo but once.

Is not Hobbs's houſe let out in lodgings?——I have heard ſo.

Was Giles acquainted with any of his lodgers?—I cannot ſay, he might.

### CHARLES JEALOUS *ſworn.*

I went to Hobbs's with the laſt witneſs; I went in on the 28th, and Hobbs ſat in a little room behind the ſhop, cloſe to the fire; it is a ſort of a green-grocer's and a little chandler's ſhop; I told him we were come to ſearch the place for ſome livery clothes that were ſtolen; the proſecutor was with me.

What anſwer did Hobbs make?—I cannot ſay particularly; the drawers were behind where he ſat, and in thoſe drawers I found the things which I now produce; the bed was in the ſame room.

Did he make any objection to be ſearched?—No, I did not aſk him for any objection; he ſaid he had the things from the priſoner Giles.

When you told him you was come to ſearch for ſome livery clothes, what did he ſay?—I do not remember that he made any reply.

Before you found the things, did Hobbs ſay any thing about them?—No, nothing, becauſe it was after the things were found, that he ſaid he had them from Giles.

Are you clear in that?——I am quite clear. I went into the ſhop after the things were found, and I found this pocket-book which the proſecutor ſaid was his; it is not mentioned in the indictment: I found one livery coat, one fuſtian coat, one fuſtian waiſtcoat, one ſtriped flannel waiſtcoat, one pair of velveret breeches; theſe are all the things that I found; here is a coat that belongs to the witneſs Hemmings, that I found alſo at Hobbs's; I did not take up the other priſoner, I know nothing of either of them before.

*Mr. Knowlys.* There were ſeveral lodgers in Hobbs's houſe?—Yes.

Hobbs always perſevered in the ſtory that he received the things from Giles?—Yes.

*Court.* Do you happen to know whether that room where the things was found, was occupied by Hobbs himſelf, or was let in lodgings to any body elſe?——My lord, there was a bed in it, and this man and his wife ſat there together, and a child was there, but I do not know whoſe child it was.

*Court to Johnſon.* When you went firſt into the houſe of Hobbs, and told him what you came to ſearch for, do you recollect whether he made any anſwer?—I do not recollect his making any reply; he looked rather aſtoniſhed and ſurpriſed; he did not ſay whoſe the things were, till they were found.

THOMAS SHACKELWELL *ſworn.*

I am a breeches-maker in Gray's-Inn-lane; a perſon brought a pair of breeches to me to alter; that was the priſoner Hobbs; he brought them on the 28th of February, between five and ſix in the afternoon; theſe are the breeches; he agreed to the price of the alteration.

Did you know him before?—Yes, ever ſince he went to ſchool.

*Court to Jealous.* What time was it you ſearched Hobbs's houſe?—I look upon it, it was about ſeven that evening.

Did he ſay how he came by them?—I underſtood he bought them, he did not ſay of whom.

THOMAS ROW *ſworn.*

I am now a foot-boy, I was a poſtillion when theſe things were ſtolen, I live now in Lincoln's-inn-fields, with Mr. Broderick, I lodged with theſe people at Hobbs's houſe in February laſt, I remember the afternoon of the 26th of February, I went out in the morning about ten, I returned about a quarter after ten, my room door was wide open.

Did you find any body in the room?——Nobody, I went to bed firſt.

Had you a light in the room?—Yes.

Who did you ſleep with?—With Benjamin Roſs; Durant and Hemmings ſlept in the other bed, I ſaw the things were gone off of the other bed, and I thought he was gone out of town, but I did not know, I had not been there ſince the morning; I ſaw the bed was naked, I did not know what was gone with the things, they uſually lay on the bed, I did not know but he might have taken them; Hemmings came up firſt after me, and he accuſed me of hiding the things, and playing the rogue with them; I had been at home about a quarter of an hour, I ſaw nobody but the man that let me in at the gates, his name is John Richardſon, he is here.

Where is this apartment that you four lodge in?——Over the ſtables.

Is it a ſeparate apartment?—Yes.

In a ſtable yard?——Yes.

Whoſe ſtable yard?——Mr. Shutt's.

Is it an inn yard?—It is a livery-ſtable.

How do you go up to this apartment?—Up the ſtairs.

Does that ſtair-caſe lead to any other apartment?——Yes, and the one oppoſite where the head hoſtler lodged, his name is Edward Froward, he is not here.

Who is Richardſon?——He is one of Mr. Shutt's men.

JOHN RICHARDSON *ſworn.*

I live in Mr. Shutt's yard, it is called George-yard, I know the apartment where the proſecutor and the other witneſſes lodged.

Do you remember Thomas Row coming home on the Sunday afternoon, the 26th of February?——No.

He ſays you opened the gate to him?—I do not know his name, I opened the gate between ten and eleven, and let the lad in, this is the lad I let in.

Who lived in the oppoſite chamber?—Our hoſtler.

Have you any buſineſs up that ſtair-caſe of a Sunday afternoon?—No, I have not, I was not that way that evening, I know nothing about the door, whether it was ſhut, or whether it was open.

Was your hoſtler at home that afternoon? ——Yes, till ſeven, then he went out, and came home about half after ten.

Did he come in before Row or after him?—After him.

*Mr. Knowles.* Do you know where the key of this room is kept uſually?——I really know nothing about the key.

*Court.* Were the gates of the yard ſhut on Sunday?——They are ſooner ſhut on Sunday afternoon than any other day, I believe they were ſhut between five and ſix.

Were the gates locked?—To the beſt of my knowledge they were, I ſaw the hoſtler haſp the gates, and I believe he locked them, but I do not know; I found the key in the ſame place I have found them this two years, in the ſtable; the gates were opened afterwards for a gentleman's ſervant, which was between eight and nine.

(*The things depoſed to by Durant.*)

*Durant.* I know the leather breeches, I bought them of my fellow ſervant, they were my maſter's, they are ſtained in hunting, I have had them theſe eighteen months, I can poſitively ſay theſe are the ſame; I know this waiſtcoat, I believe this to be mine, it being with the reſt of the things, it was new laſt July; the livery coat I know by the buttons being remarkable, it is like this I have on, I can ſwear poſitively it is my coat; I never found my ſhirts, a ten pounds note (which I loſt) and the money, but here is the pocket book, and here is a man's name that I can ſwear to in it.

*Court.* How came that book not to be put into the indictment?—It was a miſtake.

*Mr. Knowles.* It is not in the indictment.

*Court.* Look at the book?—The paper were all taken away, I know the book, I am quite ſure of it.

How long have your had it?——I think theſe ſeven or eight years.

*Court.* Where was the pocket book found?—In Hobbs's ſhop. (*The book handed up to the Court.*) There was a pencil in the book I loſt, and there is a pencil in that book, there were no knives or ſciſſars.

Do you know the pencil?——No otherwiſe than being with the book.

What ſort of pencil was that that was in your pocket book?—A ſlate-pencil in a tin caſe.

*Court to Hemming.* Is that your coat? —Yes, I have had it ten or eleven months, there is a hole in the ſleeve of it, it was laying on the bed.

*Jealous.* This coat was one of the things found in Hobbs's drawers; I heard Giles confeſs the robbery before Hobbs, but I never do tell without I am aſked.

Were you preſent when Giles was examined?—Yes.

Was there any threats or promiſes made uſe of to induce him to confeſs the truth? ——None at all, Hobbs ſtood cloſe to him at the ſame time.

Was the examination taken in writing? —Yes, I believe my name is to it.

Look at that, is that the examination that was taken in your preſence?—Yes.

Did you ſee it ſigned by the Magiſtrate, and the priſoner?—Yes.

Was the priſoner examined upon oath? ——No.

(*Read.*)

"Signed, Henry Giles, (taken before me, the day and year before written, W. Addington; witneſs, Charles Jealous) who ſays, he has been a gentleman's ſervant, and is at preſent out of place, and lodges at Mr. Wolley's, a ſhovel-maker, in Vine-ſtreet, Hatton-wall; and that Thomas Hobbs has frequently called upon him, and inticed him to get the things to make money of; and that among other robberies on Sunday the 26th of February, he went went up a ſtair-caſe into a room in George-yard, and ſtole a pair of leather breeches, and the quantity of wearing apparel now produced."

Hobbs was preſent at this examination of Giles?——Yes.

What did he ſay to this charge?——He

ſaid he did not ſteal them, but that Giles ſtole them.

*Priſoner Hobbs*. I wiſh to leave my caſe to my counſel.

### PRISONER GILES's DEFENCE.

Pleaſe your Lordſhip, he uſed to come to my maſter's houſe where I worked, and uſed to want me to go out every night.

*The Priſoner Hobbs called two witneſſes to his character.*

THOMAS HOBBS }
HENRY GILES, } GUILTY,
*Of ſtealing only.*

*Court*. As I mean to make a diſtinction between the puniſhment of theſe priſoners, I will paſs ſentence againſt them, that the diſtinction may appear to the audience: the ſituation in which you both ſtand is that of having committed a felony, under circumſtances, which if clearly proved would have affected your lives, and in ſuch a ſituation it would be improper for either of you to go at large; therefore it appears to the Court to be right that both of you ſhould be ſent out of this country: but as you appear to ſtand in a different ſituation with reſpect to the degree of your guilt; as you, Thomas Hobbs appear to have been the principal actor in this buſineſs, and to have ſeduced the other young man, and made him your inſtrument: the ſentence of the Court, therefore, is, that you, Henry Giles, be tranſported beyond the ſeas, for the term of ſeven years, to ſuch place as his Majeſty by the advice of his Privy Council ſhall think fit to direct and appoint; and that you, Thomas Hobbs, be tranſported for the like term of ſeven years to Africa.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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322. MARY PARKER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Hickman, about the hour of eleven in the night, on the 19th day of April laſt, and burglariouſly ſtealing therein, two muſlin gowns and coats, value 40s. a cotton gown, value 10s. three cotton frocks, value 4s. a callico bed-gown, value 2s. four pair of cotton pockets, value 4s. eleven ſhirts, value 3l. one ſhift, value 2s. and one diaper clout, value 6d. his property.

### MARY HICKMAN *ſworn*.

I am wife of John Hickman, I live in Duke-ſtreet, Bloomſbury. I take in waſhing; I was waſhing on Wedneſday laſt, till ten at night, I carried up the things and hung them on the line in the garret; I was not gone to bed, when the priſoner was taken, there was an alarm of thieves, I ran up in my hurry, and another witneſs who is here, and his lodger, he run up alſo; then when I was going up two pair of ſtairs I met Mr. Headland and the priſoner on the ſtairs, I knew her again, ſhe had no property about her, I went up ſtairs to ſee how my things were, all my ſhirts and frocks were laying about, and ſome in a heap in a corner, I came down again and I fetched a conſtable.

### ——— HEADLAND *ſworn*.

I lodge in his houſe, I had been out, and this little boy had been in to my wife to light a candle, I came in about half paſt ten, the little boy run down to me, and ſaid, there was ſomebody in the garret, I went up ſtairs, and I ſtood and called twice at the bottom of the garret ſtairs before I went up, there was no anſwer; I went up ſtairs, and ſaw the linen lay on the ſtairs, I went into the garret, and ſaw ſome things lay about the room, and ſome things in a heap at one corner, I turned about and ſaw the priſoner in the room, in one corner to the right hand, ſhe did not lodge in the houſe; I knew her, ſhe had lived with Mr. Hickman before, I aſked her what ſhe was at, and ſhe gave me no anſwer; I ſaid to her, Molly, what do you mean to come here to rob your miſtreſs again, and I ſaid, come, bundle out of the room; ſhe ſet off to come out of the room, and ſhe ſtooped to put her ſhoes on which were off, I ſtood by the door and caught hold of her gown tail, and ſhe aſked me in the paſſage to let her go out, I told her no.

*Court to Hickman.* Had you hung up your things?—I hung up every one of them.

Where did you put the two muſlin gowns, and the cotton gowns, and the three frocks, and the bed-gown, the three pair of cotton ſtockings, the ſhirts, the ſhift, and the clout?—They were all hanging on the lines in the ſame garret; they were the clothes of different people that I waſh for.

## PRISONER's DEFENCE.

I was not in the garret; I went to ſpeak to the gentlewoman that lodged in the two pair of ſtairs, to aſk a perſon to give me a character; ſhe was not at home.

*Court to Proſecutrix.* Had you faſtened your garret-door?——Yes; I had the key in my parlour.

What, did you lock the door?—Oh yes! I locked it myſelf, and hung the key in my parlour; when I came up, the door was ſtanding wide open; it was wrenched open.

What marks were there upon the door of its having been wrenched open?——I do not know.

Perhaps it was ſlipped back, and an old lock?——No, no, no, no! I am too well uſed to it for that, it is not a bad lock.

There were no marks of violence on the door?—I cannot tell.

What does the bolt of the lock ſhut into?——Into a great iron ſtaple.

In what condition was that ſtaple?—It was in the ſame place.

How had the lock been got out of that ſtaple?——By two great nails.

*Jury.* Have you the key of the lock with you?—No.

*Court.* Did you obſerve whether the bolt of the lock, when you came up ſtairs, was ſhut or puſhed back?—It was puſhed quite level to the door.

## SAMUEL ABBOTT *ſworn.*

The proſecutrix came and called me up to take charge of the priſoner; I went, and took her in cuſtody; the proſecutrix took me up to the garret; when I came up the garret ſtairs, there lay ſome ſhirts and ſome linen, then ſhe took me into the garret door; the proſecutrix gave me theſe two nails.

*Proſecutrix.* I ſaw the priſoner come down ſtairs with theſe nails in her hand, and when ſhe put on her ſhoes, ſhe dropped them beſide her ſhoes in the paſſage.

Did you ſee her drop them?—No, I ſaw them in her hand.

Who ſaw her drop them?—My ſervant, her name is Nanny; ſhe is not here.

*Court.* How do you know that ſhe did this with theſe two nails?—She could not get it open with any thing elſe.

Yes ſhe might, with a falſe key?—Oh, no, no.

*Priſoner.* I never ſaw the nails till they were fetched out of the parlour from Mr. Hickman to give to the conſtable.

Have you any friends or witneſſes?—I have none in London.

GUILTY,

*Of ſtealing, but not of the burglary.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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323. EDWARD GRIFFITHS was indicted for feloniouſly aſſaulting James Ogden, Eſq. on the King's highway, on the 26th day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one watch with an inſide caſe made of baſe metal, and an outſide caſe made of tortoiſeſhell, value 40s. and a cornelian ſeal, ſet in ſilver, value 1s. his property.

*(The witneſſes examined apart, at the priſoner's requeſt.)*

## JAMES OGDEN *ſworn.*

About a quarter paſt one, on the 22d of January laſt, I think, to the beſt of my recollection, I was attacked by the priſoner in Charlotte Buildings, by Gray's-Inn-lane, and two men; the priſoner and another met me, one was behind; they ruſhed upon me immediately, I did not perceive from what quarter they came; the priſoner ſeized me by the collar, and held me up under the arms, and the other took hold of my collar on the left hand, and one on the right, and the priſoner was the man who demanded my watch and my money; Griffiths made three pulls at my watch before he got it out; when he had got it out, I ſaid, it is an old companion of mine, and I ſhould be very ſorry to loſe it, and I attempted to get it from him again; he d—nd my eyes, and ſaid, none of your jokes, and hit me three *clouts* on the head; he demanded what money I had; I told him I had none, in conſequence of that he rubbed his hands up my thighs; I had a pair of leather breeches on, and the pockets were behind, or elſe I had eighteen guineas and a half in my pocket; and he ſaid to his other two companions, d—n his eyes, he has no money, come along; and they on each ſide cleared my pockets of the papers I had, which were of no ſervice to them; they then went up a narrow paſſage, I thought I would watch them; and one of them turned back, and ſaid, d——n my eyes, if I attempted to come back, he would ſtab me; he had a cut-and-thruſt ſword, which he held to me all the time; I ſaid, I do not mind you much now I have got nine or ten yards from you, and I think I can run as faſt as you; I ran to the door oppoſite, and they all ran off: I then ran immediately into Gray's-Inn-lane, and called, watch! The watchman came immediately; I told him I had been robbed, and gave him a deſcription of the men; he went with me to look for them, and two days after Griffiths was taken; I went to a public houſe in Middle-row, there were nine or ten people there; the watchman deſired me to look round, and ſee if there was ever a perſon that I knew there, and I immediately picked out the priſoner.

What ſort of a night was it?——It was a fine evening, it was directly under a lamp, and I ſaw his face diſtinctly, ſo much ſo, that I knew him the moment I ſaw him by day-light.

How long might he be with you?——About three minutes; he was in front of me; I obſerved his face diſtinctly at the time.

Have you any doubt whether he is the man that robbed you, or not?—I have not a doubt; and when I firſt ſaw him, I did not wiſh to ſwear to him, if I could have got him to have given up my things, as it would be attended with ſo much inconvenience to me; I am come all the way from Carliſle now.

*Mr. Knowlys, Priſoner's Counſel.* Where was this place where it happened?——In Charlotte Buildings.

Was that in your way home?—No.

Were you perfectly ſober at that time in the morning?—As perfectly as I am now.

Have you always perſevered in giving the ſame account of the knowledge of that man's perſon, that you have now given, on your oath?—I think I have.

I ſhould think, if you had been previouſly ſworn as to that man, and did take your oath in the ſame manner in which you have now done, that you muſt be ſure of it?—I have always perſevered in the ſame ſtory that I have now related, to the beſt of my knowledge.

How often was this man examined before the Juſtice?——Only once.

Are you as ſure that he was only examined once before the Juſtice, as you are ſure of what you have now ſworn?—I am certain.

Are you equally ſure of one as the other?—I am perfectly ſure that he was up there twice.

Will you tell me, Sir, what was the reaſon, if you ſwore as poſitively at the firſt examination as now, that he was not committed the firſt time?—He was committed the firſt time I ſwore to him, fully committed.

What day of the month was it that you was firſt before the Juſtice?—That I cannot tell, I never paid any attention to it.

Did you never point out another man to the watchman, and ſay that he was one of thoſe that robbed you, which the watchman denied?—Never in my life.

Was there no trying on of two hats before the Juſtice;—Yes; but I fixed on the man before, and ſaid the hat he had on was not the hat he had on when he robbed me, and they went to his lodgings, and fetched the other.

What was the reaſon, if you was ſo poſitive of him the firſt time you ſaw him, that you

you ſhould deſire to ſee him with another hat?—I did not deſire it.

Was there no ſuch thing as trying on different coats, that you might know him?——There was no ſuch thing paſſed.

What kind of watch did you loſe?——A tortoiſeſhell caſe watch, a metal watch.

Did not you ſwear at firſt, when you was robbed, that you was robbed of a gold watch, and not of a metal watch?—No, I never did.

Were you but one time before the Juſtice, or more?——I cannot charge my memory with it.

Were you called twice to make oath of this circumſtance before the Juſtice, or only once?—I was called twice, but did not ſwear poſitively to him the firſt time.

How came it that you did not ſwear poſitively to him the firſt time?—The reaſon is, I wanted to get my watch and my papers; if he would have given me the papers, I would have given him the watch.

Did you, the firſt time you was examined with reſpect to this man, know whether he was the man, or not?—Yes, I did; I never was aſked poſitively whether I knew him or not, to the beſt of my knowledge.

Will you take upon yourſelf to ſwear, that upon the firſt examination you was not aſked poſitively whether that was the man, or no?—Yes, I was aſked whether he was the man, and I told the magiſtrate he was the man; and I told the Magiſtrate why I did not wiſh to ſwear poſitively to him.

Was not your reaſon for not ſwearing to him the firſt time before the Juſtice, that you did not chuſe to do it till you had ſeen the watchman?——No, I did not wiſh to ſwear to him; I ſaid before the Magiſtrate, I wiſh to ſee the watchman, to ſee if I could get my watch and papers again.

Did you, or did you not, before you ſaw the watchman, ſwear poſitively to him?—I did not.

Did you or not, at the ſecond examination, go any further than to ſay that you believed he was the man?—I ſwore poſitively that he was the man.

Did you ſwear that?—Yes.

Was this man ſearched in your preſence?—I do not know.

Did you go to his lodgings?—No, Sir, I did not; I never ſaw him before that night.

*Court.* The reaſon why you was not deſirous of ſwearing to this man, was the great inconvenience?—Yes; if I could have got my papers, I would not have proſecuted him at all.

DANIEL SELLON SNUGGS *ſworn.*

I am a watchman; on the 22d of January, at a quarter paſt one in the morning, to the beſt of my knowledge, I was going my rounds, and going up a court, called Charlotte Buildings, I ſaw three men ſtanding together againſt a wall; I ſaid nothing to them, nor they to me, and I went through the court into Bell-court, Gray's-Inn-lane, and I heard ſomebody cry watch! watch!

How long was it after you ſaw theſe men?—In as little time as I have been in court now, it was not two minutes; then I ſaid, who calls watch, and I ſaw the proſecutor; he ſaid he had juſt been robbed by three men of his watch and pocket-book; he deſcribed the men; I told him I had juſt paſſed them, I told him I knew one of them by name; I had ſeen the others before; the next day I went to the proſecutor, and we went up to Sir Sampſon Wright's to give information, and in two days after the priſoner was taken; he was one of the three men that I ſaw; the proſecutor appeared at the Juſtice's, and made affidavit that that was the man.

Was you at the firſt examination before the Juſtice?——Yes, I was.

Did the proſecutor ſwear to the man then?——Yes.

*Priſoner.* The witneſs was not there the firſt time.

*Court.* You ſaw the three men that were ſtanding there?——Yes.

Was the priſoner one of them, or not?——Yes, I am very clear he was; I knew him by ſight before.

Was he the man whoſe name you knew?—Yes; I knew his name, I have ſeen him in my beat a hundred and five hundred times; I have frequently called the priſoner up, when he lodged in Bell-court.

How came you not to queſtion theſe three men when you ſaw them there at that unſeaſonable hour in the morning?——I did not ſay any thing to them.

Why not?—Becauſe on a Saturday night people ſit up very late.

Do not you know it is a part of your duty, when you ſee two or three men in company, lurking together, to diſperſe them, and ſend them home?—Yes, we often do it; but it was Saturday night; there is a public houſe, called the Footman in Waiting, that is open very late, I thought they might come from there.

How long have you been a watchman?—Between two and three years.

I hope, if you continue, that you will learn to know that it is your duty to queſtion all ſuſpicious people, and if they give ſuſpicious anſwers, to apprehend them.—I have been knocked down twenty times in my time.

You muſt take care to have proper aſſiſtance; but it is your buſineſs to diſcharge your duty; if you are afraid, others muſt be got, who are not.

*Mr. Knowlys.* When this happened, you told this gentleman that you knew the name of one of theſe three?—Yes.

Did it happen that this gentleman thought while he was with you that evening, that he ſaw one of the men that robbed him?——He ſaid he ſhould know them if he ſaw them again.

Did not he ſay to you, pointing to ſome men that were going by, there goes one of the men?——I do not remember that, indeed.

Were you at the apprehending of this man?—Not at the taking of him.

Did the gentleman tell you what his watch was?——He ſaid it was a valuable watch, and his pocket-book was a great loſs to him.

Did he ſay it was a gold watch?—I cannot ſay.

Did he or did he not ſay it was a gold watch?——I do not remember that he did; I believe he ſaid it was a valuable watch, or ſomething to that purpoſe; I was not by when the priſoner was ſearched.

Have you ever been turned away from any pariſh where you have been a watchman?—I never was a watchman any where but where I am now.

Do you know the name of the landlord of the public houſe in this court?——I do not know.

Is he here?——I ſaw him in the yard.

Who apprehended the priſoner?——One of the name of Meecham.

Did not you ſay before the Juſtice, that that perſon, who was one of the three, ſpoke to you?——The priſoner did ſpeak to me that night; I ſaw him about an hour before; he ſaid, how do you do, watchman? or ſomething of that ſort.

Were you there when the hats were fitted upon him?———No.

### GEORGE MEECHAM *ſworn*.

I apprehended the priſoner at No. 6, Tennis-court, Holborn, at his lodgings; I ſearched his lodgings in the three-pair-of-ſtairs room, and I found nothing. The priſoner made his eſcape once out of the back window; I took him in the entry, without a coat.

What hour?—Between twelve and one in the day, on Wedneſday; he appeared to have been in bed, or ſhifting himſelf; his clothes were off; he had his breeches and ſtockings and ſhoes on.

*Mr. Knowlys.* You do not know that he eſcaped, only what was told you?——No.

Then why did you ſtate it; did not he tell you he was the man you was looking for?——No, Sir, to my knowledge he did not.

Do you ſwear he did not?—I do ſwear ſo.

When he was taken to the alehouſe, how many hats were tried upon him?—I believe there might be two hats; the gentleman ſaid he ſhould know him with or without the hats; the two coats were found.

*Court.* Here is only one examination returned, and that ſays that the proſecutor firmly and poſitively believes the man named Griffiths was the man that robbed him.

## PRISONER's DEFENCE.

On the 31ſt of January laſt, I was at the public houſe at the bottom of this court, with ſome other company; I met the watchman, and wiſhed him a good night; the next morning I went to the public houſe, and I was told the officers were in purſuit of me, and I told the landlord where I lived.

**GUILTY, Death.**

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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324. **GEORGE WOODWARD** was indicted for feloniouſly ſtealing, on the 11th day of April laſt, two black geldings, value 10l. and one brown gelding, value 5l. and one mare of a cheſnut colour, value 5l. the property of George Henry Cavendiſh, Eſq. commonly called the Right Honourable Lord George Henry Cavendiſh.

*(The Indictment opened by Mr. Garrow, and the Caſe by Mr. Silveſter.)*

*(The Witneſſes examined apart, by deſire of Mr. Knowlys, Priſoner's Counſel.)*

THOMAS CHRISTMAS *ſworn.*

I am groom to Lord George Henry Cavendiſh; his ſeat is at Lattermas, near Cheſham, Bucks. On the night between the 10th and 11th of April, he loſt a brown gelding, a cheſnut mare, and two black galloways; the pales were broke down, and the horſes appeared to have been taken out through that place.

When did you miſs them?——On the Tueſday morning, between ſix and ſeven.

Did you ſearch in the park?—Yes; there was a ſpur found in the morning, and a ſhoe in the afternoon, a bar ſhoe; the ſhoe was found in a little field on the other ſide of the park, it might be thirty or forty yards from the park pales; the ſpur was found in the park; the hedge of the field was broke next the highway: in conſequence of this I came to town; I have ſeen the horſes ſince, three of the horſes were brought to me by Macmanus; one was brought on the Wedneſday, and two on the Thurſday; they were my Lord's horſes, I knew them again.

Are you perfectly ſure that they were Lord George's property?——Yes.

Have you got the ſpur and the ſhoe?—I ſhall produce them.

*(The Shoe and Spur produced.)*

Which hoof did the ſhoe belong to?—The off foot.

What diſtance is Lord George's park from London?—About twenty-five miles from Tyburn.

*Mr. Knowlys, Priſoner's Counſel.* How large is my Lord's park?——Between two and three miles round, I believe.

You are his groom, not his game-keeper?——I am his groom.

You are to mind the ſtables?——Yes; I do not take care of the horſes that are in the park.

*Court.* What field was the ſhoe found in?——It belonged to Mr. Curtis; it joins to the park and to the road that goes to Cheſham; the paling was broke, and the hedge of the field.

WILLIAM BROWN *ſworn.*

My father keeps the ſign of the goat at Cheyney, about a mile from lord George's park.

Look at the priſoner, did you ever ſee him before?——Yes.

When?—The 10th of April.

Where?—At the goat at Cheney.

Was he on horſeback, or on foot?—He hung his horſe to the pales before the door.

What kind of a horſe had he?—It was a cheſnut horſe, with three white legs, to the beſt of my remembrance, it was duſk when he came.

Are you ſure that is the man that was at the houſe?—Yes.

How long did he ſtay there ?——About an hour, or an hour and half, or it might be two hours, I cannot ſay, becauſe I did not take notice, he ſaid but little, there was a perſon aſked him if he intended to ſleep there that night, and he ſaid no, he ſhould be fifty miles off, if he had good luck.

*Mr. Knowlys.* Did you know Eſquire Woodward, at Goldhill ?——Yes.

How far is Mr. Woodward's houſe from Cheyney ?——About five miles.

Do not you know that gentleman is the father of that young man at the bar ?——I do not know.

Is not it the common underſtanding of the country ?——I heard it was ſo.

Have you any reaſon to doubt it ?—No.

*Court.* What time of the evening was it that the priſoner was at the goat ?—It was nine o'clock that he came, he ſtaid till between ten and eleven.

Where was his horſe, during that time ?—In the ſtable.

Did you attend the ſtable ?—Yes, I had the horſe in myſelf; the priſoner had two pints of beer, two-penny-worth of bread and cheeſe, and two glaſſes of gin.

### THOMAS BECKLEY *ſworn.*

I am a farrier; I live at Two Waters, that is about four or five miles from Lord George Cavendiſh's.

*Court.* Look at the priſoner at the bar and tell us if you have ſeen him ?—*(Goes to him)* I cannot ſay poſitively, that I ever ſaw him before.

Do you remember ſeeing a cheſnut horſe on the eighth of April ?—Yes, at the Bell Inn at Two Waters, I was ſent for to ſhoe the horſe.

Do you remember any of his marks ?—He was a bay horſe with white legs.

How many white legs ?—Three or four they were bar ſhoes, I marked the ſhoes with a B, this is one of the ſhoes, this is the off foot, I ſaw the horſe ſince at near Bow Street.

Who was with you ?——Chriſtmas.

Is the horſe that Chriſtmas ſhewed you, the ſame horſe that you ſhod at Two Waters ? ——The very ſame.

What time did you ſhoe him ?—I fetched him to the ſhop at five in the morning, and returned him before ſeven.

What ſhoes had that horſe on that you ſaw at Covent Garden ?—He had the fellow ſhoe of this, on the near foot, but he had been ſhod afterwards on the off fore foot by ſomebody elſe.

### JOHN MANLEY *ſworn.*

I am a turnpike man at Hayes, on the Tueſday morning the 11th of April, I ſaw a man go through the turnpike with four horſes, and the one he rode on making five.

Did you obſerve the horſe he was on ?—Not in particular.

Did you obſerve the man to know him again ?—I do not know I ſhould know him.

Look at him ?——I am not poſitive that is the man.

What do you think ?——I am not poſitive that is the man.

Did you give him a ticket ?——Yes.

*Court.* How far is your turnpike from Lord George Cavendiſh's ?—Four miles on this ſide, the letter R was the ticket for that day.

*Mr. Knowlys.* Do you know one Williams a horſe dealer ?—No, I cannot ſay I do.

### ROBERT WOOLFORD.

How old are you ?—Going on fourteen.

Do you know the nature of an oath ?—No Sir, I cannot ſay I do.

Do you know that it is a very wrong thing to tell a lie ?——Yes.

Would you think it a right thing, or a wrong one to tell a lie upon oath ?——A wrong one.

What do you think would happen to you when you die, if you were to ſwear that which was falſe ?—I do not know.

Have you never heard what would become of you ?——No.

Have you never heard where wicked people go to when they die ?——To hell.

Then if it is wicked to tell a lie, and ſwear falſe, where would a man go to that did ſwear falſe ?—He would go to hell.

*Court.* I think the boy has given a ſounds proof of diſcretion, as thoſe that come here with a ſtory in three words to tell you what will become of them ; but he is very near the age, when the law preſumes diſcretion.

### ROBERT WOOLFORD *ſworn.*

I live at Mr. Lewis's, the King's Arms, Little Chelſea; on Tueſday morning the 11th of this month, I remember a perſon came to our houſe between ſix and ſeven, I was in bed, I came down and opened the gate.

Who did you find there?—There was a young man with five horſes, he rode one of them, and led the other four.

What ſort of a horſe did he ride?——It was a cheſnut horſe, a very tall horſe; he took the horſes into the ſtables, he came into the kitchen where my miſtreſs was lighting the fire, from thence he went to the tap room and pulled off his boots; and told me to clean them; he had one ſpur on, and he pulled that off, and hung it up in the kitchen; he ordered me to buy him a pair of ſtockings, and he put them on, and put his ſlippers on, and went to the barber's, and ſtaid there till breakfaſt time; the horſes were in the ſtable.

How long did they all continue there?—They were there for three days; over night a perſon brought two more, and took away one of his, that was a little black horſe; the priſoner laid there one night.

Do you remember any thing particular of the cheſnut horſe?—I took him to the farrier's to have one bar ſhoe put on his fore foot, I cannot ſay which foot, I believe I took him on the Tueſday afternoon, he wanted a ſhoe when he came in, I had no converſation with the man.

Should you know the man again?—Yes, I believe I ſhould, the juſtice's men took him into cuſtody, and one of them took the ſpur away, it was hanging in the ſame place in the window.

Was the ſpur they took the ſame he took off and hung up?—Yes.

Is that the perſon that came with the horſes?——Yes.

Are you quite ſure about it?——Yes.

Did you take the other horſes to be ſhod?—Yes, the black one, and the cheſnut one, they wanted four each.

*Mr. Knowlys.* Did any body come with the perſon that brought the horſes?-No, Sir.

### HENRY BUTLER *ſworn.*

I am a blackſmith; on Tueſday, the 11th of April, I ſhod a cheſnut mare.

What ſhoes did you put on?—Four on the black one; there was a tall cheſnut horſe with three white legs, on that I put one bar ſhoe, I know the horſe, I have ſeen him ſince, I ſaw him in Bow-ſtreet, he was ſhewn to me by one of the gentlemen of Bow-ſtreet.

*Court.* Were the horſes you ſaw that Macmanus ſhewed you, the ſame that you ſhod?—Yes.

### PATRICK MACMANUS *ſworn.*

I went to Chelſea, to Mr. Lewis's, the Kings Arms, and aſked for Mr. Lewis; I aſked him if any horſes were brought into his ſtables on Tueſday morning? ſays I, where is the man that brought them, he ſaid he is in the ſtable now, I went there and I found the priſoner; I ſaid Sir, are theſe your horſes? he ſaid yes; I ſaid, where did you get them? he ſaid, I bought them at a fair in the country; ſo I had a hand bill, and I looked at it, and picked out three of my lord's horſes; the priſoner was taken into the houſe, I locked the ſtable door and went in; I continned there that night, and the next morning ſome more of the people of Bow-ſtreet came, and me and another man went home; I delivered the three horſes that I picked out to Chriſtmas.

Did you find any thing elſe in the houſe?—No Sir: after this I came home and ſaw my lord's ſervants, they ſhewed me an odd ſpur, and I recollected that I had ſeen ſuch a ſpur in Lewis's kitchen, and I deſired Shallard, who went down, to take care of it; and I ſhewed the tall cheſnut horſe to ſeveral people that came from the country, he is at Froome's livery ſtables in Covent Garden.

*Mr. Knowlys.* He named the horſes as his own, and ſaid he had bought them.

### JOHN SHALLARD *ſworn.*

I went to Chelſea, and I found this ſpur in Mr. Lewis's kitchen, hanging up at the further end of the kithen.

**ARCHIBALD RUTHWIN** *ſworn.*

I ſearched the priſoner, I found upon him a ticket of the turnpike gate from Uxbridge to Kennington, and likewiſe a leading bridle in his pocket. (*Shewn to Manley.*) That is the ticket, and the letter for the day that I gave that morning.

**CHARLES JEALOUS** *ſworn.*

You had information of a black galloway being to be found ſomewhere?——Yes, I received a letter by the penny poſt. I found it at the Leaping-bar, on the Surry ſide of Black-friars bridge; my letter was dated on Tueſday the 18th of April; I ſhewed that horſe to Chriſtmas; at the White-hart, in Hart-ſtreet, Covent-garden; I delivered the horſe to Chriſtmas.

*Court to Chriſtmas.* Was that horſe one of Lord George Cavendiſh's?——Yes.

Was it loſt on that night?——Yes.

## PRISONER's DEFENCE.

My Lord I have employed counſel.

*Mr. Knowlys.* It is not in my power to make a ſpeech to the jury for you; if you think you can relate any facts, you may.

*Priſoner.* My Lord and Gentlemen of the Jury. I was at Gainſborough fair on Saturday preceding the Monday evening, when theſe horſes were ſtolen from thence; I went to London on a horſe I then had, and from London I went to a place called Bywaters; at AyleſburyI bought two long tailed horſes, which have ſince been owned, for which I paid eighteen guineas, and I bought a cheſnut horſe for ſix guineas, he is foundered; Mr. Williams obſerved to me that he knew I had ſome connections in the New Foreſt, in Hampſhire, and that he could help me to ſome foreſt colts, he ſhould be at Hammerſham on the Monday evening, and he deſired me to meet him; accordingly I went to Two Waters, to Cheyney, and from thence to Hammerſham; he is, I find out now, a notorious horſe ſtealer; I had bought many of him before, but they never turned out in this way; I met him with only one horſe, I was ſurpriſed he had no more, he ſaid, I have ſome in the neighbourhood, and my horſe is almoſt tired; ſays he, if you will lend me your horſe, and one of your ſpurs, I ſhall overtake you; accordingly I proceeded on, and got as far as Hounſlow Heath, at the further end there his horſe was tired, and knocked up; I tied him to the gate and walked on to Shepherds-buſh, and there I met two gentlemen, one of whom I knew extremely well; and while we were in converſation, up came Williams with the horſes in hand; I told him he was tired, the horſes came up, I agreed for them, and I paid twenty-eight pounds (two ten pound notes, and the reſt in caſh;) he gave one of the gentlemen the notes to look at, for he could not read; after that he went about his buſineſs, I ſaw him no more; I found I was cheated in my horſes, one was broken winded, and the other horſe had an injury in one of his fore legs, ſo that he was not worth three guineas, the broken winded one was not worth two guineas and a half. This is all I have to ſay in my defence, Gentlemen, which I ſubmit to the Court.

**JOHN CARPENTER** *ſworn.*

I have known the priſoner fourteen or fifteen years.

Do you know his father?——I know his father and mother, he is of a reſpectable family, his father is a man of fortune, the priſoner was clerk to an attorney, he has acted in the capacity of an attorney for ſome years, I always underſtood that he was ſituated in Bedford, or near it, and acted as attorney, and had very good ſucceſs.

During the time you have known him, what has been the character he has borne?—Perſonally as to myſelf he has made aſſignments for me; and not only ſo, but I have entruſted him with part of my property, and he always has returned it with great fidelity.

*Mr. Silveſter.* What are you?——I am a man that lives independent of buſineſs, I live at Iſlington.

Have you been at Bedford lately?——No.

How long has he reſided at Bedford?—About three years; I have ſeen him ſeveral times, I thought he acted in the capacity of an attorney then.

**BENJAMIN PIPER** *ſworn.*

I have known him twelve or thirteen years, except within theſe eight or ten months paſt, ſince which time I have not ſeen him; he was articled to Mr. Champant, and he had chambers in Lincoln's-inn-ſquare; he has been at Ampthill, in Bedfordſhire, and was ſettled there.

You knew he was a man of a very reputable family?——I knew his mother before ſhe was married; his father was a man of independent fortune; there are ſeven more children, very reſpectable people.

*Court.* Did you ever know him in buſineſs, as a buyer and ſeller of horſes?——I cannot ſay I did.

**JOSHUA BROOKS** *ſworn.*

I have known him from his infancy; his father is a man of very reſpectable character and fortune, and a little kind of an acquaintance of mine; his father lives at Goldhill.

What has been the character of the young man?—I heard he was ſettled at Ampthill, as an Attorney, and very clever in his profeſſion.

**SAMUEL FREDERICK** *ſworn.*

I have known him about ſeven years; during the time I knew him, I looked upon him as an honeſt young man; he was a cuſtomer to me ſeven years ago; I am a peruke-maker and hair-dreſſer; I have not known any thing of him theſe four or five years.

**JOHN GILL** *ſworn.*

I have known the priſoner ever ſince he was a boy; I am in the wine buſineſs in the Strand; I know the priſoner was put to an Attorney; I knew him before that; this laſt year I cannot ſay what he was, but I always underſtood that he lived at Ampthill, and acted in the capacity of an Attorney; I never had the leaſt ſuſpicion of him, but as a ſtrictly honeſt man; I have often ſent him goods in our line, which were always very honourably paid, and I ſhould not be afraid to have truſted him with any quantity; I have known his family many years, they are people of great reputation.

GUILTY, Death.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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325. **JAMES MAY** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Charles Argil, about the hour of one in the night, on the 13th day of January laſt, and burglariouſly ſtealing therein, 3300lb. weight of hempen cords, value 16l. 10s. his property.

**EDWARD THOMPSON** *(a Black) ſworn.*

I am ſervant to Mr. Argil in Narrow-ſtreet, Limehouſe; he keeps a large warehouſe, a ſhip chandler, deals in cordage; the warehouſe and the dwelling-houſe is like one, you cannot go into the warehouſe without going into the dwelling-houſe; the warehouſe is near the water; there is an opening towards the water, the doors open fronting the water. The evening before the robbery, I ſecured the warehouſe at night; I am ſure I made the folding-doors towards the water faſt, and bolted them; the next morning, about five, I went to work, and ſtruck a light; I obſerved the door open, I looked round, and I went backwards, and there was a plank taken out of the back of the neceſſary.

Did that afford an opening ſufficient for any body to get in?——Yes.

Has the neceſſary a communication with the warehouſe?——Yes.

Was the warehouſe open or ſhut?——It was open, the folding-doors; I miſſed a quantity of rope, as near as I can tell, there was about two ton wanting, and ſix bundles of paper ſtuff.

Where did this plank lay?——I found it on the platform; that platform has a communication with the river; there were holes in the plank, which appeared to be made with a gimblet, and afterwards they took a knife and cut it, ſo as to get a ſtick in.

Was that hole ſufficient for a man to get in?——Yes.

Did you acquaint your maſter with this circumſtance?—As ſoon as ever I ſaw this, I acquainted my maſter.

*Court.* Do you happen to know how that plank was ſecured, whether it was nailed, or whether it was only laid down looſe in the neceſſary?—It was faſtened.

How?——Nailed.

When you ſaw it, did you look to ſee whether the nails were drawn?—They were forced out.

Were the nails whole in the plank when you ſaw it forced out?——Yes.

### CHARLES ARGIL *ſworn.*

I deal in cordage; I live in Narrow-ſtreet, Limehouſe; I was alarmed by my ſervant that my houſe was robbed, on the 13th of January; I faſtened my doors; there was no man in the houſe but myſelf; I ſaw the doors faſt, and went to bed with my family; I did not get up till my man alarmed me; he ſaid, maſter, maſter, your houſe is robbed! My wife and me came down ſtairs; and when I came, I miſſed this rope and ſix bundles of paper ſtuff, and ſome junk; I obſerved the board laid there, and the board that belonged to the outſide of the warehouſe was put up by the carpenter, and never removed till it was broke off: this ſtick was found in the place, and they took and knocked another board through the neceſſary, and here is where it has been cut with a knife; they came through the neceſſary, and unbolted the door; the outſide plank and the inſide plank of the neceſſary were forced out.

Where does that outſide of the neceſſary look to?——The neceſſary is below in the warehouſe; the dwelling-houſe, warehouſe, and neceſſary communicate together.

Where does the back of the neceſſary look to?——It looks to the water.

How could they get at it from the place where you found the planks forced out?—There are ſtairs directly under it; upon thoſe ſtairs is built a little bit of platform, about three feet wide, and they ſtood on that. I ſent for William Elby; we went to Deptford, to the Ship upon the Redhouſe walk, and there we found one Paſſmore, a conſtable, and four men, the priſoner and three more.

*Court.* Was there any thing found on him?—Yes, this gimblet.

Did you compare that with the hole which you found in the platform?——Yes.

(*A part of the Plank produced.*)

*Jury.* There is nothing can be judged from that.

Did you go in ſearch of your property?—Yes.

Where did you go?—We went to Woolwich, to one Mrs. Bayley's.

Did you find all your property at Bayley's?—Yes; we found it all in a cellar, where there was candles and ſome tallow.

Have you ſubpœned Mr. and Mrs. Bayley?——No; ſhe came before the Juſtice, but ſhe went away without ſaying any thing about it.

### JOSEPH PASSMORE *ſworn.*

On the 12th of January laſt I was out on my rounds, and I ſaw the priſoner Harvey, and three more together near the Water-gates in Deptford; that was about a quarter after eleven at night; I ſaw no more of him that night: about twelve the next morning, Mr. Argil came to me, and told me he had been robbed; it then ſtruck me theſe were the people; we went to Redhouſe wharf, we ſtopped to drink ſome beer in the fore room, and ſaw the priſoner at the bar and three more drinking in the taproom, Hagg, Marſhall and Harvey; I went out, and called Mr. Argil and Mr. Elby, and we went in and ſearched them, and found a gimblet on May; I then ſecured him, and we went to Woolwich, and in Mr. Bayley's cellar we found ſome rope.

Did Harvey, before the Juſtice, acknowlege this, and charge May?——Yes, he acknowledged himſelf to be guilty of this fact.

### WILLIAM ELBY *ſworn.*

I was with the laſt witneſs, when the

property was found; the proſecutor ſaid he could ſwear to it.

### JOHN HARVEY *ſworn.*

I was concerned in this robbery. Charles Lee bored holes with this gimblet, till we got this ſtick in, at Mr. Argil's; Haggs Marſhall, Lee, and myſelf got in, all but May; he ſtaid in the boat; we got the cordage through the door; we got the boats from Deptford to Limehouſe; we carried the cordage to Mrs. Bayley's; only May and me carried it to Mrs. Bayley's; we got three guineas and a half for this cordage; I confeſſed before the Juſtice; May was below ſtairs.

*Court.* How long had you been acquainted with May?——A very little time. We met at the Welch Harp houſe by Deptford-yard gate; we were all together there.

Where did you go to from thence?——Down to the Water-gates, and got a boat.

Do you remember ſeeing any thing of Paſſmore that night?—No.

Where did you go with the boat?—We took one from Limehouſe. This is the gimblet; May had the gimblet afterwards.

Did not you charge May with having been out another night?——Yes, another night, but I had forgot that.

When you had ſold the cordage, where did you go?——We walked up to Deptford; we all went to Woolwich; but two of us only ſold the ſtuff; we went to the Redhouſe about one or two o'clock.

What was you doing in the mean time?——We were drinking at Woolwich.

*(The Cordage produced and depoſed to.)*

### PRISONER's DEFENCE.

It was the evidence went to get it; I had nothing to do with it at all.

GUILTY, **Death.**

*He was humbly recommended to his Majeſty's mercy.*

*Tried by the ſecond Middleſex Jury before* Mr. Baron EYRE.

326. **DANIEL KEEFE** was indicted for feloniouſly aſſaulting Henry Clyatt on the king's highway, on the 1ſt day of April laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a ſilver watch, value 40s. a metal watch chain, value 18d. and one key, value 1d. his property.

*(The witneſſes examined apart.)*

### HENRY CLYATT *ſworn.*

On Saturday the firſt of April, I was robbed in the back lane by St. George's turnpike, at a quarter before nine at night; I was coming out of Moorfields to my father's in Stepney cauſeway; the priſoner was ſtanding up againſt the rails, towards the fields, and he let me go paſt him; he came after me, and took hold of my collar, and demanded my watch, I told him I had none, and he felt it in my fob, and he ſwore very bitterly, if I did not give it him, he would cut my throat; with that I took it out of my pocket, and there was ſomebody coming, and he ſaw them, and he took it out of my hand, and went gently along; I purſued him, I had a ſtick in my hand, and I knocked him down with my ſtick.

Had he any weapon?——Yes, he had a knife.

Did you ſee the knife?——Yes.

When did he ſhew the knife?——When he firſt demanded my money.

Was the knife open?——Yes.

What ſort of a knife was it?——A claſp knife; when I knocked him down, he got up again, and made towards the rope-ground, and I kept him off with my hand from going down the rope-ground; I kept calling out murder all the time.

Did any body come to your aſſiſtance?—Yes, John Cheeſeman; we took him into cuſtody, I ſaid he had got my watch, and we took him to the houſe oppoſite Juſtice Green's, and ſtaid there ſome time till the officers came to us to ſearch, and when they came, they found the watch in his right hand breeches pocket.

Did you ſee it found ?——Yes.

Was it your watch ?——Yes.

Are you ſure of that ?—Yes, the name is on the dial plate.

He did not make any uſe of the knife, or offer you any violence with it?—No, Sir, he promiſed he would not.

What became of the knife, when you knocked him down ?——I do not know.

Are you ſure he had the knife at firſt ?—Yes.

You did not find any knife upon him afterwards ?——No.

Have you the watch?——The conſtable has it.

*Priſoner.* He talks of my having a knife, and his ſeeing it, it was impoſſible to ſee, this was Saturday, the firſt of April, it was impoſſible to ſee, I could not ſee my hand, and I had no knife at all.

*Proſecutor.* I am ſure it was a knife, I ſaw it, I was cloſe under the lamp.

*Priſoner.* There is never a lamp in that place, I am ſure of that, becauſe it is very near my place of reſidence.

Was it moon-light, or dark ?—A very dark night.

### JOHN CHEESEMAN *ſworn.*

I was in my own houſe, and hearing murder, I went out, and a gentleman ſaid, he was robbed; it was in Sun-tavern fields, Brick-lane.

Do you know a place, called Back-lane? —Yes, it is oppoſite to the Rope-grounds; I went out immediately, and this gentleman ſaid, I have been robbed of my watch, and this man has got my watch, he was cloſe to the man, but had not hold of him; I immediately caught hold of the perſon that had the watch; he immediately ſaid d—n your eyes let me alone, the watch is mine; Sir, ſays the proſecutor, it is my watch, and in the dial plate is Henry Clyatt, my name; we ſecured the priſoner, the priſoner made anſwer, and ſaid, d——n your eyes my name is Henry Clyatt, and let who dare touch the watch; I ſaid, then I will take you to the magiſtrate; and I took him to the office; before I got him down to the publick-houſe he denied his name, and ſaid his name was Daniel Keefe, and ſaid ſomebody had put the watch in his pocket.

*Priſoner.* I am afraid he is a man of very infamous character, as to any advantage he might take of me; I was a little in liquor; I never denied my name.

### THOMAS COLE *ſworn.*

(*The Watch produced, which the Witneſs took out of the Priſoner's pocket.*)

This is the watch I took from the priſoner; I have had it ever ſince.

(*Depoſed to by the Proſecutor.*)

### PRISONER's DEFENCE.

My trial came very haſtily upon me, I did not expect it this afternoon; nobody is here now. I had been drinking with the proſecutor, and there were ſome women of the town, and as we were coming out, the proſecutor gave me his watch to take care of, and I had lent him three ſhillings and ſixpence, and he aſked me for his watch, and I ſaid I would not till he paid it; he tried to take it from me, but did not, and he tried to knock me down, but did not; and when he ſaw his efforts did not ſucceed, he *ſung out* that I had robbed him.

*Proſecutor.* This is a ſtory, and all falſe; I never was with him at a public houſe.

GUILTY, **Death.**

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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327. JOSEPH YELLAND, otherwiſe HOLMAN, PHEBE HARRIS, and ELIZABETH YELLAND, were indicted, for that they, on the 11th of February laſt, one piece of falſe, feigned, and counterfeit money and coin, to the likeneſs and ſimilitude of the good, legal, and ſilver coin of this realm, called a ſhilling, falſely, deceitfully, feloniouſly, and traiterouſly did counterfeit and coin, againſt the duty of their allegiance, and againſt the ſtatute.

*A ſecond count*, for coining a ſixpence.

(*The Indictment opened by Mr. Silveſter, and the Caſe by Mr. Wilſon.*)

*(The Witneſſes examined ſeparate, at the deſire of Mr. Garrow, Priſoners' Counſel.)*

JOHN CLARKE *ſworn.*

*Mr. Silveſter.* In conſequence of an information, you went to a houſe, No. 19, in Swan-yard, Drury-lane?——I did.

What day was it?——I think it was on Saturday the 11th of February.

About what hour?—I ſhould ſuppoſe it near upon five in the afternoon.

When you came there, deſcribe what perſons you found there, and what things?—I went to the room up one pair of ſtairs; there is only one room on a floor; I ſaw the two women priſoners in the room; Mrs. Harris was in the middle of the room, facing the fire, and I think, if I recollect right, the other girl was upon her knees: after they were ſecured, we began to ſearch, and upon a kind of bureau, or cheſt of drawers, I ſaw a piece of get.

*Court.* That is the metal that fills up the ſort of gutter that communicates to the different moulds.

*Clarke.* In a drawer Macmanus ſearched, he took out a quantity of good ſhillings, which he gave me; they have been in my poſſeſſion ever ſince; and a bed was turned up; Macmanus ſaw the woman approached to that; and there we found a quantity of counterfeit ſhillings; they are here; and in a little room like a cloſet, in the ſame room, I found all the implements compleat for coining.

Did that little room communicate with that room?——Yes.

Has that cloſet a door into any other place?—No communication only with that room: there I found a pair of flaſks, ſand, ſcowering paper, file, cork, and upon the mantlepiece there was this aqua fortis; there was a fire in the room, and charcoal on.

Was the whole apparatus for coining and finiſhing compleat there?——Clearly ſo: I have compared the good ſhillings and the bad ones together, and they agreed; from which I conclude, that from the good ſhillings counterfeits had been caſt.

How many good ſhillings are there?——Twenty-eight.

How many have you fitted?—I believe there is a dozen ſhillings and ſixpences.

Do they tally in ſuch a manner, as to enable you to pronounce that the bad ones were made from the good ones?——I have not a doubt of it, particularly as there is one ſixpence that I believe any body may ſee; one ſixpence has a hole in it, and the other has been caſt from it; I ſaw the two women there; and in about five minutes the man came in; we ſtopped him, according to our information. The things are all here in a box as they were found; *(the things all produced)* flaſks, ſand, a crucible which is broke, and facings.

*Court.* We have heard nothing of the crucible before?—I found the crucible by the fire-ſide.

Whereabout?—On the hearth, on the ſide of the grate where the fire was.

What fire was it?——Part charcoal, and part coal.

*Mr. Wilſon.* You ſaw no more than one crucible?——Yes, ſeveral.

How many?——I fancy there is pretty near half a dozen; there were ſeveral of them broke lay by the fire-ſide.

How many whole crucibles are there?—Here is one that has not been uſed, and one that has; every one of the crucibles were found by the fire-ſide; here is the get.

*Mr. Garrow.* Were the moulds ſet?—No, Sir.

They were in the ſtate you firſt produced them in, before you ſcrewed them together?——Yes; they were all in the box together.

**The remainder of this Trial in the next Part, which will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of Joſeph Yelland, Phebe Harris, and Elizabeth Yelland.*

You ſaid the woman Yelland was upon her knees?——Yes.

Do you know what ſhe was doing?—I ſhould rather think ſhe was ſcouring the floor.

The other woman was ill, was not ſhe?—Yes.

Holman in fact enquired for his ſiſter?—I do not know that he did, till he was taken into cuſtody.

Did you know that they are brother and ſiſter?——I have heard they are.

Did you know Hardy before you took him?——No.

I take it for granted you ſearched the man?—I did not.

Did you ſee him ſearched?—I did not.

*Court.* How came you not to ſearch the man?——I ſhould ſuppoſe he was ſearched, but not by me.

*Mr. Garrow.* You did not find any pickle?——No, only aquafortis.

Is not pickle one of thoſe things which is neceſſary to put this into a ſtate of currency?——No, Sir; they are put into aquafortis, and by the different workings, it reduces its ſtrength.

Is this aquafortis in the ſtrong ſtate, or is it ſo reduced, ſo as to become a pickle?—It is in its ſtrong ſtate; they uſe the aquafortis alone; if a quantity of aquafortis is put into a pan, and by applying any thing to it, as it is put in, ſo it foments, and it reduces it, and from that it becomes a pickle.

Therefore, if I underſtand you right, when aquafortis is firſt uſed, it is not a pickle?—They uſe it without water; then they throw them into water afterwards, and that water is what they call pickle.

**GEORGE MEECHAM** *ſworn.*

Did you go to the houſe in Swan-yard, Drury-lane?——On Saturday the 11th of February I went with Mr. Clarke, Mr. Macmanus, and Mr. Andrews, to the houſe No. 19, in Swan-yard, near the New Church in the Strand, between five and ſix; I went up one pair of ſtairs; the door was locked inſide, I ſhoved againſt it, and it came open, I broke it open at once, and the two priſoners at the bar were ſtanding at the fire-ſide, and ſcreamed out very much, and upon that I perceived ſomething drop; the man came in about five minutes afterwards; I went in firſt, and Mr. Andrews came in next, and Mr. Macmanus and Mr. Clarke; I heard ſomething drop, and there was a light got, a candle was lighted, it was between light and dark, it was about half after five; and upon the ground where the two women priſoners ſtood, I picked up theſe two ſixpences, one half finiſhed, and one not quite finiſhed, and a piece of blacking, and ſome cork, and a quantity of ſcouring paper, and ſome broken crucibles, and a pair of nippers; they were all cloſe together ſpread upon the ground, and a quantity of dirt and ſand and rubbiſh on the floor.

Do you know what that blacking and cork and things could be uſed for?—Mr. Clarke can inform you beſt; I do not underſtand it.

You do not know what that was that dropped?——I do not; I found the two ſixpences juſt between the two women; they were taken into cuſtody, and carried to Bow-ſtreet; I ſaw ſome files on the table, and a little box, and ſome things Mr. Clarke ſaw in the cloſet like.

When the man came in, was he immediately taken into cuſtody?——He was, by order of Mr. Clarke; he gave no account of himſelf, how he came there, or who he belonged to.

Was he ſearched?——I do not know; I know nothing about him.

(*The two Sixpences handed to the Court and Jury.*)

*Mr. Garrow.* Did you try the door firſt, before you puſhed it open?——No, I did not; I opened it with a good bang.

How long might it be till Mr. Clarke came up?—A minute after.

Then they were ſtanding by the fire-ſide?——Yes.

And they continued in the ſame poſition till he came in?——Yes; then he ordered them be ſearched.

Holman was taken directly before he had any time to give any account of himſelf?—Yes.

Did ou ſee any body on their knees in the room?——Not to my knowledge, I did not obſerve.

Were neither of the women on their knees?—No, Sir; the women were at the fire-ſide.

Did you take Mr. Hardy with you?——No, Sir; I did not.

Where did you leave him when you went? I left him by the New Church.

He knew you was going there?—I imagine he did.

How long have you known Mr. Hardy?——No great while.

How long before you went to this houſe?—About a fortnight.

How long?——About a fortnight.

Do you know what buſineſs he follows?——He kept a houſe in Drury-lane, a green-grocer's, ſold oranges; the way I came to know him, I went to ſerve a warrant upon him.

### WILLIAM ANDREWS *ſworn.*

I went with Clarke and Meecham to this houſe; when I went into the room, there were two women near the fire; Meecham ſaid he ſaw ſomething drop; I went and picked it up, it was a bad ſixpence; preſently he found another; they moved towards the window, and Harris took a key out of her pocket, and went to the bureau, and took this crucible out with the contents, and gave it to the other woman; ſhe put it out of the window upon a place to put garden pots on; I immediately took it in with the contents; I found it all as it is; in about five minutes the man came in; and there was ſcouring-paper and other things.

*Mr. Garrow.* Who ſearched the man?—I cannot ſay, I did not obſerve it.

How long have you known Mr. Hardy?——Not long; I ſerved a warrant upon him firſt.

You and Meecham went together?——I believe it was Meecham.

How long is that ago?——I cannot ſay.

What buſineſs did he follow?——He kept a green-grocer's ſhop.

Does he keep it now?——I do not believe he does.

That is the only trade you have known him to follow?—Yes.

PATRICK

### PATRICK MACMANUS *ſworn.*

I went with the other officers to this room, and I found a quantity of ſilver in a drawer, that Mr. Clarke ſaid was good ſilver; he ſaid they were the patterns for caſting, I gave them to Mr. Clark, and in ſome little time after, I took notice the woman went to the bed head, and I let down the bed, and reached Mr. Clark a paper I found there.

What did the paper contain?——He ſaid bad ſilver; I did not look into it.

*To Clarke.* Is that the paper you produce now?——Yes.

*To Macmanus.* Did you ſearch the man?——Yes, I found nothing upon him; I went up ſtairs and kicked the door open, and when I returned, I found the young man at the door of the one pair of ſtairs.

### JOEL SPARKES *ſworn.*

I underſtand this houſe, No. 19, Swan-yard belongs to you?—I am landlord of it.

Who did you let it to?——Different lodgers.

Who lived in it at the time the officers came in?—Mrs. Brown lived in the one pair of ſtairs room.

Which is Mrs. Brown?——I underſtand ſhe goes by the name of Harris, ſhe came to me by the name of Brown, ſhe had lived there two or three weeks, I live in the kitchen, and ſays I, one day, Madam, though you have been here ſo long, I cannot ſay I know your name; ſays ſhe, Brown, oh! ſays I Mrs. Brown; there was a gentleman with her when ſhe took the lodgings, his name his Hardy, there was another young man with her.

Who did ſhe deſcribe herſelf to be?—The gentleman ſays to me, coming with the gentlewoman, Mr. Sparkes, I have recommended you to a good lodger, ſhe is a captain's widow, and ſhe has an income, ſo that you are ſure of your money, her huſband lays dead in the room where ſhe is, and ſhe wants another room; there was a young man with them, but I do not know who he was.

*Mr. Garrow.* So Hardy was the perſon, who treated with you for a lodging?——Yes.

He deſcribed this woman?——Yes.

The woman ſaid nothing about it?——No, ſhe never ſpoke a word.

Did you ever ſee Mr. Hardy afterwards?—Not till the officers came, he might paſs in and out; ſhe was there near four months before the officer came.

*Silveſter.* The woman was preſent when Hardy ſaid this?—Yes, both together.

How long had the other woman occaſionally come backwards and forwards there?—I cannot ſay.

She did not come with her ſiſter?—No.

Had the other been there a conſiderable time before ſhe came?—Yes, I believe it was ſome weeks.

How many times might you have ſeen the other woman, before the officers came?——I cannot ſay, in particular, I have ſeen her up and down ſtairs.

### JOHN SPARKES *ſworn.*

How old are you?—Turned of fifteen, I am ſon of the laſt witneſs, I was preſent when the lodgings were taken.

Who took the lodgings?—Mrs. Brown.

Who was in company with her?—One Mr. Hardy.

And who elſe?—I cannot tell.

Was you moſtly at home, my boy?—Yes.

How ſoon after the lodgings were taken, did the other woman come?—On Chriſtmas-day.

When did they come to live in that houſe?——They had lived there about four months.

Who elſe uſed to come there?—I cannot tell, there uſed to be a man that uſed to come there.

Who is that man like?——That young man there uſed to come almoſt every day.

What time did he come?—He uſed to come at all times almoſt, I cannot tell what time.

How long did he uſe to ſtay?—Two or three hours ſometimes, and ſometimes not ſo long, he uſed to go away ſoon.

Are you ſure that is the man?—Yes.

Do you know whether he was preſent

at the time the lodgings were taken?—No, Sir, he was not.

*Mr. Garrow.* Was Hardy there, after the lodgings were taken?—About once, or twice; I ſaw him, he came to ſee Mrs. Brown.

How long might he ſtay?—Not above half an hour.

Then that, I ſuppoſe, was before the other woman came to be there?—Yes.

Was any body elſe preſent, at any time, when Hardy was there, except Mrs. Brown?——No.

Did you ever ſee Mr. Holman there, when Mr. Hardy was there?—No.

Did you ever ſee Hardy bring any thing with him?—No.

## FRANCIS HARDY *ſworn.*

Do you know the priſoner?—Yes: I went with Mrs. Harris and Joſeph Yelland to take the room, there was one Mr. Richard Smith there; ſhe deſired I would repreſent her as a captain's widow, becauſe ſhe was ſeparate from her huſband, and ſhe was afraid if he knew where ſhe was, he would come and fetch away her goods; her huſband had been ſeparate from her two or three years, or near upon that; he lived with another woman; that was the reaſon ſhe gave me, for going in another name; I told Mr. Spackes, that ſhe was a captain's widow, I knew ſhe was not a captain's widow, I knew ſhe had a huſband alive at the time; I know the other woman, I have ſeen them in that apartment, I have ſeen them at work, ſuch as filing the ſhillings, and preparing them, and cleaning them.

Who have you ſeen?——I have ſeen Elizabeth Yelland preparing the money, and I have ſeen her likewiſe, after her ſiſter has coloured them, rubbing them out in ſand; I have never ſeen any body elſe colouring the money; I have ſeen a young man which is there, Joſeph, making the mould with ſand, and the flaſk; I believe after they had the room, they did not do any thing to the caſting part till about a fortnight before Chriſtmas, then they commenced caſting; before that they uſed to buy the bad money and finiſh it.

Then it was after the time of courſe, that you ſaw Joſeph making the mould?—I never ſaw him making any mould, but three times, for I was deterred from going up; the reaſon I went was, they owed me a little money, and I went after it, I being ſomewhat of a confidant, I believed they were not fearful to truſt me; I only ſaw them making the mould; I believe I have ſeen the woman at work ſix or eight times.

*Mr. Garrow.* The buſineſs you ſaw the woman employed in, was rubbing them on paper, and cleaning them?——Yes.

This was whilſt they purchaſed the unfiniſhed ſtuff, and were working it into finiſhed for uttering?——Yes.

It was before they began caſting?—Yes.

So you ſaw that ſix or eight times?——Yes.

At diſtant periods from each other?—It may be two or three days, ſometimes it might be every other day.

You was a frequent viſitor?——Yes.

When was the firſt time, after the lodgings were taken?—I believe it was within four or five days.

What Elizabeth underſtood the buſineſs as well as Phebe?——She was not there then, ſhe came ſince they began caſting; there was only Mrs. Harris and her daughter and this man.

Did you ever ſee any caſting going forward?——I never ſaw any metal run; I have ſeen the ſilver in the flaſk to make the mould.

You have?——Undoubtedly; when I went up, they have been a little ſurpriſed, but then they ſaid, you need not mind him.

You have known this family eighteen months, how came you to be the perſon ſingled out to tell this falſehood to the landlord.——I never told any falſehood only by her own deſire.

However you was the perſon thought the fitteſt with that demure face to tell a lie?—I lived in that neighbourhood, and I believe ſhe had no other connections but me, as I had not been in the neighbourhood long, and ſhe deſired me to look her out a room.

Are you a married man?——Yes, I lived at No. 62, I never ſaw her do any thing of the kind before; I did not know ſhe was a perſon of that kind.

Did you know thoſe people were in the act of high treaſon, at the time you went there?—I knew it would affect their lives, I thought it right to divulge it at laſt.

Did you always think it was a bad thing that they were doing, and that it was a bad thing to keep it ſecret?——Undoubtedly I did.

Had they paid you the money they owed you?—Some time; I ſuppoſe for two months.

Then you continued to viſit them after the money was paid?—All the difference that aroſe between them and me, that made us ſeparate in our connections was, my adviſing them to quit and leave that buſineſs, and they thought my advice too bad.

So there was a downright falling out between you?——No, there was not.

Still they continued in their old lodgings, going on with their old trade, knowing you knew of it?——Yes.

It was two months after your recommendation, and breaking of the connection, that you gave this notice?——Yes.

How long had all connection ceaſed between you?—I believe it might be a week.

Did you deſire them not to come to your place, that you might diſcloſe this matter?—I had ſome ſtruggle in my mind, and at the ſame time was in hopes my perſuaſions would have an effect upon them, as I ſaw it was dangerous; I ſaw they would not leave off, and there was no other method; beſides, I ſaw clearly that they were leading young people into that error, and they might have led others; I ſo far perſuaded her own daughter to quit the houſe, and come to live at my houſe.

What is the age of that daughter?——About fourteen; ſhe lived with me and my wife in the capacity of a ſervant, or in fact, till her grandmother would take her; ſhe was not with me not many days before, not many hours; ſhe came on the Saturday, and her mother was apprehended on that very evening.

Had not you really made a diſcovery to the officer, before you took the daughter home?—No, Sir; the daughter was at my houſe ſettled before the officers went.

I aſk you, upon your oath, whether you had not informed the officer before you took the daughter home?—I had not mentioned it to any one perſon, till the daughter was in my houſe, for there I left her, when I went to apprehend them; I took her in order to ſave her life.

Had you made any declarations reſpecting the priſoner Phebe Harris and yourſelf, reſpecting your attachment to her?——I never had any attachment to her, ſhe is a married woman, and I am a married man; upon my oath I never had any attachment towards her.

Have you never ſaid this to any body, that if they made a caſe againſt Phebe Harris, the reſt ſhould go too, for you loved her better than your own wife?—Upon my oath I never ſaid ſo, I never was prejudiced any more in her favour than the other.

You never ſaid ſo?—I never did.

JOHN NICHOLLS *ſworn.*

One of theſe ſixpences is bad, and the other I believe good.

How are theſe ſhillings?——They are both bad; two of thoſe ſhillings are bad, and one good.

*Court.* Hand over the paper with the two ſhillings in it; I want to aſk Clarke a queſtion about them.

*To Clarke.* You delivered in theſe, to be one good, and one a bad ſhilling; which did you take to be good?——His judgement is better than mine.

*Jury.* Suppoſe the good ſhilling was gone, one might be a pattern as well as the other?—Not a doubt of it, in all branches of buſineſs, beſides this, they moſtly uſe lead for a pattern.

### JOSEPH YELLAND, otherwiſe HOLMAN's DEFENCE.

My Lord, I had been at my mother's all that morning, and hearing my ſiſter was ill, I came to ſee her; and this witneſs wants to ſwear my life away, for the ſake of the blood money.

*Court.* Can you ſhew by witneſſes what your life has been for the courſe of the laſt four moths, that you have been honeſtly getting your living; that would be of great ſervice to you?—I had been at work, and I have been out of work ſome time, I was looking for a place.

What buſineſs was you bred to?——A whiteſmith, I have four witneſſes to my character.

SARAH SMITH *ſworn.*

I have known him from a child; I am a married woman, my huſband is a waterman and lighterman at Hungerford-ſtairs.

What buſineſs is he?—I ſaw him about half a year ago, he ſaid he was going upon liking to a ſmith; I never knew any thing of him but an honeſt young fellow.

Has that been his general character?—Yes, I never heard any thing amiſs of him.

What was he brought up to?——He was brought up in the ſchool.

What buſineſs was he brought up to?—He was going upon liking to a waterman; my huſband would have taken him; I have not ſeen him within this laſt twelve months, and then he had not been out at any buſineſs; I know his mother very well a very honeſt hard working woman; She goes out to work.

Did he live with her?——He uſed to be backwards and forwards.

JANE BURGESS *ſworn.*

I live next door to his mother, in Artichoke-lane, I am a married woman, my huſband is a cooper, I have known him theſe three years to my certain knowledge, he went on board a ſhip, and attended as a waterman along with his father in-law; I never heard any thing amiſs of him, till now; I never heard any thing of his being a ſmith; I heard once he was to be a ſmith, but he did not go.

*Court to Priſoner Phebe Harris.* What explanation can you give of this to the Jury.

*(Her Defence read.)*

My Lord and Gentlemen of the Jury, I am an unhappy woman; I was deſired by a young man of the name of John Brown, to take the room, which I did, and he brought the things found in the room; and deſired me to ſecret them, and I not knowing the nature of them, or for what purpoſe they were intended, did do ſo, and ſo I told the gentlemen when they came and took me: as to my ſiſter-in-law, I being very ill, ſhe came to clean the room for me, and the gentleman found her cleaning it on her knees: and my brother-in-law came ſome time after the gentlemen had been in the room.

*The priſoner Harris called two witneſſes who gave her a very good character.*

PRISONER ELIZABETH YELLAND's DEFENCE.

I leave it to my counſel.

*The Priſoner called Alexander Sutherland, an Apothecary, with whom ſhe lived ſervant two months before her commitment, who gave her an exceeding good character.*

*Court to Macmanus.* Which woman went to the bed's head?——Phebe Harris.

*The Jury retired for ſome time, and returned with a Verdict.*

JOSPEH YELLAND otherwiſe HOLMAN, } NOT GUILTY.

PHEBE HARRIS, GUILTY, **Death.**

ELIZABETH YELLAND, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

328. HANNAH otherwiſe HANNA MULLENS, was indicted, for that ſhe, well knowing that one Peter Roach had ſerved our Lord the King, as a ſeaman, on board the Burford, and that certain wages and pay were due to him for ſuch ſervice, on the 11th of November laſt, ſhe did appear in her proper perſon before the Worſhipful George Harris, and did produce and exhibit a certain paper, partly printed, and partly written,

ten, with a certain mark thereunto ſet, which purported to be the laſt will and teſtament of the ſaid Peter Roach, and did then and there unlawfully, wilfully, and knowingly, take a falſe oath that that paper did contain the laſt will and teſtament of him the ſaid Peter Roach; and that ſhe was the executrix therein named, with intent to obtain probate, in order to receive the wages and pay ſo due to him the ſaid Peter Roach, for and on account of his ſaid ſervice, againſt the ſtatute.

*A ſecond count*, for that ſhe, ſuppoſing certain wages and pay was due, &c.

### THOMAS FLETCHER *ſworn.*

I am a clerk in the Prerogative-office. This is a will of Peter Roach; I bring this from the place where the original wills are depoſited.

### JOHN SEALY *ſworn.*

I am clerk to Mr. John Crickett, Proctor, in Doctors Commons. I know the priſoner; I ſaw her, and received this will from her; I wrote this jurata upon it. I went with her to be ſworn; I ſaw her ſworn; I ſaw Doctor Harris ſign it.

What was the oath?——She ſwore that paper contained the laſt will and teſtament of Peter Roach; that ſhe was the executrix therein named.

*Court.* To what purpoſe was this oath adminiſtered to her?—For her to receive the effects.

What was to be done in conſequence of that oath?—To obtain probate.

What was the purpoſe for which ſhe applied to you?—To prove the will, to obtain probate.

Did ſhe come alone?—No perſon with her, to the beſt of my knowledge; I do not know where ſhe lived; I did not ſee her huſband; ſhe ſent ſome perſon after it the next time; it was ſome man.

*(The Will read, witneſſed by Philip Riley and John Penny.)*

### HENRY WILLIAMS *ſworn.*

There is no other man of the ſame name; this man, Peter Roach, appeared to have ſerved on board the Coventry, from the 16th of July, 1781, till the 2d of September, in the ſame year; when he was diſcharged into the Burford, on the 14th of Auguſt, the Coventry was at ſea at ſome part of the Eaſt Indies, latitude 18.

Turn to the Burford book, how and when does he appear to have been on board?——He arrived in the Burford the 3d of September from the Coventry, and ſerved to the 19th of April, 1783, when he died in Madraſs road.

Were there any wages due to him?—There were.

Are there now?——Yes.

Look for John Penny and Philip Riley?——John Penny appears to have died on the 8th of Auguſt, 1779, at the hoſpital at Symons Town, I believe, in the Eaſt Indies; and Philip Riley did not die till the 6th of June, 1782.

Then he was borne on the ſhip's books at this time?—Till the 6th of June, 1782, they both belonged to the Burford.

*Court.* Suppoſing a perſon had come to have enquired at the office for the name of Peter Roach, what information would you have given?——I ſhould have given the original entry in the Coventry, carrying it back to July.

### HENRY PENTON *ſworn.*

I was quarter-maſter on board the Burford in 1781; I knew Peter Roach for a good while; I have ſeen him write, he wrote pretty middling, that a man might read, and he could write both in pen and chalk, for he was in my watch; he was blown up in the Eaſt-India man, called the Duke of Arthur, the 19th of April, 1783; I never ſaw him write any will or power, or any ſuch thing as that; I have ſeen him write, he has written with my pen a twelvemonth before his death; he came to the Burford in 1781 from the Coventry.

### THOMAS PLUCK *ſworn.*

I was a foremaſt-man on board the Magnanime.

Did you know Philip Riley of the Burford?——Yes.

Have you ſeen him write often ?—Yes.

Look at this ?—That was never his hand writing in the world ; I knew him extremely well, he wrote a very heavy and a very ordinary hand, indeed ; he was very little uſed to writing.

*Court.* Do you remember Riley in the Burford in the year 1781 ?——I knew him in the year 1782, after the 12th of April ; I knew nothing of him before that time.

*Court to Williams.* When did Riley firſt come into the Burford ?—On the 13th of December, 1778, and died the 6th of January, 1782.

*To Pluck.* Did you know of his death ?——No.

How long had you known him ?—Between two and three months.

**ELIZABETH RYDER** *ſworn.*

What relation were you to John Penny ?——I was his mother's own ſiſter, and his own ſiſter is in the next room ; he was a mariner on board the Burford ; he could not write, nor read writing.

What became of him ?—He died abroad, I forget the name of the place.

**SARAH HALL** *ſworn.*

Had you a brother of the name of John Penny ?—Yes ; he was a mariner on board the Bedford, or ſome ſuch name.

Was it the Burford ?——Yes.

Where did he die ?——At the Cape of Good Hope.

What age was he when you laſt ſaw him ?—I do not know ; he might be upwards of forty.

Did you ſee him a little time before he left this kingdom to go abroad ?—He could not write when he went from this kingdom, unleſs he was learned abroad ; he could neither read nor write.

Does it appear from the ſhip's books where this young man repreſented himſelf as coming from ?—From Folkſtone.

How old was your brother when he died ?—He might be about forty-five or forty-ſix.

What year was he born in ?——I do not know ; he was younger than myſelf ; I am forty-eight ; he has been gone eight years this April, to the beſt of my memory.

How much younger was he than you ?——Two or three years.

*To Williams.* You ſay he had entered his forty-ninth year ?——Yes.

**JOHN ABEL, alias PATERSON** *ſworn.*

I know the priſoner, ſhe aſked me ſome queſtions once.

What ?——She aſked me if I knew ſuch a ſhip as the Burford, from India; it was about ten days or a fortnight before I was taken ; ſhe aſked me if I knew any of the people belonging to the Burford, for ſhe had got a perſon that did belong to that ſhip, that brought her from Ireland, and ſhe had his will and power ; and ſhe aſked me to go to the Pay-office to receive the wages, and if I ſhould be aſked whether I brought the will over, to ſay, yes ; that was all.

Did you go with her ?—Yes.

Did you ſay ſo ?—They did not aſk me.

*Court.* How long have you known this woman ?—I never ſaw her, to know her, but once or twice.

Where did ſhe live ?——I ſaw her at a public houſe ; I do not know where ſhe lived.

How much was you to take for your trouble ?——She did not promiſe me any thing particular ; ſhe ſaid I ſhould be ſatisfied.

Did you know Roach, Penny, or Riley ?——No.

You went along wth this woman ?—Yes.

What did you tell the gentlemen at the Pay-office ?——I do not know that they aſked me any queſtions ; I did not ſpeak, that I know of.

So the woman was a ſtranger to you ?—Yes ; I had ſeen her once or twice before.

Did you know where ſhe lodged, or was to be met with ?——No.

Do you think it was a proper thing for you to lie for this woman, though you did not ſwear for her ?——I did not think of the conſequence; ſhe told me ſhe could not find the man.

*Court.* Take care of yourſelf in future; if you had come here as a party, it would have gone very hard with you.

### ——— SLADE *ſworn.*

On the 27th of February, the priſoner, in company with this man, who went by the name of Patterſon, brought this adminiſtration belonging to Peter Roach; upon looking who were witneſſes to the will, I found that one of the witneſſes was dead two years before the will was made; I aſked her who brought it over; ſhe ſaid the man that was with her; ſhe ſaid his name was Abel; ſhe brought this paper with her. *(The paper read.)* "Burford, Peter Roach, No. 1648, Madraſs, R. D. £5. 8. J. P." It belongs to the office of a Mr. Wilcotes.

*(The paper ſhewn to the Jury.)*

Do you know any thing of that ticket?—Yes, it is wrote by a perſon in our office, whoſe name is Stephen.

Is it his buſineſs to make out theſe ſort of tickets?—By the authority being produced.

Has Mr. Stephen been applied to, to know whether he can give any account of it?—I believe not.

The Navy-office is down at Crutched Friars?—Yes; I dare ſay he can give no account of it.

### PRISONER's DEFENCE.

My Lord, a young man that belonged to the Burford, Patrick Croghill, delivered me this will at Mrs. Mould's, the Cock, in High-ſtreet, St. Giles's, about eleven months ago.

Have you got the letter in which it was brought to you?—No, Sir, I have not, I have loſt it; I could neither read nor write myſelf, I got a young man to write a letter for me.

Had you any reaſon to expect that you ſhould be made executrix to this man, and that he would leave you this money?——I had not ſeen him theſe ten years.

Was he a relation to you?——No; he lived with me half a year; he never ſent to me; I never heard from him from the time he went away; this is the man that wrote the letter, whom I called from the next box.

How came you to keep it ſo long by you? I was big with child, and I did not like to go till I was well.

Is there any body here that knows that this man lived with you?—I do not know.

How old are you now?——I am going of twenty-ſix.

And you ſay this was ten years ago; you muſt have been very young indeed?——Yes.

Where did you come from?——From Ireland.

How long have you been in London?—I have been in London about ten years.

Where have you lived, what part of London?—I lived at St. Giles's, and in a good many parts.

In what way?—As a ſervant; I have been a ſervant theſe four or five years; I have lived with this child's father theſe two years; his name is Edward Mullins.

What is he?—He porters.

Who is he that you call to give an account of your receiving this letter?—That man there.

### EDWARD EDWIN *ſworn.*

What countryman are you?—An Iriſhman.

How long have you known this woman?——About two years.

Do you know Edward Mullins?—No.

Do you know where the priſoner has lived theſe laſt two years?——I know ſhe lived in St. Giles's; I live in Drury-lane, I am a labourer.

Have you got any of your writing here?——Yes; I went before my Lord Mayor, when I was ſtopped.

Who ſtopped you?—The Lord Mayor.

How came you to be ſtopped?—When I appeared as evidence for the woman.

Tell me what you know about this matter?—I ſaw a will incloſed in a letter, delivered to Hannah Mullins about a twelvemonth ago.

Who was it delivered to her by ?——A ſailor.

Did you know the ſailor ?—No.

Do you know how the ſailor found her out ?—Yes, he enquired of Mrs. Moulds for her.

How came he to find out Mrs. Moulds? —The direction was on the letter.

So then it was in conſequence of the direction being on the letter, at Mrs. Moulds, that this woman was found out ?—Yes.

You read the direction ?—Yes.

Was ſhe in the room at Mrs. Mould's at the time that the man came there ?—Not that I know of; he enquired for her when he came in, and Mrs. Moulds ſent for her.

When ſhe came, what happened then ? —I do not know, I took no further notice, till ſhe handed me the letter; I ſaw him give her the letter.

Was the letter ſealed, or unſealed ?——Sealed.

Did he tell her who it came from ?——I cannot ſay.

Did ſhe read the letter ?—I read it, ſhe could not read.

What was in the letter ?—I cannot tell.

What was there beſides the letter ?——There was a will in it.

Whoſe will was it ?——I cannot tell you.

How do you know it was a will ?——When I read it, every body in the houſe ſaid it was a will; I did not know it was a will till I was told it.

You do not remember whoſe it was ?—No.

Look at that writing and tell me whether it is your hand, did you write that before my Lord Mayor ?—Yes.

How happens it that you, who have known this woman ſo long, ſhould not know Mr. Mullens ?——She has had two or three huſbands while I knew her.

You are not one of them, are you ?—No.

*Court to Abel.* Did you never receive a letter from her deſiring you to come ?——No.

*Court to Edwin.* Do you know who it was that brought the letter ?——I cannot ſay.

Look at Mr. Patterſon, and ſay whether that was him or not ?——I cannot ſay it was.

Can you ſay it was not ?——It is ſo long ago I cannot ſay.

Where was this woman's huſband when the letter was delivered ?——I cannot ſay.

Have you never ſaid it was Patterſon that wrote the letter ?——I never did.

Did you happen to know how long Mrs. Moulds has kept that houſe ?——While I was in London.

How long is that ?——About ſix or ſeven years.

*Court to Patterſon.* Was not you the perſon that brought this letter ?——I was perſuaded to ſay ſo at firſt.

The queſtion is, whether you did not deliver this letter to this woman at Moulds' ? now take care before you anſwer it.—No, Sir, I did not.

You did not ?——No.

Is Mrs. Moulds here ? I will read to you what the minutes are of your examination, and then I wiſh you to conſider what anſwer you will give to me; you ſaid you was born at Hipperſley in Worceſterſhire; that you was on board the Eleanor brigg five years ago, is that true ?—Yes.

That you never knew Peter Roach; that you had the letter on board the Burford, in 1783; that that letter was given you; that you ſat down in the box, that there were two or three men in the ſame room, that you ſat down in the middle box ?——I did not ſay that before my Lord Mayor.

What part of it did you ſay, did not you ſay before my Lord Mayor, that you delivered this letter to this woman ?—Yes, the day I was taken up; then, when my Lord aſked the truth, I told him, and he told me it was better to tell the truth, and I did tell him all the truth about it.

So firſt of all you did ſay ſo, and it was not true ?—Yes, then I told him as I have told you.

**THOMAS WELCH** *ſworn.*

I am a labourer and porter.

Are you acquainted with that man, Daniel Patterſon?——No, I never ſaw him till I ſaw him at the priſon.

Did not you ſee him at the Cock?——No, I could not ſwear that I ſaw him.

Where do you live?—I lodge in Dyot-ſtreet.

Was you drinking with him at the Cock?——No, I was drinking with Edwin at the Cock.

Do you remember the circumſtance of a man coming in and enquiring for Mrs. Mullens?——Yes, I heard that circumſtance particularly, I happened to be ſitting in the middle box, and ſome time after they came in, ſhe turned about and called Edwin out of the box from me, as I ſat alone, I turned about and I ſaw both their heads together, and he was reading in a ſlow voice.

Who was the man that brought that letter?——I do not know.

Look at Mr. Patterſon?—I have ſeen him often ſince,; I never ſaid he was the man.

Did not you ſay that Patterſon came to enquire for Mullens, and that Patterſon gave her a letter?——I could not ſwear that he was the man, or that he was not the man, I never ſaid he was the man before my Lord Mayor.

Then obſerve, before my Lord Mayor you did not ſay that Patterſon was the man?——No, I did not.

*Court to Priſoner.* Can you ſatisfy the Jury what name you go by now?—Yes, by the name of Mullens.

Why the man's name that you live with is Mullens?—But my father's name was Jack Mullens.

**GUILTY, Death.**

*Tried by the London Jury before Mr. Baron* EYRE.

*She was humbly recommended to mercy by the Jury, becauſe they ſuppoſed ſhe had been drawn in.*

*Court.* It is juſt now ſuggeſted to me, that this is not the firſt or ſecond of theſe wills, that ſhe has been concerned in; and if ſo, you would wiſh to withdraw your recommendation; but if ſhe is really an innocent perſon, we will liſten to it; I ſhall deſire my Lord Mayor, who has had this affair before him to make enquiry into it.

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329. **JONATHAN HARWOOD** was indicted, for feloniouſly making an aſſault, in a certain field and open place, near the the king's highway, called St. James's Park, on David Drummond, Eſq; on the 15th day of April laſt, and putting him in corporal fear, and danger of his life, and feloniouſly taking from his perſon, and againſt his will, 4s. in monies numbered, his monies.

(*The indictment was opened by Mr. Park, and the Caſe by Mr. Garrow, as follows.*)

May it pleaſe your Lordſhip, and you Gentlemen of the Jury; this is a caſe, the moſt painful that has come before you this ſeſſions: you have heard this is a robbery; a robbery not committed in the uſual way, not by force or violence to the gentleman who was robbed, but by thoſe means, which I am ſorry to ſay, the experience of this place, and other courts of juſtice, has proved, are but too frequent in theſe days; I mean Gentlemen, by threatening to charge an unnatural crime. Gentlemen, on the law of this ſubject, whatever doubts may have been entertained formerly, thank God, there will be none to day; we have it ſettled by all the Judges, that if money is taken from the perſon of any man by threats, either to affect his character or perſon, by which he is induced to part with his money, that conſtitutes the crime of a robbery, the ſame as if he had been knocked down; and indeed God forbid it ſhould not; for ſuch an attack to a man of character is worſe than a publick robbery. Gentlemen, the proſecutor Mr. Drummond, is a very reſpectable wine merchant, in Sackville-ſtreet, Piccadilly; in the courſe of his buſineſs, he acts occaſionally for gentlemen as a banker; it happened that my Lord Sempill, who keeps money with him in that way, drew a draft for eight guineas, and a ſhort time after another for one pound ſixteen ſhillings, theſe drafts were preſented, when Mr. Drummond's hair was dreſſing, and he did not file them, but neglected to take care of them; he heard no more of them till about a month ago, when two perſons, ſoldiers, one of them the priſoner, came to Mr. Drummond's houſe with two drafts, upon looking at them, it did not occur that they had been paid, but he concluded they were drawn for ſome of my Lord's ſervants, and that they had loſt them; the ſoldier ſaid, he did not preſent them for payment, but finding them, he brought them home; Mr. Drummond gave each of the ſoldiers a ſhilling a piece, and away they went. On the 5th of April, Mr. Drummond was in the Park, and there was a great diſturbance in the Park, which drew the attention of every body, and of courſe, of Mr. Drummond; upon enquiry, he found that a man was detected in woman's cloaths, and that that was the cauſe of the riot; on returning home, Mr. Drummond was accoſted by a man who ſince turns out to be the priſoner, who ſaid, how do you do, Sir; Mr. Drummond had no recollection of his perſon, and ſaid, who are you? ſays the priſoner, do not you recollect me, I am one of the two ſoldiers that brought the drafts, and ſays he, you behaved very ill and very ſhabbilly to us, and gave us only a ſhilling a piece; Mr. Drummond ſaid, he thought he had given them enough; but however, Mr. Drummond gave him a ſhilling more; then the priſoner uſed this expreſſion, if you do not give me more, I will ſwear an unnatural crime againſt you, and that you loſt the drafts when you was with me in the Green Park; I can ſwear to your perſon, from having ſeen you at your own houſe before, when I brought the drafts. Mr. Drummond, you may conceive, was unuſually alarmed; and upon theſe occaſions, one ſets one-ſelf to conſider what one ſhould do; I am ſure it has often puzzled me, how I ſhould behave on ſuch an occaſion; knock him down one of my friends ſuggeſt; why that would be equally dangerous, that would be called retaliation; ſhould a man do as Mr. Drummond did, give him ſomething; why that is an encouragement to all theſe ſcoundrels of the guards; otherwiſe, the beſt way might be, to give them ſomething and get rid of them; that was Mr. Drummond's caſe, he did not chuſe to be annoyed by this man, he gave him four ſhillings; the fellow ſaid that would not do, he ſhould go home with him, he would have more money; Mr. Drummond was obliged to ſubmit, he begged he would follow at a diſtance; in ſhort Mr. Drummond went home, and there he got ſome more money, two guineas which he gave the priſoner; this however did not ſatisfy the priſoner, for the conſtant experience of theſe caſes is, that when once they have made a footing, ſo as to induce people to give them a farthing, they are never ſatisfied, becauſe, they know that every additional ſhilling that is given, is an additional abatement of that ſtory, which is to be told to the Jury; the priſoner deſired Mr. Drummond to make an appointment to give him ſome more money, Mr. Drummond did ſo; the priſoner deſired Mr. Drummond would be very cautious to attend to his appointment, or elſe he ſhould viſit him again; Mr. Drummond diſcloſed what he had done, to Lord Sempill, and ſome other gentlemen, and that very day the priſoner was taken up; when the priſoner was taken and examined at the Publick Office, in Bow-Street, he told this ſtory; that Mr. Drummond had loſt the drafts, while he was commiting indecent familiarities with another ſoldier, of the name of Wetherhill, who was the man that went with the priſoner, when they carried the drafts; upon this Wetherhill was examined, and he entirely diſclaimed the whole ſtory, and ſaid he never ſaw Mr. Drummond, till he went to his houſe with the priſoner with the drafts; another circumſtance is, when this man made the charge in the Park, Mr. Drummond told him that there was a reaſon why he ſhould be the laſt perſon in the world to be charged with ſuch a crime; but Wetherhill will come here, and tell you there is no truth in the ſtory told by the priſoner. If the priſoner ſhould be unwiſe enough to-day to affect Mr. Drummond's character, by ſo foul a charge, Mr. Drummond lives in this country in a way that he can produce the moſt reputable witneſſes to his character, and that I ſhould think will go a great way in directing your judgments; but the Court will tell you, that I cannot call ſuch witneſſes, unleſs the priſoner makes it neceſſary; but if I do call them, they will ſhew you that Mr. Drummond is not, nor cannot be the man that the priſoner repreſents him. Gentlemen, I ſhall call my witneſſes, and if you find this man has made this charge with a view of extorting money, you will pronounce a verdict of Guilty upon the priſoner, and leave him to the vindiction of the law, to be made, perhaps, a public example to a neſt of men, who, inſtead of being the guardians of the public, are by much the worſt ſubjects the King has in his dominions, and by much the worſt ſet of men in this metropolis; ſo that in future honeſt men walking in the Park may not meet with theſe ſort of attacks; but however, Gentlemen, your province, to be ſure, is only to pronounce him guilty, or not guilty, from the evidence that ſhall be laid before you; and I know, from the experience I have had of you, that you will give the greateſt attention to that evidence, and decide according to your conſciences; I aſk no more at your hands.

**DAVID DRUMMOND, Eſq.** *ſworn.*

I am a wine-merchant.

Did you ever ſee the priſoner at the bar?—Not to my recollection; I did not even know him that night, though I had ſeen him the day before.

Be kind enough to relate all that you know of this matter of your own knowledge, without any hearſay evidence.——Lord Sempill generally has money in my hands, and pays his tradeſmen by drafts upon me; he drew a draft for eight guineas in favour of his ſervant Joſeph Lewis, dated the 30th of December, 1785; another for one pound eighteen ſhillings, in favour of Mr. Thwaites, dated the 11th of January; theſe drafts had been preſented, as it frequently happened, when I was in the room dreſſing, and I ſent the money down by the ſervant; when I went to the counting-houſe, I entered the drafts as uſual; not being in the counting-houſe then, I did not take them, and what came of them I do not know; but I omitted to draw the pen through the name, and put them in the drawer to preſent them at the Bank. About a month ago two drafts were brought to me in my wine vaults.

*Court.* About what time were the drafts preſented and paid?—They were at two different times, and ſhortly after the times they bore date, within a day or two; they ſeldom are longer than a day from being preſented; thoſe two drafts were brought to me when I was down in the wine vaults; I aſked if Joe was at the door, (Lord Sempill's ſervant) the ſervant told me no, that two ſoldiers had brought them; it ſtruck me immediately that Joſeph had loſt the drafts; I came up, and ſpoke to the ſoldiers.

Was the priſoner at the bar one of thoſe ſoldiers?—Yes.

Was Wetherhill the other?——I cannot ſay; I could not even have ſaid the priſoner was one of them, if he had not made that attack upon me afterwards; I went and ſpoke to the two ſoldiers, and told them I would not pay the drafts; upon which one of them anſwered, that he did not preſent them for payment, he ſaid he found them.

Was that ſaid by the priſoner at the bar?——I cannot tell; ſtill thinking that ſome of Lord Sempill's family had loſt the drafts, I went to the compting-houſe, and wrote upon them, not to be paid; I ſent the ſoldiers to Lord Sempill's, and about an hour after they came back to me, with my Lord's own ſervant, John Woollett; and the ſervant told me that I muſt have loſt the drafts myſelf, for they had been paid by me long ago.

Did the ſervant ſay you muſt have loſt them yourſelf, in the preſence of the two ſoldiers?—No, it was in the cellar; I came up to the compting-houſe, and ſhewed them the drafts from the books, that they were entered and paid; I told them that the drafts were of no conſequence, but as they had brought them home, I gave the ſoldiers a ſhilling a-piece for their trouble.

*Court.* When you firſt went up to ſpeak to theſe two men about the drafts, was any body preſent?—My ſervant, Thomas Vennell.

Was he preſent when you ſent them to Lord Sempill's?—Yes.

Did they, or either of them, make any objection to going to Lord Sempill's?—No, none.

When did you ſee the ſoldier again?—I ſaw no more of them till the 14th, which was Good Friday.

When you gave them the ſhilling a-piece, did they ſay any thing before they left you? ——No, my Lord.

Did they make any complaints?—No, not a word; on the 14th, I went down to St. James's Park, about eight in the evening, and walked towards the Queen's Houſe in the Mall; there were a great many people walking at the time, and on returning, there was a noiſe in the Green Park, and the people that were in the Park crowded to ſee what was the matter; the noiſe was a little above where the centry ſtands in the Green Park; I went up, and found, on enquiry, that it was a man taken in woman's clothes; and upon retiring from the crowd in St. James's Park, in order to go home, the priſoner followed me; he came up to me, and ſaid, how do you do, Sir? I did not know him at all; I aſked him who he was, and he ſaid, did not I remember the two ſoldiers that came with the drafts ſome time ago.

*Court.* Had you left the crowd?——Yes; I returned through St. James's Park to go home.

You choſe to go through St. James's Park, ſooner than the Green Park?——Yes.

*Mr. Park:* Was the priſoner in his uniform?——Yes.

*Court.* Did the priſoner follow you?—Yes; I aſked him who he was? he replied, did not I remember the two ſoldiers that came with the drafts ſome time ago; I anſwered, yes; but I do not know that you are one of them; upon which he ſaid, I am the one that found the drafts, and you behaved very ſhabbily, and not like a gentleman, in giving us only a ſhilling each; I told him I thought it was enough, as I had ſhewn him Lord Sempill's book, that the drafts were entered, and were of no conſequence; that he might have the drafts inſtead of the ſhilling. He ſaid that was too little, and he muſt have more; I told him I would give him no more; but on his ſtill inſiſting, I put my hand in my pocket, and gave him a ſhilling, and told him to go about his buſineſs; by this time, I had got into St. James's Park; the ſoldier was ſtill following me, demanding more money; I repeated I will give you no more: he then ſaid, if you do not give me ſome more money, I will ſwear an unnatural crime againſt you, and that you was with me in the Green Park when you loſt the drafts; I can ſwear to your perſon, from having ſeen you at your houſe when I brought home the drafts. I walked on the footpath; I was much alarmed, and leſt he ſhould have made his threats heard in the ſtreets, I turned towards the Queen's Houſe, by the rail of the Green Park, and ſtopped almoſt oppoſite where the two centinels ſtand, on the north ſide of the Queen's Houſe; I told him I had only a half-crown and three ſixpences, which I gave him; he ſaid that would not do, he muſt have more; and then he ſaid, I will go home with you: I told him that I did not know I had any if I was at home, but on his inſiſting, I then told him, "Meet me any where that you pleaſe on Monday in particular, and I will give you a guinea," thinking by this means to make him deſiſt, and get rid of him for the preſent, and bring aſſiſtance to apprehend him; finding all theſe means ineffectual, I told him I was a very improper perſon to accuſe of ſuch a crime, for a reaſon which I told the priſoner; he ſtill inſiſted on having more money, and going home with me; I told him then to follow me home at a diſtance; when we had gone a little way, I ſaw him beckon to another ſoldier, and he ſaid, there is a man that I know, he will go with us; I replied, you may bring whom you pleaſe. When I came to the end of Sackville-ſtreet, in Piccadilly, I told him to ſtand by the wall of St. James's Church-yard, while I went home for the money; in place of doing that, he followed me home to the door, and I came out, and gave him two guineas a little way from the door in Sackville-ſtreet: he then ſaid, when ſhall I call on you for more? I told him I had given him too much; he ſtill ſaid he would call again; I then ſaid, meet me at the Green Park-gate at St. James's Park on Monday night at eight o'clock, and I will give you another guinea; with the ſame intention I have ſaid before, of apprehending him; and I made a point to conſult my friends what I ſhould do; the priſoner ſaid, Sir, be ſure to keep your appointment, or I ſhall call in a few days. Early the next morning, I went to Lord Sempill's houſe——

*Court.* Properly ſpeaking, we cannot hear from Mr. Drummond any thing that he ſaid or did.——On the Monday evening I went to the place of appointment, and took with me Mr. Morant, an officer from Bow-ſtreet.

What paſſed between you and the priſoner at the bar when you met him on Monday night?—It was ſome time after eight before the priſoner came; he came up to me, and aſked me, in the ſame manner, how do you do, Sir? I ſaid I was very well; he ſaid do not you recollect me; I ſaid I had good reaſon to know him; that I knew him perfectly well, that he had uſed me very ill, and he ſaid in what, I ſaid in threatening to charge ſuch a crime againſt me, and extorting money from me by thoſe threats; the priſoner upon that ſaid, he had been at my houſe on Sunday; Mr. Morant came up, and took him into cuſtody; when we went to the bottom of St. James's-ſtreet, he aſked me to let him have a coach, and not ſend him to the ſpunging houſe; I ſaid you are going to Sir Sampſon Wright's, and he may ſend you where he pleaſes; he replied, then he may ſend me to the devil.

When was you examined at Bow-ſtreet?——On the Tueſday.

What did the priſoner ſay for himſelf at Bow-ſtreet?——As nearly as I can recollect, he ſaid about two months ago, he was ſtanding in St. James's Park, by the rails of the two Parks, that I came up to him and aſked him what o'clock it was.

*Court.* Is the examination taken and returned of the priſoner in writing?—Yes.

Was it ſigned by him?——Yes.

*(The examination ſent for from Bow-ſtreet.)*

*Court.* Have you told us all you know excepting the examination of the priſoner?——Yes.

Is there any counſel for the priſoner?—No.

Then I will aſk Mr. Drummond one or two queſtions. When the man firſt told you that if you did not give him more money, he would ſwear an unatural crime againſt you, what was the impreſſion that it made on you?——I was very much alarmed indeed, I hardly knew where I was going, or what I was about for ſome time, having heard of ſeveral things of that kind before, it ſtruck the more terror into my mind.

What was the immediate miſchief that you apprehended?——I thought he would take me into cuſtody, and ſwear againſt me that crime.

There were a number of people in the Green Park?——Yes.

Did it occur to you to return back to that crowd of people, or to apply to the centinels, or any perſon for aſſiſtance?——If I could not have got rid of him by fair means, ſo as to get quit of him that night.

What was the reaſon of your turning to the Queen's houſe, inſtead of turning homewards?——I was afraid he would have made an uproar in the ſtreet, or have ſeized me there.

Did it not occur to you, that in the ſtreet, you might eaſily have procured aſſiſtance?—I thought he might have ſeized me in the ſtreet, he being a much ſtronger man.

Then you had an apprehenſion in your mind of immediate violence from him, if you did not give him what he required?—Moſt undoubtedly I had.

Under what apprehenſion was it that you gave him the four ſhillings?——To get quit of him.

But what apprehenſion if you did not?——I cannot exactly ſay, I was really in terror, I thought he would do ſomething to me if I did not.

Have you any kind of recollection by what means theſe drafts could have been loſt out of your poſſeſſion?——No other way than by putting them in my pocket in my own room, and as I frequently went to the Green Park, to the Park-keeper's houſe, and drank ſome milk of a morning before breakfaſt; I know of no other way that they could be loſt.

*Mr. Garrow.* That is on account of your health I believe?——No, Sir, I am very fond of walking in a morning, I uſed to go very often, I am generally pretty much confined in the day, and I like to walk in a morning.

I think you ſaid your ſervant was preſent, when you firſt ſpoke to the ſoldier about the drafts, and you ſent them to Lord Sempill's with the drafts, and that my Lord's ſervant came back?——Yes.

Should you have any recollection of the other man that came with the priſoner?——No, I knew him when I ſaw him at Bow-ſtreet.

*Court to Priſoner.* Put your queſtions to me, and I will aſk the proſecutor, if there is any thing I ſhould aſk him.

*Priſoner.* No, not particularly, only to ſpeak for myſelf; I wiſh that Wetherhill, the other ſoldier, ſhould be called.

*Court.* He is here I underſtand, and if he is not called for the proſecutor, you certainly have a right to call him yourſelf.

THOMAS VENNELL *ſworn.*

I am ſervant to Mr. Drummond, I recollect about a month ago, two drafts being brought to him by two ſoldiers, they knocked at the door, I opened the door, they aſked if Mr. Drummond did not live there, I told them he did, they gave me two notes, and I took them to Mr. David Drummond, who was in the wine-vaults; Mr. Drummond aſked me, if Lord Sempill's ſervant was waiting for them, I told him no, two ſoldiers brought them; Mr. Drummond came up, and aſked them how they came by them, they ſaid they found them in the Green Park; Mr. Drummond wrote upon them, but I do not know what he wrote, and ſent them to Lord Sempill's; I recollect the priſoner was one of them very well.

How ſoon did you ſee the priſoner after?—Laſt Sunday was a week, which was Eaſter Sunday, he came with a note, and aſked if Mr. Drummond was at home; I aſked him which, Mr. William, or Mr. David; he ſaid, you remember my bringing two notes with a ſoldier ſome time ago; ſays he, it is him that I want; ſays I, he is not at home, and may not come home all day; ſays he, then you may take the note to his brother; ſays I, it is not his brother but his uncle; ſays he, take it to him; I ſaid his uncle has no buſineſs with his notes; but I took it up ſtairs to him, to ſatisfy him; but I did not give it to Mr. William Drummond; I came down and told him my maſter did not know any thing about it, unleſs Mr. David was at home, he ſaid he would wait till Mr. David Drummond came in; he ſtaid about ten minutes in the paſſage, and he ſaid it would not look well for him to wait there, he would go to the publick houſe, and have a pint of beer, and he aſked me to lend him a ſhilling, he ſaid he had no money; I told him I had no ſilver; about five o'clock I was ſent out of a meſſage for my maſter, and when I returned, he had been there; but about eight, or between eight and nine, he came there again, I opened the door to him, I told him he would be at home about eleven; he promiſed to come again at that time, but he never came.

When he deſired you to give the letter to Mr. Drummond's uncle, what did he ſay?——He ſaid he wanted ſome money, and he thought the uncle would give it him.

*Court to Priſoner.* Do you wiſh to aſk this witneſs any queſtions?

*Priſoner.* No my Lord, all is right that he ſays.

*Court to Witneſs.* Did they ſay how they found them in the Green Park?——They ſaid ſome time ago, they did not ſay what time, nor in what manner.

Did either of them ſay any thing, or make any objection to go to Lord Sempill's?——No, they deſired Mr. Drummond to write upon them to let Lord Sempill know that they had been there with them.

Then they did not make any objection to go, or ſay it was unneceſſary, or any thing of that ſort?——No, one ſays to the other, do you think you have time to go, that was all that I heard.

Lord Sempill's ſervant came back with them?——Yes, I ſaw Lord Sempill's ſervant and the two ſoldiers in the yard, but I never ſpoke to them.

### JOHN WOOLLETT *ſworn.*

I am ſervant to Lord Sempill, I recollect ſeeing the priſoner at the bar, he and another ſoldier came to my Lord Sempill's, and aſked if that was not Lord Sempill's, I ſaid yes, I came down to the area, they aſked if one Joſeph Lewis did not live there, I ſaid yes, they then told me they had found two drafts, one for Joſeph Lewis, I aſked them where they got them, they told me they found them in the Green Park; I aſked them who ſent them there; they ſaid, they had been down to Mr. Drummond's in Sackville-ſtreet, and that he ſent them; while I was talking with them, Joſeph Lewis came in; I told them the drafts were of no uſe to any body, I knew the drafts had been paid, and I aſked Lewis if he knew any thing of it, he ſaid yes, it was paid, I told him the other I paid myſelf to Mr. Thwaites; I went up to my Lord, and aſked him if he knew any thing of it; my Lord was going to write a note, and he ſaid to me, you may as well go down to Mr. Drummond, and the ſoldiers went with me.

Did any converſation paſs between Mr. Drummond and you in the preſence of the ſoldier?——No, but as I was going with the ſoldiers to Mr. Drummond with the drafts, I aſked them when they found them, they ſaid, about ſix weeks ago, I ſaid how came you to keep them ſo long, they ſaid they thought they were of no uſe.

Did you aſk them at all, or did they tell you at all in what manner they found them?——No, no particulars, only generally, that they found them in the Green Park, and I aſked them how they found out Mr. Drummond's, they told me they had been down to Mr. Drummond's at Charing-croſs, and that they directed them to Mr. Drummond's in Sackville-ſtreet; going on, one of them ſaid he thought it was very odd there was no mark acroſs them that they were paid, I ſaid that did not ſignify, I was ſure they were paid; when we went to Mr. Drummond's, he came up to the compting houſe, and examined the books, and there he found them entered, he had not made any croſs to them, he ſhewed it to them, and ſaid it is entered here; they ſtood cloſe, then Mr. Drummond took out two ſhillings, and gave them one ſhilling each.

Did they make any complaint?—Nothing, I never heard them ſay a ſyllable, I ſaw no more of them, till I ſaw the priſoner at Bow-ſtreet.

*Court.* In all the converſation that you had with theſe two men about theſe drafts, did either of them mention any knowledge of Mr. Drummond, or having ever ſeen him any where before they carried the drafts? No, my Lord.

Did either of them expreſs any deſire of ſpeaking to Mr. Drummond in private?—No.

THOMAS WETHERHILL *ſworn.*

*Court.* Before you examine him, aſk Woollett whether this is the perſon that was with the priſoner?—Yes.

*Court.* Let the examination be read firſt which was returned from Sir Sampſon, and let Wetherhill ſtep out of Court; this is the original examination, but it ſhould have been ſigned by the Juſtice; is there any body here that was preſent when the priſoner ſigned this examination?—Yes.

Who brought this from the office?—Mr. Allen, who is the clerk at Bow-ſtreet.

JAMES ALLEN *ſworn.*

I am an aſſiſtant clerk.

*Court.* Pray, what is the reaſon that you did not prepare a regular examination?—There was the information returned.

But was there any examination of the priſoner returned?——I do not recollect that it was; I can anſwer for that being ſigned there in that book by the priſoner.

*Court.* The depoſition of Wetherhill, taken before the Magiſtrate, is ſigned by the Magiſtrate, we read it as a paper under the ſignature of the priſoner, which, as againſt him, may be read; but that does not make the proceedings of the Magiſtrate regular; it is proper to mention that before the clerk, whoſe duty it is to take care that theſe parts of the Magiſtrate's duty are regularly performed.

*Court to Allen.* Is this what the priſoner ſaid at Bow ſtreet, and did you take it down yourſelf?—It is juſt as he ſaid, word by word; I wrote it myſelf as he delivered it, I ſaw him ſign it.

Did you read it over to him?—It was read by me to him before he ſigned it.

*Priſoner.* No, it was not read firſt.

Was it read to him?—It was.

Did he make any objections to it?—He was aſked if there was any thing wrong in it, and he ſaid it was all truth; it was brought there and ſigned.

*Court.* You may read that, if it is deſired on either ſide.

*(Mr. Garrow and Mr. Park look at it.)*

*Mr. Garrow.* I do not ſee that it is material to read it.

*Court.* Unleſs it is called for, I do not ſee it is neceſſary, becauſe the priſoner will have an opportunity of making his own defence.

*(Thomas Wetherhill called in again.)*

*Mr. Garrow.* How long have you been a ſoldier in the Guards?—Four years and a half; I was a drummer ſome time.

How long have you been a ſoldier, diſtinguiſhed from a drummer?—Three months ago.

Do you remember going to Mr. Drummond's in Sackville-ſtreet at any time with two drafts?——Yes.

When was it?——At the time I was at the recruit-houſe learning my exerciſe, after I had inliſted as a ſoldier.

Who went with you?——The priſoner Harwood.

What did you go for?——To enquire about the notes that I had found.

When had you found them?—I found them ſix months before I was a ſoldier; I had them by me all that time, I did not think any thing about them; I ſhewed them to the priſoner, and aſked him what he thought of them? he ſaid he thought if he had coloured clothes, he could draw the money; I told him I would not think of any ſuch thing, but that if he pleaſed he might go with me to Mr. Drummond's at Charing Croſs, and enquire about them, and he appointed the next day, but he did not come till about a week after.

Where did you both go to make the enquiry firſt?——To Mr. Drummond the Banker at Charing Croſs, and he directed us to Sackville-ſtreet; we went both together; we ſaw the ſervant firſt, and he went and carried the notes to Mr. Drummond, and he came out and told us to go up to Lord Sempill's, and aſk him about the notes, as the notes came from one Lewis, his ſervant. We went there, and ſaw the ſervant; we were to go and enquire of them how they had been loſt; we ſaw Mr. Drummond before we went, and he wrote down directions where to find my Lord, and wrote upon them, not to be paid.

Did the priſoner go with you to Lord Sempill's?—Yes.

You were informed there that the drafts had been paid?—Yes.

Who went back with you to Mr. Drummond's?—The ſervant of my Lord, and the priſoner.

Do you recollect any converſation that paſſed, as you was going along?—I told the ſervant I found theſe notes in the Park.

Did you tell him how long before you had found them?——I cannot recollect that.

Tell us, as well as you can recollect, all that paſſed, in your way to Mr. Drummond's?——We did not ſay any thing to the ſervant hardly, excepting telling him we found them in the Park; when we came back to Mr. Drummond, we went up ſtairs to the compting-houſe, and he looked over the books, and found the notes had been paid, and gave us a ſhilling a-piece for our trouble.

Did you and the priſoner go away?--Yes.

Did you make any complaint, or ſay any thing elſe?—No.

You expreſſed no diſcontentment?——No; then we went to the ſign of the Madman in St. James's-ſtreet, and there we had a couple of pots of porter, and then I parted with him.

At that time had you ever ſeen Mr. Drummond before in your life?—No, not to my knowledge.

Did the priſoner claim any acquaintance with Mr. Drummond?—No; he ſaid to me that he had never ſeen him before.

Did he ſay ſo expreſsly?—Yes.

Are you ſure of that?——Yes.

Was any perſon with you at the time you found theſe notes?——No, I was by myſelf, in the Green Park.

Did you know the priſoner at the time you found the notes?—Yes, I have known him for a year or two.

Did you ever ſee Mr. Drummond again till after the priſoner was in cuſtody, upon any occaſion whatever?—No.

Had you ever any converſation with the priſoner about Mr. Drummond, or about his character?—No, never at all.

Had you ſeen the priſoner after that day you was at Mr. Drummond's, till he was taken into cuſtody?—I never ſaw him till yeſterday.

Did not you ſee him at Bow-ſtreet?—No.

*Court.* You was with Harwood twice at Mr. Drummond's houſe about theſe drafts?——Yes.

Which of you converſed with Mr. Drummond?—Harwood; I told him to converſe with him, becauſe I have an impediment in my ſpeech; the ſecond time, I believe neither of us ſpoke a word to Mr. Drummond; he told us the notes had been paid.

You had full opportunity then, both you and particularly Harwood, who talked to Mr. Drummond, to know him?——Yes.

Did the priſoner, after you left Mr. Drummond, either of the times, or at any other time, expreſs any intimation that he had ſeen Mr. Drummond before?—No, Sir; he ſpoke of him as a perſon that he had never ſeen before.

And that after the laſt time you had ſeen Mr. Drummond?—Yes.

**The remainder of this Trial in the next Part, which will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

## The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of Jonathan Harwood.*

*Priſoner.* Wetherhill was learning his duty, he came to me and aſked me if I would go with him, he ſaid he had been in the Park with Mr. David Drummond?

*Wetherhill.* That is falſe.

*Priſoner.* Did not you tell me that you had got Mr. Drummond's pocket handkerchief, as well as the two notes, it was marked D. D. you know it very well; it is no uſe in denying it?——No.

*Priſoner.* It is very hard that one ſoldier ſhould ſpeak ſo much againſt another.

*Wetherhill.* I told you yeſterday I would ſpeak nothing but the truth.

*Priſoner.* Speak the truth?——I do.

*Court.* Then you never told him what he has now ſaid?——I never did.

Did any thing further paſs between you and the priſoner; what paſſed between you and the priſoner yeſterday?——I ſaw him yeſterday morning, he ſhewed me a paper that he had wrote down, and aſked me whether I thought it beſt for him to ſay it, and if I would ſay as he ſaid; I ſhook my head, and told him I would ſay nothing but the truth; there was a woman went in along with me to ſee him, I do not know who ſhe is, ſhe was preſent and all the priſoners in the place.

MOSES MORANT *ſworn.*

I am an officer of Bow-ſtreet.

Do you recollect going with Mr. Drummond in the Park any time lately?—Yes, I ſaw Mr. Drummond at the office, I had no warrant, I was ordered to go to the ſign of the Goat, to wait there till I was ſent for, that was in conſequence of an application from Mr. Drummond; I was ordered to come there again at ſeven on Monday evening, I went at ſeven, I ſaw Mr. Drummond, he deſired I would walk into the Park near the new iron rails, next the Green Park, and there to remain till he came into the Park, and to keep my eye upon him when he came in, I told him I did not know that I ſhould know him, but when he firſt came into the Park, to go ſtrait acroſs which he did, he walked near twenty minutes, he croſſed me again, and ſaid he would go into the ſtable yard, he returned again, and as ſoon as he came back by the rails, I ſaw Mr. Drummond and the priſoner at the bar together, I then made up to them as ſoon as I could, and Mr. Drummond ſaid, ſays he, you have extorted money from me by threatening me; I then told the ſoldier he was my priſoner, I muſt take him before a magiſtrate;

giſtrate; the ſoldier anſwered me, he was not a gentleman, he was ſure he would never uſe him ſo, to take him into cuſtody; he then walked on through the ſtable-yard by the guard-houſe, and the priſoner ſaid, do not go near the guard-houſe door, accordingly we came into St. James's ſtreet, and then I had a coach; the priſoner aſked me where I was going to, and I ſaid to Sir Sampſon Wright's; the priſoner then ſaid he does not mean to ſwear a robbery againſt me does he? he ſhould conſider me, my pay is but very low.

*Court to Priſoner.* Do you wiſh to aſk the officer any queſtion?——No.

The Rt. Hon. Lord SEMPILL *ſworn.*

I am acquainted with Mr. Drummond; on Saturday morning, I think about eight o'clock he came to me, and was in great diſtreſs, and aſked my advice, I told him.

*Court.* We cannot permit you, my Lord, to relate the particulars of that converſation, as the priſoner was not preſent.

*Mr. Garrow.* I have done.

*Court.* Now priſoner, this is the proper time for you to ſtate what you have to ſay in your own defence; you know what the charge is againſt you, and you have heard the evidence.

## PRISONER's DEFENCE.

Pleaſe you my Lord, in the month of February, I was coming through St. James's Park, and I met Mr. Drummond, and he ſaid to me, ſoldier what is it o'clock? that was the word he ſaid to me, I told him I did not know; he then aſked me to ſtop, and aſked me if there were any common women in the Park, I told him I did not know; he told me to look for one, but I would not; then he unbuttoned his breeches and at the ſame time attempted to take hold of my breeches, and I began to make a noiſe, I ſaid oh fie! Mr. Drummond; he put ſome ſilver into my hand, and left me; I ſaw no more of him till I went with the notes, and then I ſaw no more of him, till there was a diſturbance in the Park, and then I ſaid, Mr. Drummond, Sir, how do you do? ſays he, do you know me? I ſaid, Sir, I went to your houſe, and do not you recollect ill-treating me ſo in the Park, about two months back? he ſaid yes; and he deſired me to make no diſturbance, and he gave me one half crown and three ſixpences to make no diſturbance, and I went to him to his houſe, and he gave me two guineas; he deſired me to meet him on the Monday night, and he would give me another guinea; I was on duty, and I wrote him two notes to let him know I could not meet him; when I came into the Park to get the guinea, this gentleman was with him, and took me up for ſaying I ſhould ſwear an unnatural crime to him, which I never mentioned any ſuch words.

*Court.* Have you any witneſſes to call?——I have no witneſſes, there was nobody but our two ſelves.

Have you any body to give you a character?——No, I have no friends in town.

*Mr. Garrow.* My Lord, I wiſh to call witneſſes to contradict this.

*Court.* I do not ſee that there is any charge againſt Mr. Drummond but the priſoner's defence; and that is unſupported by any evidence but the priſoner's own allegation.

*Court to Jury.* Gentlemen, the nature of this robbery being an uncommon one, has been ſtated to you by the learned counſel, who opened the proſecution; and it differs from the common generally received idea of robberies in this; that in theſe caſes, no perſonal violence is actually uſed, nor is there any immediate threat of bodily harm, which are circumſtances that in common caſes conſtitute highway robberies; when, therefore, the firſt caſe of this ſort occurred in a court of juſtice, conſiderable doubt was entertained, whether an indictment for a highway robbery (which implies the idea either of actual force, or fear, as it was generally underſtood, of life, or bodily injury) whether an indictment for that offence could be ſupported by circumſtances, ſimilar to thoſe which are now in evidence before you, and charged ed on the priſoner; on the firſt caſe of that kind it was reſerved for the ſolemn opinion of all the Judges, upon a queſtion of law being a ſubject of great importance; for on the one hand it was of conſequence that the law ſhould not be improperly ſtretched to a caſe to which it did not apply; on the other hand the publick was concerned in the puniſhment of a crime, which, if not a highway robbery, was certainly not of a leſs magnitude. The Judges were unanimouſly of opinion, that upon the principles of law, and former deciſions, it did ſufficiently come within the law to conſtitute the offence of a highway robbery, and that that terror, and apprehenſion of miſchief, following the refuſal of money, though not a threat, or actual violence in the perſon, was yet a ſufficient threat in point of law, to conſtitute the offence by putting in fear; therefore under that deſcription, and conſidering this fear, as coming within the meaning of the law, it was unanimouſly determined on that occaſion, to be a highway robbery in point of law: upon that the priſoner received judgment; but being the firſt caſe, it was not carried into execution. Another caſe has occured within my knowledge, in which a priſoner was convicted and executed for that offence. In conſidering this queſtion it becomes of conſiderable conſequence, becauſe the life of a priſoner on the one hand, and the character of the proſecutor on the other, in a point not leſs valuable than life, are materially affected; therefore I have no doubt, that you have paid that attention which the nature of this caſe requires; and it is the more neceſſary, becauſe the caſes are generally to be decided, and the truth come at, more by minute circumſtances connected with the conduct of the parties, than by the direct allegations of the parties either of the one ſide or the other; for the proſecutor who comes to charge this particular kind of highway robbery againſt the priſoner, certainly comes with ſo ſtrong a bias on his own mind, and with ſo great an intereſt in the verdict, that it is fortunate for juſtice, and the proſecutor himſelf, where circumſtances occur, ſo far to remove that ſort of doubt from the caſe, which otherwiſe would reſt upon it, if it ſtood on the proſecutor's own oath, ſtanding on that ſituation, whatever the character of the proſecutor may be. You are therefore to conſider, whether you can make out circumſtances from the teſtimony of other witneſſes, and from clear and indiſputable facts, to remove all darkneſs from a caſe that is frequently involved in great obſcurity. Mr. Drummond is the firſt, and from the nature of the caſe, the moſt material witneſs. [*Here the learned Judge repeated his evidence, and added.*] With reſpect to the impreſſion of the proſecutor's mind, it will go the full length, and rather further than the caſe I mentioned to you, and there cannot be the leaſt doubt in point of law, that this charge made by Mr. Drummond, is ſufficient to ſupport the indictment; and Mr. Drummond's conduct is a proof how difficult it is to judge properly at the moment; moſt undoubtedly he was led to give the money through fear, which was the moſt indiſcreet thing he could have done; for giving way to the firſt attack of this kind obliges the party either to lay under perpetual contributions to people of this ſort, or make the complaint under greater diſadvantages; and it is always a diſagreeable ſituation to fall into; but it is a ſituation to which men with the beſt intentions, and the moſt reputable characters may fall under ſuch an accuſation; therefore, the mere circumſtance of yielding to the impreſſion of fear in the moment, ought not to carry the preſumption of any thing like guilt in the party: the indecent conduct is diſproved, independant of the proſecutor's evidence; not only by the evidence of Wetherhill, but this going to Lord Sempill, was an additional proof that they did not know Mr. Drummond before; if therefore you believe the priſoner obtained this money from Mr. Drummond by thoſe threats, and that he delivered it under the impreſſion of fear, which he has ſtated, from fear of injury to his character, of being apprehended for a capital crime, or from an apprehenſion of perſonal violence; in that caſe, you will find the priſoner guilty: but if you can conceive the ſmalleſt ground for ſuppoſing there is any truth in the ſtory of the priſoner, which would give any colour for his applying for money; or if you have any doubt of the truth of Mr. Drummond's ſtory, in that caſe you will acquit the priſoner.

GUILTY, Death.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

*Court.* Mr. Drummond having been under the painful neceſſity of bringing forward ſuch a proſecution, it certainly is but juſtice to him to ſay, that his character is free from the ſmalleſt degree of imputation whatever; and there cannot be a ſhadow of doubt on any man's mind on the ſubject.

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330. **WILLIAM WATTS** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Amey Ellis, about the hour of nine in the night, on the 15th of March laſt, and burglariouſly ſtealing therein one tortoiſe-ſhell ſnuff-box, mounted with gold, value 5l. a chintz counterpane, value 30s. a petticoat, value 20s. a flounced ditto, value 2s. two dimity ditto, value 4s. one gown, value 10s. two frocks, value 5s. one muſlin ditto, value 3s. two cambrick frocks, value 8s. a muſlin apron, value 7s. two napkins, value 2s. twelve clouts, value 4s. and a linen table cloth, value 1s. her property; and two breaſt-pins, value 1s. one ſilver groat, value 4d. one gown, value 20s. two muſlin caps, value 2s. one bedgown, value 2s. two petticoats, value 10s. one flannel ditto, value 1s. one ſtuff ditto, value 4s. one apron, value 1s. two muſlin aprons, value 5s. two cloaks, value 5s. one beaver ditto, value 1s. five handkerkerchiefs, value 5s. three lawn ditto, value 3s. four pair of dimity pockets, value 4s. one patch counterpane, value 4s. the property of Anna-Maria Cambrook.

AMEY ELLIS *ſworn.*

I live by the Hatchway at Hackney. On Wedneſday the 15th of March, at ſeven in the evening, I left my houſe; I left nobody at home, I did not faſten it; I returned at a quarter paſt ten, and found the door bolted on the inſide; the door was left double locked; my ſervant went round to the back part of the houſe, and let me in; her name is Anna-Maria Cambrook; when I went in, I found the things ſeparate about, and in great confuſion, and a bureau broke open, which ſtood in the kitchen; I miſſed a great many things which ſtood in the kitchen; and from the one-pair of ſtairs, and the room even with the kitchen; we did not ſearch after any body; on the Saturday morning I was acquainted it was in the papers, and I went to the office in Whitechapel, and ſaw the things.

How happened it you did not go ſooner?——I found ſo much difficulty and trouble attending; it is what I have never been uſed to.

What was the reaſon you did not give information ſooner?——I do not know; I cannot give any reaſon.

Did you alarm the neighbours at all that night?—Nobody but this gentleman, who lived next door to me.

After the Saturday when you gave information, were any of the things found?——The priſoner was in cuſtody when I went to the office in Whitechapel.

ANNA-MARIA CAMBROOK *ſworn.*

I live in the houſe with Mrs. Ellis; I went out with her, and all was ſecured; and I faſtened the two bolts of the back door, and I double locked the ſtreet door; all the windows were faſt when I came home; the front door was bolted; when I went to the door of the next houſe, and went through the next houſe, I found the back door was wrenched, and wide open; the two ſtaples that faſtened the bolts were wrenched off. When I went into the houſe, I found a great many papers about the ground, and a table-cloth was dropped, and I alſo picked up a gown and petticoat that were dropped againſt the bed-room door; and there was a box of mine broke open, and a bureau of my miſtreſs's; almoſt all my clothes were loſt; they were all found together.

ESTHER WILKINSON *ſworn.*

I live the very next door; they came through my houſe, the lady and all of them, to go into their houſe; I heard nothing before; I was the third perſon that went in, and I found all the things in confuſion, and I was frightened, and returning home, I found this box dropped in Mrs. Ellis's yard, by my water tub; there is no fence between the two yards; I am ſure this is the ſame box I found; there is Mr. Ellis's picture in it.

JOHN ROBERTS *ſworn.*

On the 15th of March, between ten and eleven, I was going down Brick-lane, and I ſaw the priſoner coming along with a bundle; Brick-lane is one part in Spitalfields, and one part in Whitechapel.

Is that one way of coming in from Hackney?—Yes; I aſked the priſoner what he had there; he ſaid, it was a bed wrapped up in a blanket; I aſked him where he brought it from; he did not give me any anſwer at firſt, but afterwards he ſaid he brought it out of Barker's-yard, and was going to carry it into George-yard; he deſired me not to ſtop him, becauſe his wife was down-laying, and he owed a little rent, and was going away; and I inſiſted on ſeeing what was in the bundle; I took him to the Rotation-office, and there I looked over the things; I found it was not a bed; I took him over to the watch-houſe; the bundle contained the things now produced. I ſearched him; he ſaid I might ſearch him and welcome, for he had nothing but his own property about him: when I ſearched him, I found theſe three pins and theſe three pieces of ſilver; before I opened them, I aſked him what he had there? he ſaid, there were ſome pins, a ſhilling, and ſome halfpence; I found theſe things in his waiſtcoat-pocket after I ſtopped him; he brought the things a little way, and he would not carry them any further; I got this young man to aſſiſt me.

What did he ſay?—He ſaid he was hired to carry them as a porter.

Was what he ſaid, before or after you ſearched him?——After I found what the things were, he ſaid he was hired to carry them.

*Mr. Garrow, Priſoner's Counſel.* Did not he tell you that thoſe things had been given to him by the perſon that had hired him, as a ſatisfaction for his labour?——I do not remember it.

Did not he give the account I mentioned?—I do not know.

What converſation had you with him about half a guinea?——I do not remember any thing of the kind.

Did not you ſay, that if he would give you half a guinea, you would let him go?—I never did.

*Priſoner.* Mr. Roberts, did not you aſk me for the half-guinea, and I told you I was a poor man?—My dear friend, you told me you was a poor man, and was going to move the bed and things, becauſe your wife was down-laying.

HENRY BUTTERIE *ſworn.*

I was in company with Roberts when he apprehended the man.

What did the man firſt ſay?——He was carrying a bed.

What did you find the bundle to contain?—The things that are here.

Did Roberts offer to let the priſoner go, if he would give him half a guinea?—No, there never was ſuch a word mentioned; I was preſent all the time; I carried the bundle to the Rotation-office.

*(The Snuff-box depoſed to by Mrs. Ellis.)*

*(The Pins and piece of Silver depoſed to by Anna-Maria Cambrook, and the large ſilver Piece, which ſhe had had about nine months, and which her miſtreſs gave her.)*

*Mrs. Ellis.* I know it, I gave it to her, it is the ſame I gave her. This chintz counterpane was in a box in the dining-room cloſet.

## PRISONER's DEFENCE.

About a quarter after ten, I was called out of a public houſe; I was there from half after four, I never quitted the houſe; a man aſked for a porter, and the boy at the public houſe told him of me; he called me out; the man aſked me if I was a porter? I told him yes; I immediately went in and fetched out my knot; I went with him, and by the French church, Spitalfields, another man ſtood, and they put a bundle on my head, and bid me go into Whitechapel, and they would take it themſelves; and when I got about five or ſix yards, one of them came in between the wall and me, and ſaid, young man, we neither of us have any money, but you will find ſomething in this paper that will ſatisfy you, and immediately put it in my right-hand waiſtcoat-pocket, and being confuſed, I did not know what to ſay when I was ſtopped; they ſaid it was a bed, and ſo I ſaid the ſame.

*Court to Roberts.* Tell me diſtinctly what the priſoner ſaid with reſpect to thoſe things that you found in his waiſtcoat-pocket, in the paper?——When I took them out, wrapped up, I aſked him what they were, before the watchman in the watch-houſe; he told me they were ſome pins, one ſhilling, and ſome halfpence.

*Mr. Garrow.* You did not find any crow, or implement of houſe-breaking upon him?——No, I did not.

What did he ſay before you ſearched him?—He ſaid he had nothing but his own property in his pocket; he ſaid I might ſearch him and welcome; he did not make any objection to being ſearched.

*(The Priſoner's Witneſſes called ſeparately, by order of the Court.)*

## ELIZABETH JONES *ſworn.*

I keep the Black Horſe, George-yard, Whitechapel.

*Court.* Now, Mrs. Jones, before you are examined, I give you a caution; be very careful in what you ſay, ſpeak nothing but the truth; you may depend upon it, that if you tranſgreſs the truth, you will be diſcovered; we have certain means of diſcovery, and if you are, you may depend upon it you ſhall not eſcape puniſhment; I give you fair warning; I do not wiſh that any witneſs ſhould be trepanned; therefore ſpeak carefully; if you ſpeak the truth, you have nothing to fear.

How long have you known the young man at the bar?—I have known that young man for ſeven months; he has uſed my houſe from Chriſtmas; he is a porter from Billingſgate, and he has been out of buſineſs and employment, and no ſettled place; latterly, he has been a jobbing porter.

Do you remember ſeeing any thing of him on the 15th of March?——The 15th of March, he came in about four in the afternoon, with his knot on his ſhoulder; that was a wet day; his wife happened to be out; he ſaid, well, now I am come, for my comfort I have the key of the ſtreet-door; I ſaid, never mind, ſit down and dry your clothes; he ſtaid till nine at night, and then he and two more men ſupped off of twopenny and toaſt and cheeſe.

Do you know theſe two men?—Yes.

What are their names?——James Pike and James Jones.

*Court.* Was it toaſted cheeſe?——No, Sir, Cheſhire cheeſe, to the beſt of my knowledge it was; I brought them a great bowl to put the toaſt in; they had ſugar, but no nutmeg. Some time after ſupper, his wife came in with a plate of cold meat that ſhe went to the cook's ſhop for, and ſhe called for a pint of beer, and aſked him if he would have any? and he ſaid no, he did not want any, he had had a very good ſupper; that was between nine and ten; and while ſhe was eating her cold meat, he then ſaid to his wife, Polly, ſays he, make haſte, for we keep Mrs. Jones up; I looked at the dial, and ſaid, no, Mr. Watts, you do not, for if nobody was in the houſe, I ſhould not ſhut up till eleven; it was then near twenty minutes after ten, if not half an hour. After ſhe had drank her firſt pint of beer, ſhe called for a ſecond pint, and it was after that, that he bid her make haſte; that made me be ſo particular to the time, or elſe I ſhould not have noticed it: then they called for the other pint after that.

Who called for it?——It was his wife; ſhe ſaid, Bill, if you can drink a little beer, we will have another pint, I have had nothing all day.

Where were the other two men that ſupped with him?—They were there alſo, for they lodged in the houſe; they were not out of the houſe at all, nor the priſoner was not out of the houſe from the time he came in; they ſtaid all of them; they never went to-bed till I ſhut up my houſe; they were all of them with the priſoner in the ſame box, and the priſoner's wife eat her ſupper in the ſame box.

Were there many other people in the ſame box at this time?——Only them three together, and the wife with them.

Were theſe men at home all the afternoon?—They were in the room when the priſoner came in; Pike was mending his harneſs, he came in about half an hour after the priſoner came in, in the afternoon; he had his harneſs on his ſhoulder, he is a coachman; Jones was in the tap-room when the priſoner came in, for he was not well, and not able to work, and he was at home all day; he has no where to be, but about the houſe.

What liquor had the priſoner from four till nine?——He had one pint of beer; he had no more till they joined in company, then I believe they had three or four pots of twopenny and toaſt at ſupper; but he had only one pint before ſupper.

Had Pike and Jones any drink when they came in?—I cannot recollect that; theſe three men did not join company till they went to ſupper together.

Were they acquainted before, the priſoner and theſe two men?—No, not particularly acquainted; they had met together in the houſe before, they knew one another.

Was your huſband at home?—He was not very well that night, and was gone up to bed.

What time did he go to-bed?——I take it he went up to bed at the time they were at ſupper; he ſays the bowl was on the table when he went up.

Did he take a bit with them before he went?——No, Sir, he did not eat with them, nor drink.

Did you ſup with them?—No, Sir.

Nor drink?—I never touched it, upon my word.

Did not you ſit down, and eat a bit with the wife, to keep her company when ſhe came in?—No, Sir, I did not; I never ſat down with any of them, nor eat nor drank with any of them; I was minding my buſineſs.

How came they to have no nutmeg to this toaſt and ale, becauſe that is a neceſſary ingredient?—They had none, Sir; nutmegs are too dear now, they are ſixpence a-piece, they are too dear to give away.

Had you none in the houſe?——No.

Had they any ſpirits?——No, no *ſpiritual* liquors.

Had they no gin?——No.

Nor rum-punch?——No.

What time did they go away?——Mr. Watts went out of my houſe, a little boy fetched him out, about half after ten, ſoon after the converſation about his not keeping me up; I ſaw no more of Watts.

How long did his wife ſtay after that?—She ſtopped a little bit, and then ſhe went, ſhe took her beer in her hand, about a quarter of a pint.

Recollect now, whether ſhe did or not?—I think ſhe did, to the beſt of my knowledge.

Are you ſure, one way or the other?—I think ſhe took it in her hand; they live but over the way, and I ſuppoſe ſhe took it home; there was not more than a quarter of a pint left.

Might ſhe not as well have ſwallowed that, as taken it away with her?——I cannot ſay.

What became of the two men that were in company?——They were left behind, they never went out of the houſe.

Did the priſoner's wife and theſe two men continue in company together after the priſoner went away, till the wife went away?——Yes, ſhe went out ſoon after.

But till ſhe went out they continued in company, only the priſoner leaving them?—Yes.

How ſoon after ſhe went away did you ſhut up?——About a quarter after eleven, I ſaw no more of none of them after that.

Was there any body left in the houſe, after the wife went away, except your lodgers?—I am not able to ſay that, Sir, but I know we were in bed very ſoon that night.

Was there any body in company with Pike and Jones after?——No, Sir, they never had any thing to drink after, nor fell in company with any body after, but went up ſtairs to bed when I ſhut in.

How long had Pike lodged with you?—About ſeven months, or there about.

How long had Jones lodged with you?—About a year and a half.

What houſe did you keep before that?—I lived in Newcaſtle-ſtreet, Whitechapel, I kept this publick houſe between ſeven and eight months.

Is it licenſed in your huſband's name, or in any other?——In my huſband's name.

What is James Jones?—He is a hackney coachman, both he and Pike are coachmen.

Did Pike come to lodge with you as ſoon as you came to this publick houſe?—Yes, his coach and horſes ſtand in our yard now, they came to ſtand there about the time we came there, within a week or two; Jones has no coach and horſes of his own, he is only a ſervant.

Does Pike keep more than one coach do you know?—No, only one, my huſband uſed to drive for him before we took that houſe.

What part of the houſe did Pike lodge in?——In the two pair of ſtairs front room.

Where did Jones lodge?——He at the time laid in the one pair of ſtairs back room, but now they both ſleep up two pair of ſtairs.

Had they lodged in the ſame rooms from the time you came into the houſe, or had they changed their apartments?—They never changed their apartments before this, till within this fortnight or three weeks, Jones has gone up to Pike's room, they have lodged together in different beds, there are three beds in the room that Pike lays in.

Were there any other lodgers in the room?——Yes.

Who lodged in the room with Pike at the time this happened in March laſt?——There was a lad lodged there in the ſame room with Pike at that time, his name is William Clarke, he laid along with Pike, and my own child laid along with James Jones.

What time did William Clark come in the afternoon?—He drives a coach, but not Pike's, and it is uncertain as to his coming in, the boy never was at home while I was up.

Who ſat up for him?——Nobody, he had a key to let himſelf in.

Did Pike go to bed much about the time you went, or before?—Much about the time.

When did you hear that Watts was taken up?——The next morning about eight o'clock my huſband came up and informed me.

When did you ſee him afterwards?——I did not ſee him at all, I was ready to go, and they would not ſuffer any body to go up; they were to run and fetch me proviſo I was wanted, I ſent word that I would come if I was wanted, and they would not let any body in; both Pike and Jones went up to the office in readineſs.

Who did you ſend up word by?——By Pike or Jones, one of the men that uſes the houſe.

Was it Pike or Jones, or was it any body elſe?——It was ſome of them that went up.

Who are them?——It muſt be Pike or Jones, I think it was.

Who came and told you they would not let thoſe people up that were there?——Why the men Pike and Jones, they came back together, and ſaid they would not ſuffer any body to come up ſtairs.

Is your huſband here?—No.

Has he recovered his illneſs?—Yes.

Why did not he come here?—I did not know he was wanted.

*Mr. Garrow.* Do you know who the little boy was that came to call the priſoner?——He leads two blind men about.

Do you know his name?——His name is Sam, but I am ſure I do not know his other name.

Is he here?—No.

Did the boy tell the priſoner what he wanted with him?——No, he ſaid there was a man wanted him at the door, he ſaid that and no more.

Did they go out together?—No, Mr. Watts ſtopped a bit after the boy went out.

Did Mr. Watts take out his knot with him, or did he come back for it?—His wife came back for the knot, it was under the bench.

How long was he out before his wife came back for the knot?—I imagine it may be five minutes, ſhe came back directly.

Did they go out together?——No, he went out firſt, then ſhe followed him with that drop of beer I have mentioned, and then ſhe came back and fetched the knot.

You are ſure it was the wife that fetched the knot?—Yes, Sir.

You particularly remember that, it was a remarkable circumſtance?—Yes, Sir, I am very ſure.

Did ſhe ſay where he was going?—No, any further than ſhe ſaid did my huſband leave his knot here, Mrs. Jones? and I ſaid, yes, Mrs. Watts, it is under the table, or under the ſettle or ſomewhere there; ſhe found it under there.

Who handed it to her?—She went and looked for it herſelf.

Did they get up for to let her get it?—No they did not, ſhe took it out herſelf, ſhe took the candle from the fore door.

## JAMES PIKE *ſworn.*

What are you?—I am a coach maſter, I keep a coach of my own.

*Court.* How many coaches do you keep?——Only one.

Where does it ſtand?——At the Black Horſe in George yard.

How long has it ſtood there?——About eight months.

Who kept the houſe when it firſt ſtood there?——Mr. Jones kept the houſe.

Where do you lodge?——At Mr. Jones's, I have not lodged there above four months.

Then you did not come to lodge there when you firſt put your coach in the yard?——No, not till four months after.

Do you drive your own coach?——Sometimes.

Who drives for you when you do not drive yourſelf?——One Thomas Robjohn drives for me.

Has he always driven for you when you do not drive yourſelf?——Yes, my Lord, only one day I was obliged to ſend another man out.

When theſe people went to the Black Horſe you took your coach and horſes to ſtand there?—Yes.

And about four months ago you went to lodge there yourſelf?——I have known them a great many years.

How did you get acquainted with Jones?—His being a hackney coachman himſelf.

Whoſe coach did he uſe to drive?——One Mr. Lindſey, I think, was his laſt maſter, it ſtands in Old Gravel-lane; Jones did drive for me before he kept the publick houſe.

How happened you did not go to lodge at his houſe when you took your coach and horſes to the yard?——Becauſe I had lodgings of my own, and when my wife died I kept them ſome time, I went to lodge there.

So that you recollect certainly, it was

about four months ago?——Yes, it was about that time.

What part of the houſe did you lodge in?——The front room two pair of ſtairs.

Who elſe lodged in that room?—There was James Jones, and Bill Clarke, and Dick Clarke, all in the ſame room.

Which was there firſt, you or James Jones?——James Jones lodged there before me.

How many beds are there in that room?——Three.

Who were in poſſeſſion of the three beds when you came to lodge there?——I cannot recollect.

Try?——There was both the Clarkes that I have mentioned, and one William Worm.

Where was Jones then?—He came and lodged in the ſame room while I was there.

Were you before Jones?——Yes, but Jones lay in the room below before he came up ſtairs; about a week after I came to lodge in the houſe, Jones came to lodge in the ſame room with me, he lodged up one pair of ſtairs before, in February and March laſt, we both lodged in the ſame room together.

Do you know the priſoner Watts?——Very well.

What is he?——A porter.

When did you firſt hear of his being taken up?——On the ſixteenth, in the morning, as ſoon as I got up.

Where did you hear he was?——In the watch-houſe at Whitechapel.

Did you go to ſee him?——No, I went to the Juſtice's when he was to have his examination, but they would not let us in.

Who went with you?——Dick Clarke and James Jones, three or four of us went.

Did Mrs. Jones the miſtreſs of the houſe go with you?——She was there, but ſhe did not go with me, ſhe went there before me, I found her there when I went.

You recollect that diſtinctly?—Yes.

Did they refuſe to let her up?——She told me ſo when ſhe came out, ſhe ſaid there was nobody admitted to go up, that was the words ſhe ſaid.

She told you?——Yes.

Did ſhe complain of their not letting her up?——Yes, ſhe ſaid it was very hard that they would not let her up to ſpeak for him.

Did ſhe tell you that at the Juſtice's?—Yes, at the door of the Juſtice's, I did not go home with her, but I am not ſure whether I went home after her or before her.

Was it Bill Clarke or Dick Clarke that was with you?——Only Dick Clarke.

Did James Jones go with you?——He was with us in company.

Which of you went home with her?—I think James Jones went home with her, he is brother to the man that keeps the houſe; we all went home within a little trifle of one another; I found her there, ſhe was there before me, I do not know who went with her; I thought ſhe had been up, till ſhe came down, and ſaid, there was no admittance for anybody, and ſhe thought it was very hard.

When had you ſeen this priſoner before that?——On the fifteenth in the evening, we were in company together at Mrs. Jones's houſe.

Who drove your coach that day?——I think it was Tom Robjohn, I was not out with the coach all that day, I think I was gone to bed before he came home that night.

Where were you then all the afternoon?—I was at home mending my harneſs, and in the afternoon about five I brought my harneſs in and Mr. Watts was helping me to mend it, and he did mend it, I held it for him to put it together, he was in the houſe when I went in.

Did you and he join company immediately?——Yes, as ſoon as I went in he came and lent me an hand to harneſs directly.

How long did he ſtay there?—He ſtaid there till after ten.

And you alſo?—Yes.

You both ſtaid there?—Yes.

Had you any ſupper?—Yes, after we had done the harneſs we had toaſt and ale, the three of us together.

the priſoner mended the harneſs himſelf, and I held it for him, he could handle the tools better than I could.

What beer did you drink while you was at work?—We had only one pint before ſupper.

What in all that time?——We had no more I am ſure.

Did any body elſe ſup with you and him?—Mr. Jones.

Which of the Jones's?—James Jones.

What time did he come in?—About ſix as near as I can gueſs, I am not ſure to a minute, he was in and out in the afternoon and ſettled at home about ſix.

When did James Jones join company with you and the priſoner?—We went all to ſupper together.

Who elſe ſupped with you?—Nobody elſe.

What did not the landlord of the houſe ſup with you?—No.

Are you ſure of that?—Yes.

Where was he?—He was in bed before we ſupped, he gets up in a morning.

Did you ſee him that afternoon at all?—Yes.

As near as you can recollect, what time did he go to bed?—I cannot recollect.

Was it before you went to ſupper?—I am not ſure, I cannot ſay.

Should not you have aſked him to have eat a bit with his brother?—We ſhould if he had been up, but I am pretty ſure he was not up.

Did not the landlady ſit down with you to take a little of this toaſt and ale?——No.

What, is not ſhe fond of toaſt and ale?—No, I do not recollect ſhe eat any.

Do not you recollect her taking a ſlice of the toaſt when ſhe brought you the nutmeg?—We had no nutmeg, ſhe had not got any, we had ſome cheeſe and ſugar with the toaſt and ale.

Was your cheeſe toaſted?—No.

Who elſe ſupped in company with you beſides James Jones and the priſoner?—Nobody elſe ſupped with us, we joined all three of us together.

How ſoon after ſupper, did the priſoner go out?—He did not go out only into the yard, there came a man's horſe home ſick of the ſtaggers, and we all went out to help, that was after we had done ſupper between nine and ten.

That took up ſome time, I ſuppoſe?——Yes.

Did you all come in again?—Yes, altogether.

What time might that be?—I do not ſuppoſe we were above a quarter of an hour, we had another pot of twopenny after we came in.

What time did the priſoner go away?—It was after ten, twenty minutes or thereabouts

Did he go away by himſelf?—He was ſent for, a boy came for him and told him he was wanted.

What boy was it?—A little boy that uſes the houſe, that comes for beer to the houſe, I think they call him Sam, he ſaid a gentleman wanted him, that was what he ſaid, he did not tell us what for.

Did he tell him to bring his knot with him?——No, he ſaid nothing about his knot.

Had the priſoner any knot there?——Yes, he brought a knot with him in the evening.

Did you ſee him bring it in?—No, I was not at home, but I ſaw the knot, becauſe it lay in a coal box juſt where we ſat.

Was it you, or James Jones that handed the knot to him when he went out?—He did not take it out with him himſelf.

Was it left there all night?—No, his wife came and fetched it.

How long after he went out was it before his wife came in?—A very little while after.

What did his wife ſay when ſhe firſt came in?——She ran in and aſked for her huſband's knot, and came in and took it out.

How did ſhe know her huſband's knot had been there that night?—Becauſe ſhe had not been at home all the evening herſelf,

ſelf, and ſhe came to bring him a bit of ſupper, a bit of beef, and aſked him to eat a bit and have a pint of beer, ſhe ſupped there; that muſt be ten o'clock or thereaways, we had done ſupper, and he told her he had done ſupper, and ſhe ſat down and eat by herſelf.

What did ſhe ſup upon?——I believe it was a bone of beef, it looked like beef.

Did Mrs. Jones and ſhe ſup together?—No.

What had the wife to drink?—She had a pint of beer with her ſupper, and ſhe called for another pint, ſhe did not go away till her huſband was fetched out and ſhe went out after him, and came back for the knot immediately, ſhe followed him out directly, it was a very little while, I ſuppoſe ſhe wanted to ſee what he was wanted for; ſhe did not ſit any time with me and Jones after.

Did ſhe leave her ſecond pint of beer then?—I am not ſure whether it was drawn or not.

Jones and you remained in the box?—Yes.

Had you any ſpirits any of you that evening?—No, not a drop.

Did any body elſe join company with you?—Nobody, only we aſked the little boy to drink out of our pot, I ſaw no more of the priſoner that night; I went to bed a little before eleven.

Where was Bill Clarke that afternoon?—He was at home, he went up to bed with us.

Where was Dick Clarke?——I cannot ſay, he was out with the coach I believe that night, I do not remember ſeeing him at home.

There are two Clarke's lodge in the houſe then, Bill and Dick?—Yes.

Did not Bill Clarke ſup with you that night?—He might eat a bit, but not to join with us.

Did you aſk him?—I think he might eat a mouthful, but not to ſup with us; Mr. Watts hurried his wife, he ſaid make haſte and eat your ſupper, my dear, for we are keeping Mrs. Jones up; and Mrs. Jones ſaid, Mr. Watts, do not hurry yourſelf, for I ſhould not go to bed before eleven, if I had nobody here.

Who ſat up for Dick Clarke?—Nobody ſat up for him, if he is out he has a key to let himſelf in.

Do you remember James Jones getting up to let any-body in after you went up ſtairs?—I do not recollect that, he might, I know he has done ſuch things.

*Court. Let theſe witneſſes go out of Court, and let James Jones come in.*

JAMES JONES *ſworn.*

What are you by buſineſs?—A coachman, I live at the Black-horſe in Whitechapel, I am brother to a man that keeps the Black-horſe.

Do you lodge at his houſe?——Yes.

How long have you lodged there?—Two years pretty nigh.

Always in the ſame houſe?—No, I was in another houſe.

Where did he live before?—He lived in Caſtle-ſtreet Whitechapel: after I went to the Black-horſe, I lodged in the one pair of ſtairs.

Who elſe lodged in the room with you?—Her ſon before ſhe was married to my brother.

Do you know Pike?—Yes, very well.

Where did he lodge?—He lodged at his own houſe; then, and after his wife died, he came to lodge up two pair of ſtairs in the garret.

How long has Pike lodged there?—I imagine it may be ſix or ſeven weeks, I cannot tell the time.

Do you remember the time when this man at the bar was taken up?—Yes, perfectly well.

How long before that had he lodged at the houſe?—I cannot ſwear to the time.

As near as you can recollect?—It may be two or three weeks before, I cannot ſay, he lodged in the two pair of ſtairs, I laid in the one at firſt.

Who lodged in the ſame room with Pike?—One William Clarke lodged with him, there was three beds in the room; there was Richard Clarke, and that was all that lodged there; I went up two pair of ſtairs on account of a man and his wife that came and laid a couple of nights in the houſe, and I moved up to make room for them, the man was going on board a ſhip, I have continued up ſtairs ever ſince.

Was that before or after the priſoner was taken?—Oh, ſince the priſoner was taken.

When did you firſt hear that the priſoner was taken up?—About eleven I believe at night.

That was the very night he was taken up?—Yes.

Who came and told you?—I think it was the watchman that told me while I was ſhutting the gates.

Did you go to ſee him that night?—No, I did not.

Had you ſeen him that night before you heard he was taken up?—Yes, he had been at the houſe and ſupped with me.

What time did he come into the houſe at night?—He was in before I went in.

What time did you come in?—It was in the afternoon, I had been trying to get into Bartholemew's hoſpital, and it was a wet day and I ſtaid by the way; I went out in the morning between nine and ten, I think I came home between four and five, as nigh as I can gueſs, I did not take knowledge of the time.

When you came, I think you ſay, Watts was there?—He was.

What was he doing when you came in?—He was hemming a ſtirrup and mending a pad, I think it was, or ſome of the harneſs, in one of the boxes in the houſe at the window.

Did you join company with them then?—I joined company with them when I came in, I continued at the houſe the remainder of the night, I never went out any further than into the yard.

What beer had you?—We had three pots of twopenny.

Did any body elſe drink with you at that time?—Only us three, this man at the bar and the man with the wooden leg, and I, we had three pots of twopenny, we called for it about eight, when we began to toaſt the bread to put to the twopenny, I did not drink any beer before I went to ſupper, nor I did not ſee them drink; I ſat all the afternoon without drinking, I commonly ſit there all day without drinking, becauſe I have been ill ſo long.

What had you for ſupper?—Toaſt and twopenny and ſome Cheſhire cheeſe, and ſome moiſt ſugar.

Which of you was it called for the nutmeg?——We had no nutmeg at all.

How happenened that?——Really I do not know, I think a was aſked for, but they ſaid there was none in the houſe, I am ſure we had no nutmeg; after ſupper there was a horſe came in with the mad ſtaggers, and we all three went out together to ſee it, there was nobody elſe in the houſe hardly, this was a little after nine, we ſtopped but a very few minutes, I came in again directly, we had a pot of twopenny after we came in, that made the fourth pot.

Did the priſoner go away then, or did he come back with you?——He came back with us again, and ſat down and drank ſhare of the laſt pot, he went away about half after ten.

Did any of you go out with him?——Nobody that I know of that belonged to the houſe; the boy came and enquired for a porter, I do not know who that boy was, I have ſeen the boy leading a couple of blind men about, but I do not know who he was.

Who anſwered the boy?——I believe the priſoner anſwered the boy; and ſaid do you want a porter at this time at night, the boy ſaid you muſt come directly, for the gentleman is waiting for a porter; I cannot remember who the boy ſpoke to firſt.

Did not Mrs. Jones your ſiſter-in-law anſwer the boy?—I cannot ſay, I remember my ſiſter ſtopping the boy, and aſking him what ſort of a man it was, the boy ſaid it was a talliſh man, with a cocked up hat, and my ſiſter aſked him where he was, and he ſaid, he ſtood in the ſtreet; then it was that the priſoner aſked who could want a porter at that time of the night? and ſomebody in the houſe made anſwer to him, go and ſee, and he went out to ſee, and his wife followed him out, if I am not miſtaken, his wife was there, and brought a bit of meat for his ſupper, and he ſaid he had done ſupper, ſo ſhe called for a pint of beer and eat it.

Did ſhe go out a little after him?——Yes, to the beſt of my knowledge ſhe did, and came back again to look for his knot,

What o'clock might this be?——To the beſt of my knowledge it was as nigh half after ten as can be, I could almoſt ſwear to the time, by his ſaying to his wife, we keep Mrs. Jones up, and ſhe ſaid, I ſhall not ſhut up till eleven, if there is nobody in the houſe, I looked at the clock, that made me ſo particular.

What time was the houſe ſhut up?—At eleven, as nigh as I can gueſs, and while I was ſhutting the gates, I heard he was taken up, the doors were then ſhut.

When you heard that the man that had juſt been ſupping with you was taken up; why did not you go to the watch houſe?——I could do him no good, I was no houſekeeper, and another thing, I did imagine they would not have let me ſeen him, if I had gone; the next morning when he went to have his hearing, I went down, I do not know that I did tell them any thing of it that night.

Was it ſo common a thing for your friends to be taken up?——I might mention it to my ſiſter, Pike might be gone to bed, ſhe might be gone up ſtairs.

Had not your brother and you ſome talk about it that night?—No, he was gone to bed, I believe, he went to bed about nine, or between nine and ten.

Did he go to bed directly after ſupper?—I do not know, he did not ſup with us.

He ſupped in the other room?—I cannot ſay where he ſupped that night, or what time he went to bed that night.

Was there any particular reaſon for his going to bed that night?——No, not that I know of, he had not complained of being ill that I heard, I was ſo ill myſelf; the next morning I went down to ſee Watts.

Who went with you?——I went by myſelf.

Did your ſiſter go before you, or after you?——If ſhe went at all, ſhe went after me, I believe; but I do not know, I did not ſee her there.

Then you do not remember hearing her ſay it was very hard they would not let her in to ſpeak for him?—No; that muſt be the ſecond time, I do not think ſhe went there, the firſt morning I went by myſelf, and I think I came back by myſelf.

What became of the two Clarkes that night that the priſoner ſupped there?——They might be out, for what I know.

Were they both out?—To the beſt of my knowledge I believe they were; I cannot be ſure; I believe William Clarke might drink out of the bowl; they ſay he did, but I cannot be ſure; I do not remember ſeeing Dick at all.

Pike and you ſlept in the ſame room together?——But not at that time.

Who was it that called to you to get up, and let in Dick Clarke?—I do not remember; I do not know what time Dick Clarke came home; the room lays backwards, and I cannot hear; I was not examined at the Magiſtrate's, they would not let me in.

*Court.* Call in Pike again.

*To Pike.* Who was firſt up in the morning after the priſoner was taken up?—I cannot ſay; I moſt generally get up in the morning myſelf firſt.

Who told you that morning that he was taken up?—Mr Jones.

Which of the Jones's?——The maſter of the houſe; that was about half after eight, or rather before; James Jones was not up, I believe.

Was it before or after you was told of it, that Mr. Jones went to the office?——It was after that; ſome time after they had had their hearing, in the middle of the day, I went to the office, when I heard he was going to have his hearing; I think it was after Mrs. Jones came; I met her there, and ſhe complained to me that they would not let her up.

*Mr. Garrow.* How long have you known

the priſoner ?—About eight months ; I always heard a very good character of him, as an honeſt hard-working man.

*The priſoner called two more witneſſes, who gave him a very good character.*

*Court to Roberts.* Whereabouts did you firſt meet the priſoner that night ?——The end of Church-ſtreet, Brick-lane.

You know the George-yard ?—Yes.

How far is that from the George yard ? ——Not a great diſtance.

How far is it ?—I look upon it, a man may go in ten minutes.

Is it a quarter of a mile, half a mile, or a mile ?——About a quarter of a mile.

Was the priſoner going towards, or from George-yard ?—Towards George-yard.

I think he told you it was a bed, wrapped up in a blanket, that he was bringing it from Barker's-yard, and carrying it to George-yard ?——He ſaid he was a poor man, and had a little rent behind, and that his wife was down-laying.

*Butterill.* I was cloſe behind ; Roberts aſked him what he had on his back ; he told him a bed, tied up in a blanket ; he ſaid he had a bed, and was going to George-yard ; Roberts ſaid he muſt go with him ; the things were tied up as they were now.

In what manner was he carrying them ? —Carrying them on a knot.

GUILTY, **Death.**

*Court to Jury.* I confeſs, Gentlemen, I may now very openly declare, that I perfectly concur with you in opinion ; I am extremely ſatisfied with your verdict. I think theſe witneſſes ſhould not be permitted to eſcape with impunity ; I have no doubt but the ſtory they have told us is falſe ; let them all three be committed to Newgate.

*Court to Priſoner Watts.* I do not mean now to pronounce upon you the ſentence of the law, which will be done at the regular time, but I have called you back for the purpoſe of telling you what you are to expect, and the reaſon of it ; the crime for which you have been convicted is an enormous one, and it is a growing one ; your fate would have been extremely doubtful at all events ; but if there was any doubt at all, you have probably completely removed it, by the attempt you have made in ſetting up a defence which the verdict of the Jury, concurring with my opinion, has diſcredited : therefore you muſt prepare for your fate, and you are not to expect that the mercy of your Sovereign will be extended to you : and I hope it will be underſtood by every body, that thoſe attempts to eſcape puniſhment will always be conſidered as aggravations of the crime ; and where the crime is of a capital nature, ſuch attempts to elude the law will preclude the priſoner from any hope of mercy, and alſo bring the deſerved puniſhment on the heads of the witneſſes themſelves.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

331. WILLIAM SMITH, otherwiſe STORER, and JOSEPH ROBINSON, otherwiſe GOSLING, were indicted, for that they, on the 25th day of March laſt, one piece of falſe, feigned, and counterfeit copper money, to the likeneſs and ſimilitude of an halfpenny, unlawfully and feloniouſly did make, coin, and counterfeit, againſt the ſtatute.

*(The Caſe opened by Mr. Silveſter.)*

JOSEPH GATES *ſworn.*

On the 25th of March laſt, I went to Frying-pan-alley about one o'clock, with Mr. Clarke, the City Marſhal, and John Clarke, and Wilſon ; I went to the back-door with Wilſon, and knocked ſeveral times ; at laſt Smith came to the door, and we went in ; Clarke took Smith, and Robinſon was found in the neceſſary with his hands all greaſy and dirty, and a greaſy jacket on ; Smith's hands were dirty and greaſy. I then went down into the cellar, and found the fly ready prepared, and a halfpenny between the dies ; there was no cutting-preſs ; there was a quantity of halfpence done up in five-ſhilling papers.

Where is the halfpenny that was in the die?——It is here.

*Mr. Garrow, Priſoner's Counſel, to Gates.* You have told us all you found?—Yes.

Have you never ſeen an engine for finiſhing a halfpenny?—No, there was none.

Did you find any pickle?—No.

Do not you know, that the fly leaves the halfpenny rough?——I do not know.

*Court.* Was there any blank found?—Yes, a great many.

It is a common thoroughfare?—It is.

You found Smith in Bull-head-alley?—He came out of the back yard; he came out of the yard into Bull's-head paſſage.

How was he dreſſed?——As he is now, but his coat was not buttoned.

*Mr. Silveſter.* You told me you knocked at the door?——Yes.

*Court.* You went with Clarke to the back door?——Yes.

In the neceſſary you found the other priſoner, in the cellar you found the fly and a halfpenny?——Yes.

### HENRY WILSON *ſworn.*

You went to the back door with Gates?——Yes.

Who opened the door?——Smith; his hands were dirty.

### Mr. CLARKE, City Marſhal, *ſworn.*

I found a great number of halfpence round the fly, ſome on one ſide, and ſome on the other. *(Produces the halfpence and blanks.)*

*Court.* Where are thoſe halfpence that are done up in papers?—They are here.

Then you took them before the Lord Mayor?——I took them before Alderman Harley. *(The halfpence in papers produced.)* There were a number of halfpence that were not in circulation.

### JAMES SHAKESHAFT *ſworn.*

I went, by the direction of Alderman Harley; I found five large and ſeven ſmall papers of halfpence, and a brimſtone pan.

### JOHN CLARKE, of Bow-ſtreet, *ſworn.*

Look at thoſe halfpence and the die.

*(Looks at them.)*

Are they counterfeits?——Yes.

What are thoſe nets for?——To boil them in; here is another counterfeit.

*Court.* Are they from the ſame die?—No; ſome of them are ſtruck with the die that was found in the preſs, and ſome with a different die; here are ſome of this die.

*Mr. Silveſter.* What is this paper?—Thirty ſhillings worth.

*Court.* This piece is what you call finiſhed?——Yes.

### Prisoner Smith's Defence.

I was at dinner at the priſoner Robinſon's houſe; his wife aſked me to come in and have a diſh of tea; I ſtaid there three quarters of an hour; I ſtept into this back yard about ten minutes; there they took me; I have not been in town above three or four days together for theſe two years.

### WILLIAM WATNEY *ſworn.*

I live at Wimbledon; I have known the priſoner Smith ſeven years; he has been at Wimbledon with me ſince October 1783, and has had no reſidence ſince; he came to town on the 22d of March with me to get ſome things for his wife, who is now in St. Luke's, quite deprived of her ſenſes entirely; I gave him a guinea, and a little ſilver, to buy him neceſſaries; he ſupported himſelf in button-mould turning before October 1783; he has lived with me ever ſince; I am a common brewer, and have a farm, and he has aſſiſted me in every thing I have to do.

Where was he in October 1782?——I believe he was here confined in this priſon.

What for, do you know?——I do not know what it was for; I believe he is a very honeſt man, and till his wife took this misfortune of being ill, he would not have come to London for five months together.

### GEORGE BADGER *ſworn.*

I live in Goſwell-ſtreet, I am a cooper; the priſoner Smith was with me on the morning of the 25th of March, at the Dyer in Goſwell-ſtreet, between eight and nine in the morning; he continued there till ten, or from ten to eleven; I have ſeen him at the Sheers in Wood-ſtreet; he went away firſt, for a woman that I never ſaw before, came and aſked him to go and eat a bit of dinner with her, I ſaw no more of him, I have known him ten years.

Where has he lived lately?—As far as I can find he lived at Wimbledon; I have not ſeen him theſe ſix months; his wife is in the lunatick hoſpital, I cannot juſtly ſay what his character was lately.

*Mr. Reeve.* Was you in the court when the laſt witneſs was examining?—No, I was not.

*Priſoner Robinſon.* My wife went to order a bit of dinner and ſhe ſaw this priſoner, and aſked him to eat a bit of dinner.

WILLIAM SMITH otherwiſe STORER, } GUILTY.

JOSEPH ROBINSON, GUILTY.

*Mr. Reeve.* My Lord, with reſpect to Smith, I on behalf of the crown, pray that he may be deprived of his clergy; we have a counterplea here *(the record read)* ſetting forth the conviction of the priſoner Smith otherwiſe Storer in October ſeſſion, 1782.

*Court to priſoner Storer.* On the part of the crown, they have filed a plea, in which they charge that you, together with one Mary Jones, in the month of October, 1782, was convicted of a felony, for which you were allowed the benefit of your clergy; and that therefore you are not by law entitled to the benefit of your clergy a ſecond time, but ought to ſuffer death, according to law; what do you ſay.

*Priſoner.* I deny that I am the ſame perſon, and the ſeveral allegations in the plea contained.

*Mr. Reeve joined iſſue on theſe allegations.*
*The Jury ſworn on the iſſue.*

—— VINES *ſworn.*

This is a true copy, from the original record as read to me by that gentleman.

—— NEWMAN *ſworn.*

I am clerk to Mr. Shelton, I remember examining a record of this court with Mr. Vines.

*Court.* Did you read it truly?—Yes.

*Mr. Garrow.* Did you read it from different parts of the record?——I read it from beginning to end.

*(The record read and examined by Mr. Garrow.)*

JOHN TOWNSEND *ſworn.*

I belong to the office at Bow-ſtreet, I know the priſoner perfectly well, I was a ſervant to Mr. Akerman at the time he was tried and convicted for coining a halfpenny in October ſeſſion, 1782.

Was you preſent when he was tried?——I put him and Mary Jones to the bar, they were tried in the evening on the London ſide; and your Lordſhip, as you uſually do, paſſed ſentence on him on the laſt day of ſeſſion.

*Priſoner Smith.* I have nothing to ſay.

*Court to Jury.* Gentlemen, by the law of this country, no man who is allowed the benefit of clergy, can claim it a ſecond time, provided that allowance is put on record, and proved by legal evidence.

*The Jury returned a verdict for the crown.*

WILLIAM SMITH alias STORER, } GUILTY, Death.

*Tried by the London Jury before*
*Mr.* RECORDER.

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332. WILLIAM WYNN was indicted for feloniouſly ſtealing on the 9th day of April laſt, one deal box, value 6d. one ſilver waiter, value 8l. ſix ſilver forks, value 3l. one pair of ſtone knee buckles, value 20s. one gold ſhirt pin, ſet round with pearls, value 40s. a leather pocket book, value 5s. a ſhaving box, value 2s. a pair of callico drawers, value 1s. one razor-ſtrop, value 1s. one ivory tooth bruſh, value 6d. the property of Francis Weldon Eſq; one bond for payment of 160l. one other bond for payment of 217l. his property.

CAPTAIN WELDON *ſworn.*

Between ſix and ſeven, on the Sunday evening the 9th of this month, a coach took me up at Oſborn's hotel in the Adelphi,

phi, and carried me to No. 9, in Orchard-ſtreet, Portman-ſquare; there were various parcels, and two trunks put into the coach; there was a deal box which contained the things mentioned in the indictment, all the parcels were taken out of the coach at my lodgings, except this deal box which was under one of the ſeats of the coach and carried away by the priſoner.

Who took the things out of the coach?—The coachman and a ſervant of Mr. Dalby's who was then with me.

Is that ſervant here?——No.

How ſoon after the coach was diſcharged was this box miſſed?——I do not believe it could be more than a minute or two at the furtheſt, I inſtantly ran down ſtairs and miſſed the box. I called out to the ſervant, the coach was drove off, I ran as faſt as I could into Oxford-ſtreet in order to ſee this coach; I obſerved a coach at ſome diſtance painted the ſame colour as the coach that carried me, but it was not the ſame coach; I then took a coach and went on to the Adelphi ſtand, I ſearched all the coaches, I did not know the number of it, the ſervant deſcribed it to me lined with green cloth, I ſearched different ſtands but in vain, till nine that night; when I came home; I immediately ſent for a porter and ordered a hundred hand bills to be printed, which were accordingly done, and diſperſed on Monday by ten o'clock; I had it advertiſed in the Daily Advertiſer, and two men came and deſired to ſee the family that had loſt a deal box, they left the number of the coach, and the nick name of the coachman, which they called Green Harneſs, they could not tell his other name; in conſequence of this information I went the next morning to the coach office, and I found the number of the coach, and the man's name as they deſcribed; on the Thurſday following, I took the priſoner with this coach at the door of Meſſrs. Stock and Cooper, linen-drapers in Holborn.

Did you yourſelf recollect the man and the coach?——No, I had his maſter with me, who pointed out the man and the coach to me; I did not recollect either, I ſhould not have known either; I immediately croſſed the way, and took hold of him by the collar, and before I ſaid any thing to him, he ſaid, Sir I was at your lodgings to day with my wife, with the box, I aſked him why he did not leave the box at my lodgings, knowing it to be my property, and he ſaid that his wife aſked for the reward which is three guineas, that was offered; and as I was not home, they had taken it away, and that he wanted money, and had carried the box to the houſe of one Michael Mitchell, a Jew, No. 5, Newcaſtle-ſtreet Whitchapel; he then ſaid, he wiſhed to ſpeak to a man that was there; the man came up, I ſaid he ſhould not; we ſtill ſtood at Meſſrs. Stock and Cooper's door, he ſaid he could not get my box without he had liberty to ſpeak to this man, to get ſome money, I told him he ſhould not, I would pay whatever money was demanded by the Jew, we then went to the Jew's houſe, Mr. Dalby got out firſt, and aſked for Mr. Mitchel; he came down ſtairs, and without ceremony I told him to go up ſtairs and bring me down the box and its contents, which the coachman had left there about two hours before; the Jew did not heſitate in bringing it down, and when he brought it into the kitchen I examined it, it was open, it had no lock from the beginning, but it had a haſp, and was tied very ſtrong when I loſt it; when he brought it down there was no cording nor haſp on it, it was quite open; I examined the box and found the waiter, the forks, the ſhirt pin, and the knee buckles, and the red pocket book, from which all the papers had been taken out: upon opening the pocket book, I found all the papers taken away, and the little implements, ſuch as knives, ſciſſars, &c. were taken away alſo; I immediately aſked the Jew where the bonds and the other papers were, and he declared that he never ſaw a paper, that he never opened the book, that he never opened the box, and knew nothing at all about them; I then aſked the coachman if he knew any thing about the papers, he ſaid, yes, and I believe Mr. Dalby or myſelf then deſired him to tell all he knew about the papers; he then ſaid that the Jew had taken all thoſe papers out of the book, and that he read them all over, but that he gave him a parcel of ſmall papers, which he did not know what they were, as he could not read or write, and deſired him to burn the ſmall papers, for that they were of no uſe to him or any body; he ſaid that the Jew took the papers out of the other ſide of the book, which were large papers, and that he pretended to burn them, but could not be ſure whether he did or not; I then deſired the Jew to produce me the bonds, and if he did, I ſhould take no further notice of it; he perſiſted in denying any knowledge of them; I took the Jew before Sir Sampſon Wright, and the priſoner and his maſter, and there was a Mr. Bond preſiding. Mr. Bond examined them, and he committed this coachman, and bound over the Jew to proſecute; he did not think he was juſtified, he ſaid, in committing the Jew; the reaſon he gave was, his readineſs to produce the box.

*Court.* What title had you to the bonds? ——They were left me by my uncle, who died ſome little time ago, with other property.

Was you the executor?—I was the heir at law, and executor; the things I found, and the box, were my property.

MICHAEL MITCHELL *ſworn.*

I live at No. 5, in Caſtle-ſtreet, Whitechapel.

How came you by that box, with theſe things in it, that Mr. Weldon found at your houſe?—On the 13th of this month, the priſoner, in company with another man and a woman, came to my houſe; I had ſeen him ſeveral times before; I knew him very well by ſight; it might be about three, as near as I can recollect; he came to my houſe, and ſaid he was in diſtreſs, and wiſhed I could lend him a trifle of money; I ſaid it was a wrong time, I could be of no uſe to him, it was holiday, it was paſſover; he ſaid if it was but five ſhillings, it would be a ſervice to him; I then took pity of him; I ſaid I had a few ſhillings in my pocket, if he would put his hands into my pocket, and take them out, he was welcome to them, only to pay me another time; he was not very ready to do that; but his wife ſaid, I will take it out of his pocket; ſhe took eight ſhillings, which was all the ſilver I had; ſhe wanted to return me three ſhillings, and ſhe ſaid five ſhillings was enough; I ſaid, no, ſhe muſt take all the eight. They had ſome papers in their hands, and they ſaid, why you may as well burn theſe papers, and I ſaw him go to the fire, and burn ſome papers; the woman then opened her cloak, and laid down a box; the priſoner ſays, Mitchell, be ſo kind to let me leave this here till I return back, I ſhall ſoon be back; I ſaid, yes, and welcome; then I took the box, and put it by for them: about two or three hours after, as near as I can tell, Mr. Weldon and another gentleman, and the priſoner, came to my houſe, and aſked me whether ſuch a thing had been left there as a box? I told him, yes, I ſhall give it; and I brought it to them, and I thought it was the people that were to come for it, as the priſoner had deſired me to ſave it for him.

What way of life are you in?——I am a dealer in all kinds of jewellery and watches, every day, except thoſe days that I dare not go out; I wiſh I had not been at home then.

Had you the curioſity to look into the box?—No, Sir; but when the gentleman mentioned bonds, I recollected their burning papers.

The man charged you with burning theſe papers?—I never burnt any; Mr. Weldon ſaid to the priſoner, you did not burn them; ſays he, I ſuppoſe Mitchell burned them.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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MDCCLXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of William Wynn.*

According to your repreſentation of it, you did not aſk for any depoſit?—None in the world.

How long have you known him?——Some time; I have done buſineſs with the *gentleman*.

Did you ever lend him money before?—Never.

Upon your oath, was you ready to let this man have theſe eight ſhillings, without ſecurity?—Upon my oath, I did not deſire any ſecurity, nor never thought of any.

Should you have let it go, without the eight ſhillings?—Certainly I ſhould.

And you did not look in the box?——No.

How long have you been in this jewellery buſineſs?——Fifteen years.

You ſaw them burn ſome papers?——Yes, I heard one of them ſay, you may as well burn theſe papers.

Now, you are generally pretty ſharp men, and know the world very well, did not you think how this box was obtained?——I had no preſent thought at all.

No ſuſpicion in the world?——None in the world, becauſe I had never heard any thing amiſs of this man, nor of the other that was with him.

Did you take any care for your own ſecurity about the box, was the box locked, or unlocked?——It was with a haſp.

No cordage, or any thing?——It was looſe.

I wonder you was not a little apprehenſive of permitting theſe people to leave a box at your houſe, without your knowing, or their ſeeing that you knew, what the things were that were in it?——I had no ſcruple; I was eaſily perſuaded that it was locked.

You are a moſt open, unſuſpecting Jew as ever I met with?——I ſhould be ſorry it ſhould be otherwiſe; for there is not a perſon in the world that will ſpeak againſt me in any one reſpect whatever.

Why, I confeſs it does require ſome explanation, when you ſaw theſe people burning papers, that you ſhould take no notice of it, and that you ſhould let them leave this box?—They might have gone a meſſage, or many things, and deſire to leave a thing there for a little while: this man had never been at my houſe before; the other man ſaid, then, ſays he, I did not know rightly whether it was in Caſtle-ſtreet, or Caſtle-court.

And do you now really expect to be believed?—Why not; any perſon that is ſo well known as I am at the court end of the town by every body that knows me, why not truſt me.

From what I know of you, from this ſtory, I promiſe you I will never leave a box at your houſe?—If you knew me, very likely you would not refuſe leaving it, and there is no perſon that knows me, can ſay any thing to the contrary.

## PRISONER's DEFENCE.

My Lord, I was fetched from the Adelphi to take this gentleman up and the boxes, and when I came there, the waiter and the ſervants brought out the boxes, and put them in the coach, and I went to Piccadilly; I took up another trunk behind; then they ordered me to No. 9, Orchard-ſtreet; when I came there, the footman got down, and opened the door, and I took the trunks and put them in the paſſage, and one of the gentlemen ſat in the coach, and gave me the things out one by one; I carried them into the paſſage, and I carried the large trunks up ſtairs, and he gave me ſixpence above my fare; when I came down, he aſked the ſervant whether all the things were out, and the ſervant ſaid yes; I ſaid to the boy, you had better look, to be ſure; he ſaid, I know they are; I then altered one of the traces of my horſes, which was too long; I went to Marybone rank, and put in there for two hours and an half: when I got off from there, I went to carry a ſervant, with ſome boxes and ſome bundles; I put them into the coach myſelf, and when I came to take them out, turning up the flap of the ſeat, I ſaw this box; I ſaid, this is not your's, ſays I, I cannot ſay whoſe it is rightly, I have carried a gentleman with boxes and bundles, and another perſon with boxes to the Greenwich ſtage; I took out the box, and I waited for the advertiſement; the next day, when it was advertiſed, I went to the gentleman's houſe; my wife carried home the box, and the gentleman was not at home, and they would not give her the reward; and then this other man came to me for ſome money, and I told him if he would go with me, he ſhould have it; and coming down Oxford Road, I ſaw a coachman; he aſked me how I was; I told him I was rather in trouble, and I told him the whole affair, and he aſked me if I knew any thing of ſuch a box, that there were hand-bills about, and I found it was the ſame, and I told him I had been home with it, and could not get the reward; I ſaid I wanted a few ſhillings upon it for a day or two, or three, and the man took me to Mitchell's houſe; he was not at home, and we called again, and Mr. Mitchell came down, and this man told him I was in diſtreſs, and wanted a trifle of money, and he would be obliged to him to let me have it; he ſaid he could not touch money, it was paſſover time; with that, my wife laid down the box to eaſe her arms, and he took the box, and opened it, and weighed the waiter, and took out the forks and the pins; then the book my wife took to take care of, and he opened the book and took the papers out of the left ſide of the book, and read them; they were papers ſtamped and ſealed with red ſealing-wax, and they were printed and ſigned with a writing hand; he then ſaid, theſe are of no uſe to you, you had better burn them, and he took and put ſome papers in the fire, but whether he put them all in, I cannot ſay; then he ſaid they might as well burn the others; with that, I put ſome little papers, ſome bills, or ſomething of that kind, on the fire, and he put a coffee-pot on the fire, that they might burn; my wife took the eight ſhillings out of his pocket, and I came off and I came home, and then my miſtreſs ſaid the two gentlemen had been about the box.

*Court.* When did you firſt tell your miſtreſs that you had the box?——On the Thurſday.

How came you not to tell her till the Thurſday?—I waited for the advertiſement, and kept it in my own poſſeſſion.

What became of the gold ſhirt pin?—That was left in the box.

What became of the callico drawers?——I cannot ſay, they were in the box, as far as I know, I never looked at the box but the night I took it home, then I looked at the waiter, and the ſpoons, and the pin.

Is your maſter or miſtreſs here?——I ſent this morning but I was too late, I did not know my trial was to come on to day, he is out with the coach; I have ſent for two gentleman to day, but whether they are come, I cannot ſay. *(Called but nobody anſwered.)* I have lived in Leather-lane theſe nine years.

*Court.* As you had given notice to the gentleman in the morning by ſending your wife with the box, how came you to ſuffer the Jew to burn any part of the papers?——I did not know he was going to burn any of the papers till they were in the fire.

Did you tell the Jew how you came by the box?——Yes I did, and that it was advertiſed.

Did you tell him that you had ſent your wife that morning with it?——Yes, I did.

ELIZABETH COPELAND *ſworn.*

The priſoner lived with me almoſt ſix weeks, he was ſervant to my huſband, I never knew any thing diſhoneſt of him while he was with me.

When did he firſt ſay any thing to you about this box?——On the Thurſday morning, when he ſaid he was going to take it home; I never ſaw the box before.

Did not you know that there had been an enquiry about it before that?——No, the gentleman came to me about two or three hours after, my huſband knew nothing of it.

*Court to Priſoner.* When was this box firſt uncorded?——On the Sunday evening when I firſt took it home.

JANE BLUNT *ſworn.*

I have known the priſoner ſince he has lived with this gentleman, I live in the ſame yard, my huſband has known him a great while, he lived with an uncle in Leather-lane, I never heard any thing of him but ſoberneſs and honeſty.

*Court to Jury.* Gentlemen, in this caſe the priſoner had not taken poſſeſſion of this box, the poſſeſſion was thrown upon him by leaving the things in the coach; I ſhall take care, as far as it is a new caſe, to reſerve it for the opinion of the twelve Judges, if you ſhould be of an opinion upon the evidence, that there was that ſort of fraudulent conduct in the priſoner, and that ſort of caſe appears upon the evidence which would have amounted to ſtealing it: now although the conduct of keeping it till it is advertiſed to get the reward, is ſuch as an honourable man would not purſue, yet as to queſtion of crime it is another thing, ſuch a box might be taken by a civil proceſs out of the hands of a man who had found it; but as to the queſtion of ſtealing, to be ſure, ſuch a man would not be guilty of ſtealing, becauſe the original intention of ſtealing is eſſential: now if this man finding the box in his coach, and even having a ſhrewd gueſs who it belonged to, detained it in hopes of a reward, and then meant to carry it back; if you think that is the caſe, the priſoner ought to be acquitted; there is a probability, that when a man had found a box, he would uncord it to ſee what was in it; on the other hand if the priſoner uncorded the box with a view to embezzle ſome part of the contents, upon that ground of the caſe, I think it is proper for conſideration, whether the man who is ſo guilty ſhould not be reached as a felon; and if you find the priſoner guilty, I ſhall reſerve it to be conſidered, whether it does amount to the crime of felony or not.

GUILTY.

*Court.* Let judgment be reſpited till next ſeſſions.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

333. PETER

33. **PETER OGIER** was indicted for feloniouſly ſtealing on the 27th day of of March laſt, three carpets, value 3l. five pieces of carpeting, value 5s. ſeven books, value 7s. one bowl, value 5s. five pair of ſilk ſtockings, value 20s. a tray, value 2s. a waiter, value 1s. one china tureen and diſh, value 20s. the property of the Rev. William Jackſon, clerk.

*The caſe opened by Mr. Garrow.*

The Rev. WILLIAM JACKSON *ſworn.*

I have chambers at Lyons Inn, No. 2, the ground floor. About the latter end of July, I had occaſion for a perſon in the capacity of an amanuenſis, to tranſcribe various things that I uſed to ſend to the preſs; the priſoner was recomended to me as a perſon in great diſtreſs, but who belonged to a very reſpectable family, and whoſe misfortunes he had not contributed to by any bad action; he wrote a very good hand, and I employed him in that capacity; he had recourſe to my chambers, copied for me, and went away; I being concerned in a houſe that was in Gravel-ſtreet Hatton-garden, and unlet, I let him ſleep at my chambers; I placed ſuch an unlimitted confidence in him, that I very ſeldom went there; however having occaſion to be there on the 27th of March, I deſired him to be there and prepare the fire; I went there, and the firſt thing I obſerved was, that there was no carpet on the large parlour; I ſaid where are my carpets? he ſaid, I have taken them up, and put them in the next room; I thought it was ſo, I found no carpets there; I went into the kitchen, and, in ſhort, in every room in the chambers, then I followed him where I had ſent him, and deſired him to come to the chambers, I told him; he very candidly then confeſſed that he had made away with them, and ſome ſtockings, various matraſſes, a bolſter, pillows, and in ſhort a variety of articles, and he produced the pawnbroker's tickets, pawned at various places, and in the name of Maſon, ſome were pawned at Mr. Cooper's; I immediately applied to Mr. Cokayne, an attorney, who lives in Lyon's-inn, and the priſoner was taken into cuſtody.

How lately before the 27th of March had you ſeen theſe things in your chambers?——It happened about ſix weeks before that.

*Court.* How long had you left the chambers ſo entirely to him?——From about the middle of Auguſt.

WILLIAM JORDAN *ſworn.*

I am ſervant to Mr. Cooper, pawnbroker, in Wych-ſtreet Temple-bar. I know the priſoner, I have ſeen him ſeveral times, I have received from him ſeveral articles. *(The things produced and depoſed to.)* The firſt is on the 1ſt of October, a book for three ſhillings.

What book is that?——Sydney; on the 8th of October, a carpet for fourteen ſhillings; the 10th of October another book, for four ſhillings; five books on the 11th; and five pair of ſilk ſtockings on the 11th; all pledged in the name of Charles Maſon: that is all I have.

WILLIAM MOLD *ſworn.*

I am another ſervant to Mr. Cooper, I have a tureen and diſh and cover, I received it from the priſoner in the name of Charles Maſon, I lent him ſix ſhillings upon it on the 11th of February; I took a carpet of him at another time, on the 6th of March, in the ſame name for ſix ſhillings.

ROBERT SIMPSON *ſworn.*

I was a ſervant to Mr. Cooper. I received this bowl from the priſoner on the 8th of February, I lent him eight ſhillings upon it.

JOSEPH DOLLING *ſworn.*

I am another ſervant of Mr. Cooper's. I received one carpet for ſixteen ſhillings, on the 14th of March; and on the 21ſt of March five pieces of carpeting for five ſhillings and ſixpence, in the name of Charles Maſon.

NATHANIEL ROBERT CONNOR *ſworn.*

I am ſervant to Mr. Byfield, a pawnbroker. I produce three volumes of Lord

Shaftſbury's Characteriſtics; on the 1ſt of Auguſt I lent him four ſhillings upon them.

(*Depoſed to.*)

*Proſecutor.* Theſe things were in my chamber before the priſoner firſt went to ſleep there.

PRISONER's DEFENCE.

My Lord, I did not mean to ſteal the things, I only took them for a temporary relief; I was in hopes by applying to my friends to have got ſufficient money to replace them all, I had even replaced ſome of the things that very morning, which was a large bowl, two china mugs, and a tea-tray.

*Court to Priſoner.* By the account that is given of you, Sir, you muſt have known that you were not at liberty to make that ſort of uſe of another perſon's property? ——Yes, my Lord, I have ſent to two or three people, but I did not expect my trial to come on ſo ſoon.

What part of the world did you come from?——Originally from Spital-fields.

I know there was a very reſpectable man of that name?——It was my father; I was drove to the very greateſt diſtreſs, I had not a ſhirt to put on my back.

STEPHEN PARKER *ſworn.*

I have known the priſoner ſix years, he has been a broker, and he has been a clerk with me and he has behaved well, and was very honeſt.

Can you ſay that in general he has been an honeſt character for the time you knew him?—I never heard any thing amiſs before this.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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334. JOSEPH HALFORD was indicted for feloniouſly breaking and entering the dwelling houſe of Cavendiſh Manwaring, about the hour of five in the afternoon, on the 1ſt day of April, Ann Manwaring, widow, William Nix, Edward Nix, and Thomas Bell being therein, and feloniouſly ſtealing, a ſilver ſalt, value 5s. a ſilver pepper box, value 5s. a ſnuff-box, value 3s. his property.

ANN MANWARING *ſworn.*

I am mother to Cavendiſh Manwaring, he keeps the dwelling houſe which I take care of in Golden-lane, he is a goldſmith by trade, he keeps wine vaults, he reſides in the houſe.

And who elſe lives in the houſe?——There is me and my grandſon, Thomas Bell, and William Nix my lodger, and Elizabeth Nix his wife.

When was it that this houſe was robbed?——About a quarter after five, the 1ſt of April.

Who were in the houſe the time it was robbed?——It is mentioned in the indictment.

Do you ſell wine by retail there?——It is commonly called a gin ſhop, I ſaw the priſoner go up ſtairs, and I ſent my grandſon up to know what was the matter, I called for aſſiſtance, and William Nix came and tripped him up, and my plate except one ſalt fell about the paſſage; I did not ſee him throw them out, the priſoner had a ſalt cellar in his hand, he took it out of my drawer, which I had taken out and had not locked it, about half an hour before; the door was locked and latched, but the key was in; the linen was all thrown about the room, but nothing was taken out, but the plate; I never ſaw the man before; the two Nix's lodge up two pair of ſtairs; I found about the paſſage a cream pot, a pepper box, and a cream jug, and one ſalt.

You are ſure this is the man?——Yes.

I ſuppoſe your ſtreet door was open?——Yes, it always ſtands open.

*Priſoner.* Aſk the proſecutrix whether ſhe did not ſee any body elſe come down ſtairs, whether ſhe did not challenge another perſon?——No ſuch perſon, the priſoner was not got down to the door.

WILLIAM NIX *ſworn.*

I was at work when this happened, I am a taya taylor, I heard a ſcuffle in the entry with my miſtreſs and the priſoner, I came directly, and when I came out, he was diſcourſing with her in the entry, I collared him and threw him on his back, then he put his hand in his pocket, and I caught him by the hand for fear he ſhould do me a miſchief; and he took out his hand and a ſilver ſalt along with it; I kept him there till aſſiſtance came, I gave the ſalt to my wife.

Did you ſee any body elſe in the entry? ——When I took him off the ground, and aſſiſtance came, the ſnuff-box was under him; I ſaw nothing elſe but one ſalt which I took from him, and the ſnuff box was under him; the conſtable has them.

### JOHN EDWARDS *ſworn.*

Theſe things were delivered to me by Mrs. Manwaring. (*The ſalt and the ſnuff-box depoſed to, and the pepper box, and the other ſalt.*)

*Priſoner.* Here is one Mrs. Bellamy whom I knew, I went up to aſk her whether ſhe could make me a ſhirt, and I knocked at the door, and two men came out at a door juſt by, and almoſt knocked me down ſtairs, and when they run down they dropped ſomething, and I picked up a ſalt; I bid them ſearch me.

What are you?——I have worked in the markets theſe thirteen years in the portering way.

Who for?——I have worked for Mr. Heath, he was here a little while ago, and for Mr. Cook, he is here, he knows me.

*Court to Proſecutrix.* Who is this Mrs. Bellamy?—She was a lodger, but ſhe was out a nurſe keeping, ſhe does not know the *gentleman*, and I never ſaw him before in my life.

*Priſoner.* I would have got Mrs. Bellamy, but I could not go myſelf to fetch her.

*The priſoner called two witneſſes, who gave him a good character.*

GUILTY

*Of ſtealing but not of breaking and entering the houſe.*

*To be tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr. Baron* EYRE.

335. DAVID JOSIAH JONES alias DAVID JONES was indicted for feloniouſly ſtealing, on the 8th day of April, ten yards and a half of linen cloth, value 11s. twenty-nine yards of other cloth, value 29s. ten yards of other cloth, value 10s. eleven linen handkerchiefs, value 11s. four yards of coarſe linen cloth, value 1s. thirty-three yards and an half of other coarſe cloth, value 12s. one yard and an half of velveret, value 4s. one yard and an half of ditto, value 5s. one yard and a quarter of cotton, called Domin, value 5s. ſix ſilk and cotton handkerchiefs, value 15s. the property of William Macbean, and Gillies Macbean, in the dwelling houſe of William Macbean.

*A ſecond Count*, for ſtealing the ſame, privily in their ſhop.

### WILLIAM MACBEAN *ſworn.*

I am partner with Gillies Macbean; the houſe is mine, the rent for the warehouſe is paid out of the trade to me; the four warehouſes are on three diſtinct floors, the cellar, the ground floor, and the one pair of ſtairs. I am a linen-draper; the priſoner came to live with me on the 25th of January laſt, as porter; on the 1ſt of of February we miſſed ſome velveret, not mentioned in the indictment; on the 12th of March we miſſed two dozen and eight ſilk handkerchiefs; but on the 7th of April we miſſed a very large quantity of cotton handkerchiefs; all theſe things are not mentioned in the indictment: upon miſſing ſuch a quantity, I had a ſuſpicion that the priſoner David Jones had taken the goods, in conſequence of which I learned where he went to; he had the cuſtom of going out very early on a Sunday morning, I found he went to his brother Edward Roberts, in Fryingpan-alley, Petticoat-lane; in conſequence of which I applied for a ſearch warrant from Juſtice Staples, in Whitechapel, and we went with three conſtables, and in the houſe we found a woman, Ann Roberts; the firſt thing we ſaw was a cheſt of drawers, in a very ſmall room, we deſired her to give us the key of the drawers, and ſhe did, and unlocked them herſelf; in every one of theſe drawers, except the two upper drawers, we found ſome things which I believe are my property; then, after taking theſe out of the drawers, I believe the huſband came in, and the conſtable ſtaid below ſtairs with him and the wife, and I and another conſtable went up ſtairs; I found nothing except in this room till we came down again, and there in a cloſet under the ſtairs, within a room, we found there was a parcel of pots and pans, under them was a box, we broke the box open; after we took the box out, we found a direction for David Jones, which was not faſtened on the box, it was laying on the ground with a parcel, on opening the box we found three diſtinct quantities of goods, handkerchiefs, and a wrapper made up, marked I believe by one of the witneſſes Thomas Howſe, who lived with me as porter, the wrapper is thirty-three yards and a quarter; as ſoon as we had found theſe, and had examined further in the houſe and found nothing, we took Roberts and his wife, and a man we found there, to Juſtice Staples; we found no more in the box, but ſome handkerchiefs, a piece of wrapper, and ſome ſheeting, and the things that were in the drawers; before the Juſtice, the priſoner ſaid he knew of no part of the goods, but two yards and a quarter of Demin mentioned in the indictment; (which is cotton for breeches) at Guildhall he ſaid that he found the whole of the goods, and carried them to his ſiſter.

### THOMAS WARREN *ſworn.*

I met Mr. Macbean and another gentleman going to Guildhall, and Mr. Macbean ſaid he had been robbed; I went with Juſtice Staples's people, and we found theſe things that have been related, in different drawers, we ſearched the houſe all over except this cloſet, I know nothing more, than that the goods were found in the cloſet.

### JOHN TANN *ſworn.*

I had a ſearch warrant, and I went with Mr. Macbean to Roberts's, and there found the goods.

### JOHN CARPENTER *ſworn.*

I went alſo.

### EDWARD ROBERTS *ſworn.*

I live in Fryingpan-alley, Petticoat-lane; I know nothing at all about the goods, I do not know how they came at my houſe, I was out in the morning very early about my buſineſs.

Is your wife here?—Yes.

I underſtand you ſaid there was nothing in the box?—I did not know there was any thing there, the box belonged to one Williams, who had been in the houſe about half a year laſt quarter day; the priſoner is my wife's brother.

Did he ever viſit at your houſe?—Yes, our keys are left at a chandler's ſhop, while we are gone out with our milk, for the lodgers to come in, and he uſed to come while we was gone out, now we go out about ſeven, and return about nine.

*Court to Proſecutor.* Is this agreeable to what the man ſaid before?—His examination is in court.

*Roberts.* There was a piece of ſtuff in my drawer with my clothes, and my brother ſat by the fire, and I aſked who that belonged to, he ſaid it was to make a pair of breeches, my brother-in-law anſwered, (that was the priſoner) my brother-in-law had ſome ſhirts and things in my drawer, he uſed to make his home at my houſe, and my wife waſhed for him; I aſked him no more queſtions, I did not ſuſpect my brother-in-law.

### ANN ROBERTS *ſworn.*

The priſoner is my brother, he always came of a Sunday to change his cloaths.

What became of the key of the drawers?—Sometimes I had them; and at times I uſed to leave them upon the window.

What did you uſe to keep in theſe drawers?——I uſed to keep my cloaths in them, I had the keys of all my drawers when the officers came to ſearch my houſe.

In theſe drawers which you had the key of, I underſtand there were found a parcel of new goods that were claimed by Mr. Macbean; how did theſe things come into thoſe drawers that you had the key of?—I cannot tell, I never ſaw any of them come in.

Did you ever find any of them there?—I found one piece on Sunday morning as I was going to put my gown on, and I aſked who that belonged to, it was a coarſe piece of ſome kind of linen, I did not take it in my hand, it was in the drawer, but there was never a lock to that drawer; my brother was there, and the lodgers all ſitting by the fire, and my brother made anſwer it was his.

Was that the only thing you ever obſerved there that was not your own or your lodgers?——It was.

Was there one piece or more than one?—I did not obſerve but one.

Have you never ſaid there were two?—No, I never ſaid any ſuch thing.

*Court.* I will read you your examination, which is, that on Sunday morning you obſerved two pieces of coarſe linen, and upon aſking the priſoner about them, he ſaid they were his own.

I do not know whether there was one piece or two.

Was it Scotch ſheeting?—I do not know Scotch ſheeting from other ſheeting.

Was it ſheeting?—I believe it was.

Are you aware, that by your affecting not to know how theſe ſtolen goods came into your houſe, that you are diſgracing yourſelf, and making yourſelf to be the thief?——I very often left the keys for my brother.

So you inſiſt upon it here, in the preſence of your country, that you do not know how theſe things came there?——I never ſaw them come, nor ever knew they were there, nor was never told by any body they were there in my life.

*Proſecutor.* My Lord, this witneſs ſaid the three handkerchiefs, ſhe bought them in Criſpin-ſtreet; ſhe alſo ſaid at Juſtice Staples's that ſhe knew of them, and that ſhe would have blown him, but he was her own fleſh and blood.

*Court to Proſecutor.* Pick out thoſe two pieces of ſheeting, and the piece for a pair of breeches out of the reſt?—Theſe are them.

*(Produced and depoſed to.)*

We have a piece in court, that did once meaſure forty-one yards, it now meaſures thirty-eight yards and an half.

Then there is a quarter of a yard miſſing?—It was meaſured at Mancheſter, and the cotton goods frequently run up.

*Roberts.* This is the piece to the beſt of my knowledge, except it has been changed, I never ſaw any of the goods except this piece, if this is the piece, or ſuch a piece as this.

*Proſecutor.* The piece of ſheeting that was found in the box, and the piece that was found in the drawers will appear upon comparing, to be one piece, the mark was cut away.

*Court.* Where was the demin found?——I found it in the drawer.

In which drawer was it found?——I cannot tell.

Are you a wholeſale draper?——Yes.

You do not deal by retail at all.—No.

Then that could not be ſold in the regular courſe of buſineſs?——No; I believe this is a part of that piece, I have no doubt in the world; this piece was near to the compting houſe door, which is on the ground floor in the right hand warehouſe, going into the door; it was returned; that was the reaſon of its being open in the ſtate you ſee it.

How much of the coarſe ſheeting did you find?—Thirty-nine yards and an half, in three pieces.

Where was that coarſe ſheeting found?—Part of it in the drawers, and part of it in the box.

Can you diſtinguiſh which was found in the drawer, and which in the box?—This was found in the drawers.

*Court to Roberts.* Was the coarſe linen you aſked about, that which the priſoner ſaid was his own, was it that piece or not?——To the beſt of my knowledge it was, it was ſomething like that.

*Court to Macbean.* There was no more coarſe linen found in the drawers?—No.

What induced you to believe that the piece of coarſe linen that came out of the drawer is yours ?——Becauſe it has a mark upon it, the figure of 40.

Whoſe mark is that ?——It is marked in Scotland, and we had loſt a piece, with the figure of 40, they are not all of the ſame length.

Is 40 a uſual length ?—From 36 to 40, or 41, is the uſual length.

Then there might be a multitude of pieces with the mark 40 upon them ?——Yes.

Is there any thing elſe that induces you to believe it to be yours ?—The quality.

But there is a vaſt quantity of linen of that quality ?—Yes.

Then you can only ſay this has a mark of 40 as your piece had, and that this is the quality of your piece; can you go any farther as to this ſheeting ?——No.

Have you any other evidence to prove that the things ſo found at Roberts's, were brought by the priſoner at the bar ?—Only by her confeſſion, ſhe now thinks fit to deny it; this wrapper was in the box which Roberts ſaid was the priſoner's, which was locked, and we broke the lock.

Who had the key of that box ?—I do not know, the priſoner when he was taken, was not ſearched.

Have you the direction you ſay was found ?—Yes.

Produce it.

*Court to Roberts.* What did you ſay before the Alderman about the box ?——I told him the box was in the houſe when we went there, that it belonged to one Williams, a lodger that had been.

Who did you ſay had uſed it ?—I do not know that I did, I could not tell that he had.

Your examination is, that he knows not how it came there, and Jones told you he had uſed it ?—To the beſt of my knowledge he did not tell me.

Then you venture to deny it ?——I tell the truth to the beſt of my knowledge, I am ſure I told the Alderman the truth.

Did Jones tell you he had uſed the box ?——Yes, I believe he did.

When and upon what occaſion was it, that Jones told you that he uſed that box? —I do not know; when they went in, I told them there was nothing but a box there, I could not tell whether it was locked or not, I told them I did not know whether Jones made uſe of it or not.

Conſider firſt of all you ſaid there was nothing there, becauſe there was a parcel of pans and things that covered the box? —I told them the box was there, and there was nothing but the box.

Had you ſeen that box before ?—Yes.

At the time you firſt ſaw it, can you tell whether it had any direction upon it? ——Not that I know of.

Look upon that direction ?—This direction to the beſt of my recollection came out of the country upon a hare and turkey.

Was the hare and turkey brought to your houſe ?—Yes.

When was it ?—I do not know; Mr. Macbean had the hare, I cannot ſay when it was.

*(The direction handed up to the Court.)*

*Court.* Take that into your hand, and conſider a little what you ſay; look at it again, and tell me whether, upon your oath, that direction came with a hare and turkey ?—It did, my Lord.

There are nail holes in it ?—It was ſewed to the baſket.

*Mr. Macbean.* There was a bit of baſket to it, when I found it.

How was it faſtened to it ?—I rather think it was ſewed.

As this was a box that you ſay you had ſeen before, and that your brother might ſay he had uſed it, how came it to be thruſt into that place ?—We had no place to put things in, and we uſed to put kettles and ſaucepans, and things upon it, we had no room to put it any where elſe, neither under the bed or the drawers.

*Court to Macbean.* What were the articles that were in this box ?—This wrapper has a mark upon it.

What is that mark ?—Thirty-three

yards and a quarter; the witneſs, Thomas Howes, ſwore that he made up this wrapper in my houſe.

THOMAS HOWES *ſworn.*

I made this mark when I lived at Mr. Macbean's as porter; I made it up, and marked it.

They are your figures, are they?—Yes, for Mr. Macbean.

*Court to Mr. Macbean.* Where did that wrapper uſe to be?—In the lower room.

*Howes.* I left Mr. Macbean four months ago.

How long before that, did you make that mark?——I cannot ſay.

*Mr. Macbean.* Theſe ſeven handkerchiefs, we had loſt ſeveral dozen of the ſame pattern, but I cannot identify them; and here is the remaining part of the ſheeting.

Do theſe two parts belong to one piece?——I believe they are belonging, the exact quantity meaſuring thirty-nine yards and a half; there was a mark on the outſide which is cut out, which makes up the other half yard; the number is on the outſide of the ſheeting, folded up like a book.

PRISONER's DEFENCE.

I know nothing of them, I never knew they belonged to Mr. Macbean.

The particular marks you are called upon to give an anſwer to, are the ſheeting, and the two yards and a quarter of cotton demin, and the things that were found in the box?—I never put none of them, neither in the drawer or the box, nor did I take them there.

You told your ſiſter that the coarſe ſheeting was your's?——I was ſitting by the fire, and ſhe aſked me, what is this put here for; I thought ſhe meant a dirty ſhirt; and I ſaid it was mine.

What did you ſay as to the demin; did you ſay it was for a pair of breeches?——I know nothing of it.

As to the box?——I never uſed it, I never went out of the houſe of a Sunday morning before his hair-dreſſer knocked at the door, and the hair-dreſſer was angry becauſe I would not get up ſooner of a morning; and I never went out on buſineſs of my own, without his notice, while I lived with him.

*Mr. Garrow.* Mr. Roberts, how long has the priſoner been in London?—About four months, he came from Wales.

EDWARD JOHN LLOYD *ſworn.*

I live in Cardiganſhire, in Wales; I have been in town but a few days; I came up on purpoſe to attend here; the priſoner has not left that part of the world above four months; I have known him above thirteen years, he was a maſon; he was a ſober, upright young man as ever I heard of.

That was his general character?—Yes, all over the country; I have a paper which I ſaw ſigned by the perſons therein, and if it had not been ſuch ſhort notice, they would have been here themſelves.

GUILTY,

*Of ſtealing the goods, but not privately, nor in the dwelling-houſe.*

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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336. WILLIAM SCREW was indicted for feloniouſly ſtealing, on the 23d day of March laſt, one wooden caſk, bound with iron hoops, value 6s. the property of Joſeph Kirkman.

*John Pugh*, ſervant to the proſecutor, ſaw the priſoner carrying off the caſk.

GUILTY.

*To be whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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337. WILLIAM CROSTON was indicted for feloniouſly ſtealing, on the 5th day of March laſt, one hammercloth, value 2s. the property of John Benwell and Edward Holditch.

*Benjamin Taplin* ſaw the priſoner by the coach, and took him with the hammer-cloth.

GUILTY.

*To be whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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338. MARY JONES was indicted for feloniouſly ſtealing, on the 15th day of April, ten yards of printed linen, value 20s. the property of Francis Fielding and Thomas Fielding, privily in their ſhop.

*Francis Fielding* ſaw the priſoner coming out of the ſhop with the property under her cloak.

GUILTY

*Of ſtealing, but not privily.*

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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339. JOHN HUNTLEY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of James Child, about the hour of twelve in the night, on the 24th day of March laſt, and burglariouſly ſtealing therein two live pigs, value 40s. the property of John Carr.

*Sarah Horton* bought the two pigs of the priſoner, which were depoſed to by the proſecutor.

*Priſoner.* My brother deals in pigs, and he gave them to me to ſell.

*The Priſoner called five witneſſes to his character.*

GUILTY,

*But not of the burglary.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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340. WILLIAM BULLOCK was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of George Grimwood, about the hour of eight in the night, on the 30th day of March laſt, and burglariouſly ſtealing therein a pier looking-glaſs, in a walnut-tree frame, value 40s. and one linen window-curtain, value 30s. his property.

The priſoner was taken pawning the things.

GUILTY,

*But not of the Burglary.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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341. JOHN FRANK was indicted for feloniouſly ſtealing, on the 7th day of March laſt, one pair of ſattin breeches, value 16s. one pair of ſhoe-buckles, value 10s. a pair of ſilver knee-buckles, value 5s. a ſilver watch, value 4l. a ſilver ſeal, value 2s. a half-guinea, value 10s. 6d. and four ſhillings in monies numbered, the property of John Chriſtian Hartman, in the dwelling-houſe of Martin Kuhn.

The priſoner ſlept with the proſecutor, whoſe trunk was broke open, and upon ſearching the priſoner, there was found in his pocket a guinea, a half guinea, and ſix ſhillings, and among the ſilver was a particular ſhilling, which the proſecutor's landlord had given him in change, and a nail, which appeared to have forced the lock of the trunk, and which fitted the hole of the place where it had been forced.

*(The ſhilling depoſed to.)*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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342. SIMON PRICE, JOHN PERRY, and JAMES WATKINS, were indicted for feloniouſly ſtealing, on the 24th day of April, one hundred and forty-two yards of gauze, value 6l. 10s. twelve pieces

of ſilk ribbon, value 5l. the property of William Adams.

*A ſecond count*, for ſtealing the ſame, laying them to be the property of Francis Haydon.

*Francis Bolton* ſaw the priſoners break the box open, and take out the goods; they were taken upon the ſpot; the property was found on them, and William Laythorn ſaw the priſoner Watkins get into the waggon, and carry the box into the ſhed.

ALL THREE GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

343. JAMES THOMPSON was indicted for feloniouſly ſtealing, on the 31ſt day of March laſt, twenty-eight pounds weight of leaden pipe, value 5s. belonging to William Rabford, and fixed to his dwelling-houſe.

The priſoner was a chimney-ſweeper, and was caught in the duſt-hole with the lead.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

344. JOHN SMITH was indicted for feloniouſly ſtealing, on the 17th day of April, one wooden firkin, value 18d. and ſeventy-ſix pounds weight of butter, value 40s. the property of Henry Capel and John Girdler.

*Philip Trimley* took the priſoner with the butter in his arms upon his knees an hundred yards from his cart, and John Lambert ſaw the priſoner with the butter in his arms when Trimley ſeized him; the priſoner ſaid, d—n his eyes, he had found a prize.

*Priſoner.* I picked up the butter.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury, before Mr. Baron* EYRE.

345. ELIZABETH COLE and MARY JOHNSON were indicted for feloniouſly ſtealing, on the 1ſt day of April, nine pair of men's worſted ſtockings, value 20s. the property of Griffith Humphrys and John Humphrys.

JOHN HUMPHRYS *ſworn.*

I am a linen-draper and hoſier, in partnerſhip with my father Griffith Humphrys, No. 27, Shoreditch. On Saturday evening, the 1ſt of April, having been out about ten minutes, I was informed, on my return, that two ſhop-lifters had been at the ſhop; I ordered the ſhop to be ſhut up, and ſtanding at my door, I was informed the two girls were gone into another haberdaſher's juſt by, and I heard the priſoner Johnſon ſay to the other, it will not do; ſo they went on a few doors farther, and they ſtopped ſuddenly, and Johnſon ſaid to the other, let us go back: after a pauſe of about a minute or two, they turned round; I let them paſs me, and as they paſſed me, ſhe ſaid, I will buy, but God bleſs you, mind you are not ſeen; I concluded from that they were going into the haberdaſher's ſhop, and I intended to watch them; but they paſſed it, and went into my ſhop, and the priſoner Johnſon aſked to look at a piece of cloth ſhe ſaw when ſhe was there before; ſhe was ſhewn it, and made no difficulty about the price or quality, but upon the quantity; at laſt, ſhe determined on buying a yard and a quarter of it; there were ſome printed cotton ſtockings lay upon the counter; I did not ſee either of them take any thing; Johnſon paid, and they went out together, but I ſuſpected Cole to have ſomething, and I obſerved her to make a move with her arm, as if ſhe wanted to throw ſomething away, and ſhe let fall a parcel of ſtockings, nine pair, with my mark upon the paper; I am ſure of the property.

*Evan Price*, the ſhopman, depoſed to the ſame effect, as to the priſoners coming into the ſhop the firſt and ſecond time, and that Mary Johnſon aſked to look at ſome cloth, and the priſoner Cole in the mean time turned herſelf about, and leaned her back againſt the other counter oppoſite, where were a parcel of ſtockings; ſhe ſtood there about half a minute, and after that ſhe moved herſelf from there, and came nearer to him, and then he could ſee a parcel which afterwards proved to be the one produced; he ſaw the ſide of it under her cloak, as ſhe was ſhifting it to get it more out of ſight, but he did not ſee enough of it to know what it was; but her manner of concealing it gave him a ſuſpicion; they went out of the ſhop together, ſide by ſide, and he afterwards ſaw the parcel drop from the priſoner Cole.

*The priſoners both denied the charge.*

*The priſoner Cole called one witneſs to her character.*

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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346. THOMAS MARSHALL, JOHN BOOTY, and PETER, (a Black man) were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Wiley, about the hour of three in the night, on the 3d day of March laſt, and burglariouſly ſtealing therein three yards of cloth, value 3s. one yard of gauze, value 2s. one apron, value 2s. a cloth waiſtcoat, value 1s. a gown, value 10s. a pair of breeches, value 1s. one ſhoe, value 2d. two remnants of cotton, value 6d. a cap, value 3s. a flannel petticoat, value 6d. a printed cotton gown, value 1s. 6d. a dimity bed-gown, value 6d. three ſheets, value 9s. four fans, value 1s. one wrapper, value 6d. two hair bruſhes, value 6d. two linen work-bags, value 2d. fifteen cotton ſtockings, value 2s. a damaſk table-cloth, value 14s. a rug, value 6d. three woollen blankets, value 10s. a muſlin flounced petticoat, value 3d. a piece of linen, value 1d. three yards of white ticking, value 18d. a looking-glaſs, value 15s. three yards and a half of ſhalloon, value 3s. 6d. a yard and a half of Ruſſia cloth, value 6d. a bed-gown, value 1d. four caps, value 4d. two bibbs, value 1d. one muſlin handkerchief, value 2d. ſeventeen metal coat buttons, value 1s. and two candles, value 1d. his property.

JOHN WILEY *ſworn.*

I am a ſhoemaker; I had left this houſe about a fortnight, it was mine till quarter day; two of my apprentices ſlept there; I know the priſoner Booty exceedingly well; he worked about the premiſes moſt part of laſt ſummer in the callendering way.

ANN WILEY *ſworn.*

I was there on the Saturday morning before the houſe was broke open; it was ſafe then, and I took the keys with me.

JOHN LANDE *ſworn.*

I am a watchman, I found the window of this houſe open at three, it was faſt at two; I went for the aſſiſtance of my brother watchman and went in, and found ſome goods in the houſe, the back door was open.

MATHIAS MILLAR *ſworn.*

I live next door; to the beſt of my knowledge the houſe was faſt over night; the watchman alarmed me at three o'clock.

MARY ROBERTS *ſworn.*

I live in Acorn-alley, Biſhopſgate-ſtreet; I take in waſhing; one of the priſoners, I think his name is Booty, aſked me to pawn a few things, which I did; on the Saturday I went into the room where the three priſoners were, becauſe Booty promiſed to lend my huſband a couple of ſhillings; I underſtood it was Booty's room, and they aſked me to pawn a few things that came out of the country, the things were in the room; I pawned a piece of new cloth for three ſhillings and ſixpence, I got nine ſhillings in the whole; I pawned the things at two different places, it was at different times in the ſame afternoon; I gave them the money and the duplicates; I never was in the room before; I never pawned any thing for them before.

WILLIAM BARKER *ſworn.*

I am a pawnbroker in Holywell-ſtreet, Shoreditch; I produce three ſmall parcels that were pledged by this woman Mary Jones, a piece of black ſhalloon, a piece of new cloth, two pieces of cotton, and a dreſſer-cloth, that was one parcel; here is a child's gown, four child's ſhoes, and four caps, two little pieces of diaper, and about a yard and an half of ſilk; I lent one ſhilling on theſe ſmall articles; one ſhilling on the ſilk; and three ſhillings on the ſhalloon and cloth. (*The things depoſed to.*) Mary Smith, another pawnbroker, produced ſome other things which were depoſed to; John Armſtrong and James Shakeſhaft produced the things which they found in the room, where all the three priſoners were in King John court, Holywell-lane, up one pair of ſtairs, which were alſo depoſed to.

*Court to Mrs. Wiley.* When you came to the houſe, what obſervations did you make as to the doors and windows?——I examined the windows, and both ſides of the glaſs had been broken of the back kitchen door, the caſement ſide was broken, the bar was faſt on that ſide and I imagine the other ſide had been broken, the caſement had been opened; I ſuppoſe they had got in at the caſement, by lifting up the bar; there muſt have been ſome inſtrument, or elſe they could not have done it.

PRISONER MARSHALL'S DEFENCE.

I found the things going to work at ſix in the morning; I am a chimney ſweeper.

*The Priſoner Marſhall called one witneſs to his character.*

PRISONER BOOTY'S DEFENCE.

I overtook Marſhall, and ſaw him find the things.

PETER, (*the black man's*) DEFENCE.

I am innocent of the matter. I only came into the room.

THOMAS MARSHALL, } GUILTY
JOHN BOOTY,

*Of ſtealing the goods, but not of breaking and entering the houſe.*

*Each to be tranſported to Africa for ſeven years.*

PETER, (*a black man*) NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. *Baron* EYRE.

347. WILLIAM LYONS was indicted for feloniouſly ſtealing on the 16th day of April, one hand ſaw, value 2s. one tenant ſaw, value 1s. and one pair of pincers, value 1d. the property of John Barrow.

The priſoner was taken coming out of an unfiniſhed houſe with the things upon him.

*Priſoner.* I found the things; I am juſt come from ſea.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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348. SAMUEL ROBERTS was indicted for feloniouſly ſtealing on the 18th day of March laſt, eight pounds weight of kitchen fat, value 13d. the property of Edward Bozley.

The priſoner was taken with the fat upon him.

*Priſoner.* I am not guilty.

*The priſoner called five witneſſes, who gave him a very good character.*

GUILTY.

*To be publickly whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the Middleſex Jury before* Mr. RECORDER.

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349. THOMAS ROBINS was indicted for feloniouſly ſtealing on the 29th day of March laſt, one wooden till with a braſs lock, value 6d. and ſeven ſhillings in monies numbered, the property of Thomas Dixon.

The proſecutor ſaw the priſoner in the ſhop, and purſued him immediately, and ſaw him throw down the till, with the money in it, being ſeven ſhillings in halfpence, and five or ſix ſhillings in ſilver; and Robert Smith ſaw the priſoner come out of the proſecutor's ſhop with the till.

GUILTY.

*To be privately whipped, and impriſoned one month in Newgate.*

*Tried by the London Jury before* Mr. *Baron* EYRE.

350. **DAVID JONES** was indicted for feloniouſly ſtealing on the 21ſt day of March laſt, one piece of woollen ſtuff called tammy, of the length of 39 yards, valued 30s. the property of Meſſrs. Robinſon and Hotham, privily in their warehouſe;

And **JOHN DAVIS** was indicted for feloniouſly receiving the ſame knowing it to be ſtolen.

——— HOTHAM *ſworn.*

Jones lived as porter with us; on the 21ſt of March, between four and five, I ſaw a piece of goods which Nicholls brought me, which I marked; I ſuſpected the priſoner for ſome time; the piece of goods was put in the place where he told me it was ſecreted; it was a place under the preſs, confined to rubbiſh entirely; I deſired every one in the houſe to take notice where this piece of goods was; I deſired the priſoner might be particularly watched, not only ſo, but I deſired a gentleman to watch on the outſide of the door in the morning.

JOHN NICHOLLS *ſworn.*

I live with Meſſrs. Hotham and Robinſon; I remember carrying a piece of goods to Mr. Hotham on the 21ſt of March, which he marked; I found on the 21ſt of March about five in the afternoon, that it was not in the proper place for it, it was a piece of my maſter's goods.

Have you any knowledge who put it there?——Yes; I ſaw the priſoner Jones putting ſomething there, and I went and looked and found the piece there.

Where was the piece?—On a ſhelf in the ſhop, about as far as I am from you; I took it to the proſecutor, and he marked it in my preſence; I took notice of the mark he put upon it which was the letter (H,) I then took it and put it in the place where I found it.

Do you know of your own knowledge what became of it afterwards?——I looked the laſt thing that night; I locked the door and ſaw it was there; I ſaw a man I did not know, and David Jones following him; David Jones opened the warehouſe firſt, it was a few minutes after I came down; I went and looked, and the piece was gone.

*Mr. Garrow, Priſoner's Counſel.* What part of the counter did you ſee these goods on?——Almoſt at the further end of the warehouſe, furtheſt from the ſtreet, under a preſs in a large hole, where there is nothing but lumber.

Is that part of the warehouſe a good deal frequented by the perſons in your trade?——Yes; by our own people.

Did not you recommend to Mr. Hotham or his partner to lay ſome plan, which I call ſome trap, and this particular plan to put this piece of goods under the counter?—No, by no means.

Recollect?——I do not know whether Mr. Hotham bid me put it, or that I recommended it.

Where were theſe goods taken from before they were put under the counter?——Out of a hole, a partition of about five or ſix yards from the place, and it was found by me under the preſs.

At the time you found it there you ſuſpected it to be put there for the purpoſe of being taken away by Jones?——Yes.

Was it put there again for the purpoſe of being taken away by him?—It was put there to ſee what he would do with it; we expected it would be carried away by him; it was certainly put there to ſee whether he would carry it away.

How long have you lived with Mr. Hotham?—Five years.

How long did Jones live there?——About four years.

Upon what terms have you lived together?——*We have always lived on very friendly terms, only ſometimes we quarrelled.*

Have thoſe quarrels ever proceeded to blows?——No; only once he told me he would tear my heart out; there was no grudge between us at the time becauſe we were upon friendly terms, but I ſhall always do the beſt I can for my employers.

How long is it ago ſince he gave you blows?——He never did give me blows.

Where was that quarrel?——In the kitchen.

Was any perſons preſent?——Several; the cook and ſome of our men.

### THOMAS CLARKE *ſworn.*

I was requeſted to keep a look out, and on Wedneſday morning I was in Gracechurch-ſtreet before Mr. Hotham's warehouſe was open; I ſaw the porter open the warehouſe; a little time afterwards, I ſaw a man come from the door with a parcel; there is a court very near the warehouſe; the man turned up the court, and I followed him; in that court there are ſeveral turnings different ways, and he eſcaped me; from the deſcription I gave of his perſon it was ſuppoſed to be Davis; I went with the officer and Mr. Robinſon, as ſoon as I ſaw Davis, I ſaid it was him.

Was it him?——I never was nearer him than fifteen yards, he was in the ſame dreſs, to the beſt of my knowledge it was him; I was preſent when the goods were found; they were found in Davis's apartments in a box near the fire.

Was the box locked or open?——I do not know.

How did you know the apartment you ſearched was Davis's?——I did not know they were his, the conſtable directed me to them; Davis was preſent in the apartment; he ſaid he had bought the goods of ſome perſon, but I do not know who; he looked out a great many bills of parcels, but did not find the particular one that contained theſe goods; there were two pieces of goods found there.

Did he ſay he bought thoſe pieces of goods before or after they were found?——After they were found.

*Mr. Keys, Priſoner Davis's counſel.* You do not pretend to any knowledge of the priſoner Davis?——I ſaw him when we ſearched that apartment.

You do not mean to be underſtood that he was the man that came out of the houſe?—I believe he is the man.

Did you examine the bills of parcels?——No.

### EDWARD RIGBY *ſworn.*

I found theſe things in Davis's apartments in a box, the box was not locked; we found theſe two pieces, they ſaid they had nothing more than their own; he ſaid he would produce the bill before the Lord Mayor; he and his wife were in the room, he kept the bills of parcels in his poſſeſſion, the pieces have been in my poſſeſſion locked up at Guildhall.

*Proſecutor.* This piece of goods is the very piece I marked, it was put in a freſh paper, I opened the paper and put my mark on the body of the piece.

*Court.* Let me look at the mark?——*(handed up.)*

*Proſecutor.* This is a tammy; when I found this tammy was gone, I took from the priſoner Jones a pocket book, and the firſt thing I found in it, was a direction to John Davis, in conſequence of which I ſent for a ſearch warrant.

*Mr. Garrow.* How many perſons were up before Jones that morning?——I dare ſay he was the perſon firſt up.

*Nicholls.* The footman was up before Jones.

*Proſecutor.* Jones had the keys from me.

### PRISONER JONES'S DEFENCE.

The footman was up before me and opened the warehouſe door; when I came down, the warehouſe door was opened, I went and aſked for the key of the partition, he ſaid he forgot to bring it down; I went and brought it down; I over ſlept myſelf that morning later than any other ſince I have been in the houſe.

### PRISONER DAVIS'S DEFENCE.

I dealt in theſe things, and paid a great many hundreds in theſe things; I had been ſelling a ſtock; there are people in court that can prove it, and ſome that will give me a good character.

*The priſoner Jones called twelve witneſſes who gave him a very good character.*

*The priſoner Davis called three witneſſes who gave him a good character.*

DAVID JONES, GUILTY

*Of ſtealing, but not privately.*

*Tranſported for ſeven years.*

JOHN DAVIS, GUILTY.

*Tranſported for fourteen years.*

*Tried by the London Jury before Mr.* RECORDER.

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351. CHARLES BROMEFIELD alias BROMFIELD, was indicted for feloniouſly ſtealing, on the 17th day of April, one braſs mortar, value 12d. one braſs peſtle, value 12d. the property of Richard Netharcott.

The priſoner was taken thirty yards from the proſecutor's houſe with the peſtle and mortar upon him, which the proſecutor ſaw him take.

*Priſoner.* I found the peſtle and mortar, ten yards from the proſecutor's houſe, and now the proſecutor is willing to lay *that weight* to me.

GUILTY.

*To be publickly whipped in Holborn, and impriſoned for ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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352. ELIZABETH TAVENOR was indicted for feloniouſly ſtealing, on the 17th day of March laſt, one linen ſhirt, value 2s. 6d. the property of Richard Hunt.

The ſhirt was found at the pawnbroker's pawned by the priſoner.

GUILTY.

*To be privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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353. HENRY GREY was indicted for feloniouſly ſtealing, on the 1ſt day of April, eleven pounds weight of beef, value 4s. the property of Theophilus Pomroy.

The proſecutor ſaw the priſoner take the beef, and ſtopped him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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354. JOHN CLEMENSON was indicted for feloniouſly ſtealing, on the 28th day of March, thirty pounds weight of tobacco, value 30s. the property of Charles Wright, and Solomon Davis, and three pieces of Iriſh linen, containing 70 yards, value 3l. 10s. the property of John Mathews.

*John Ridge* delivered the parcel to the priſoner the corner of the Bell Inn, in Smithfield; the priſoner ſaid he was the book-keeper, and preſently made off with the parcel; he flung down the parcel upon being purſued.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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355. JOHN KENTISH was indicted for feloniouſly ſtealing, on the 3d day of April, one ſilk handkerchief, value 1s. the property of William Wilks.

The proſecutor miſſed his handkerchief, accuſed the priſoner, who immediately ran off; he purſued him, and ſaw him take the handkerchief from out his trowſers.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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356. ESTHER NOBLE was indicted for feloniouſly ſtealing, on the 10th day of March laſt, one watch with the inſide and outſide caſe made of metal, covered with ſhagreen, value 30s. two metal ſeals, value 2s. a linen ſhirt, value 6s. one pair of ſilk ſtockings, value 1s. a coat, value

6d. an apron, value 6d. the property of Joſeph De Marco, and one callico gown, value 7s. the property of Peter Campbell.

### ELIZABETH DE MARCO *ſworn.*

I am wife of Joſeph De Marco; I went out between the hours of three and four in the afternoon, on the 10th of March, and I left a relation of mine in the room, I am only a lodger in the houſe. I returned between nine and ten; I miſſed a metal watch, and a man's blue coat, and a check apron, and a ſhirt unmade, and a pair of ſilk ſtockings; I left the watch hanging on the chimney, the check apron upon a horſe, and the coat on a chair, the ſtockings in a box, and the ſhirt in a clothes bag.

### MARY ANN CAMPBELL *ſworn.*

I went out about half after four; I locked the room, and lifted the latch, and puſhed my knee againſt it; I returned again as the clock ſtruck eight; I found the door open, and the watch gone, and my gown; I do not know who took it.

### DANIEL SLACK *ſworn.*

I am ſeventeen; the priſoner came about nine at night to Mr. Ruſhman's in Monmouth-ſtreet, a pawnbroker's; it was on the 10th of March laſt, and brought a watch and gave it to me, I aſked her what ſhe wanted upon it? ſhe ſaid half a guinea; I looked at it, I ſaw it was too good for the money, I aſked her whoſe it was? ſhe ſaid ſhe came from Moſes Allen, Drury-lane, near the coal-yard; I aſked her if ſhe knew the perſon's name of the houſe, or the number? ſhe ſaid, no; I aſked her her name? and ſhe ſaid her name was Ann Hill; our journeyman kept her in talk, while I got a warrant; I have the watch, I know it to be the ſame by a mark that was upon it; I am ſure the priſoner is the perſon; I never ſaw her before; ſhe never went out of the ſhop.

### THOMAS MUMFORD *ſworn.*

I took the priſoner, and marked the watch, this is the ſame *(the watch depoſed to,)* the ſhagreen is worn away in two or three peices, and there is no ſilk withinſide; there was a ſteel chain and two ſeals; I cannot deſcribe them; this is the ſame watch.

### PRISONER's DEFENCE.

The ſame night I got the watch, I was going over the water, and a woman got me to pawn it, and ſhe ſaid ſhe would give me half a crown.

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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357. ELIZABETH STANLEY, ELEANOR MACDONALD, and ELIZABETH EDWARDS were indicted for feloniouſly ſtealing, on the 6th day of April, one linen gown, value 25s. a cloak, value 20s. two aprons, value 1s. a linen ſhift, value 3s. a linen ſhirt, value 2s. one linen apron, value 1s. a check apron, value 6d. a muſlin handkerchief, value 2s. a neck handkerchief, value 2s. a linen ditto, value 1s. a cap, value 1s. 6d. a pair of ruffles, value 12d. a pair of laced ditto, value 1s. a pair of mittens, value 6d. and a night cap, value 6d. the property of Samuel Chapman, in his dwelling houſe.

### ARABELLA CHAPMAN *ſworn.*

My huſband's name is Samuel Chapman; on the 6th of this Month I loſt the things mentioned in the indictment; I met the priſoner Stanley coming out of my kitchen with a large bundle, I thought ſhe had been one of my lodgers; I was ſo frightened I had not power to ſpeak to her nor to ſtop her; I let her go out; the tall priſoner, Edwards, came in when ſhe heard me cry, ſhe ſaid, if I would make myſelf happy, ſhe would find the priſoner in two days, for the things were not pawned, they had not got to St. Giles's.

### SAMUEL CHAPMAN *ſworn.*

I was not at home at the time of the robbery; I came home about eight o'clock, and the priſoner Edwards came to tell me to pacify my wife, for ſhe would bring the perſon in two days that had taken the things; upon that I took her up, I gave her in charge to the watchman; ſhe ran away from the watchman; I ran after her, and took her to the watch-houſe; ſhe aſked the reaſon why we did not take the other perſon up, that was Macdonald; then we went and took her up.

**WALTER TANNER** *ſworn.*

I ſaw theſe two girls, the ſhort girl Stanley, and the tall one Edwards; and coming by Mr. Chapman's kitchen window, I ſaw the ſhort one ſtoop down, and peep into the window, that was at four in the afternoon; I knew the tall one before.

**GEORGE PICKERING** *ſworn.*

Theſe two girls, Edwards and Macdonald, came into my houſe, and called for a glaſs of liquor, and another woman, which is very much like that woman which ſtands in the middle; I do not ſay poſitively whether ſhe is her, or not.

When did they come in?—About ſeven o'clock.

On what day?—I am not poſitive to the day; they were taken up the ſame evening; they only called for a glaſs of liquor a-piece, and paid for it, and went away.

**SARAH WESTON** *ſworn.*

I know the priſoner Elizabeth Stanley; I ſaw her come out of the houſe with a bundle of Mr. Chapman's; I ſaw her walk backwards and forwards with Edwards ſeveral times; I ſaw Stanley go on after ſome other woman; I thought ſhe might lodge in the houſe; ſhe had no bundle when ſhe went in; when ſhe came out, nobody was with her.

**REBECCA HAINES** *ſworn.*

I heard the priſoner Edwards ſay ſhe would find the things in two days; Mrs. Chapman told her ſhe would give her a guinea, if ſhe would tell her where directly; ſhe ſaid ſhe did not know, but ſhe knew they were not pawned, ſhe knew they were not further than St. Giles's.

**ELIZABETH ASH** *ſworn.*

I heard Elizabeth Edwards ſay at Mrs. Chapman's, that ſhe would bring the perſon in two days; ſhe offered her a guinea, but ſhe ſaid ſhe could not tell her directly.

**MARY PITT** *ſworn.*

I ſaw the priſoner Stanley paſs there at ſeven in the evening of that day; I was in Mr. Chapman's ſhop; then nobody was with Stanley; ſhe paſſed the door again with a bundle in her apron; I did not know her before, but I am ſure it is the ſame perſon. I heard Elizabeth Edwards ſay, if Mrs. Chapman would be eaſy, ſhe would find the things in leſs than two days.

*Court to Mrs. Chapman.* Were any of your things ever found again?—No.

What things did you looſe?—(*Repeats the things in the indictment.*) The things were in a large earthen pan in the kitchen; they were lapped up in a ſmall check apron; I ſaw them about a quarter of an hour before.

What might the value of theſe things be at a low valuation?——They were all new good things; I could not put them in the place under nine or ten pounds.

But what would they be worth to ſell for?——I heard they were ſold for five pounds.

**PRISONER STANLEY'S DEFENCE.**

I know nothing of it; they have taken up the wrong woman. At the time when the witneſs ſays ſhe ſaw me, I was in Clerkenwell priſon, at that bleſſed time.

*Proſecutor.* When ſhe came out of the kitchen, ſhe held down her head; but this is the perſon that was with the tall woman all the day.

*Court to Sarah Weſton.* Do you know Elizabeth Stanley, are you ſure ſhe is the perſon you ſaw go in, and come out with the bundle?——I am quite ſure of it; I have no doubt at all.

*Mary Pitt.* I am ſure it was Elizabeth Stanley.

**ELIZABETH STANLEY, GUILTY**

*Of ſtealing, to the value of 39s.*

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

**ELEANOR MACDONALD, NOT GUILTY.**

**ELIZABETH EDWARDS, NOT GUILTY.**

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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NUMBER IV. PART V.

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

358. MARY DYKES and ELIZABETH HEBERT were indicted for feloniouſly ſtealing, on the 11th of April, ſix guineas, value 6l. 6s. the property of John Sampey.

JOHN SAMPEY *ſworn.*

I am a publican; I live at Deptford. I loſt my money on Tueſday the 11th of April; I was going to Deptford about ten in the evening on foot alone; and the priſoner Hebert accoſted me, and aſked me if I would treat her with a glaſs of gin, and I proceeded on; ſhe ſtill aſked me; I ſaid, can you drink gin; ſhe ſaid, yes; this was at the end of Roſemary-lane; I was then going home, and ſhe aſked me if I would go home with her; ſhe ſaid it was but juſt by; I ſaid, I cannot ſtay; ſhe ſaid, do, go home with me; and I being a little prevailed upon, went with her.

Was ſhe alone?——Yes; I went with her, I do not know the houſe, and after coming into the room, ſhe aſked me what I meant to give her to drink; I ſaid I did not know; I wanted to go away again, ſeeing the ſituation of the place; I gave her ſixpence; there was a door that came from another room into that; Mary Dykes came into that room, and perſuaded me to go into the room to her, and ſaid I might come in that way; when I came in, the other followed me, and ſhe aſked me to ſend for a pot of porter; I ſaid I had no change, only a guinea; I did not chuſe to truſt them with a guinea, but if they would bring change for a guinea, I would pay for a pot of porter; they could not get change for a guinea; in the mean time, while another girl was gone for a pot of porter, Mary Dykes partly undreſſed herſelf; ſhe perſuaded me to ſit on the bed; I would not, I ſat on the chair, and ſhe began to unbutton my breeches in a moſt ſcandalous manner. I then ſaid, I will go and get the porter myſelf; after that I got out of the houſe, and found myſelf clear of the place I ran as faſt as I could, and took water; I ſaid to the waterman, I fancy I ſhall want change for a guinea; I felt in my pocket and found my money was gone; I deſired the waterman to put on ſhore, and make his boat faſt, and I took him with me and went to the place; I told two watchmen of it; I went with the officer of the watch, and the beadle; I went into two or three different ſtreets, till I found out the houſe, and I found the two priſoners and another woman and a man, the man and woman were in bed; the officer aſked me if they were the people; I ſaid yes; I told him they were the people; the priſoner Dykes ſaid ſhe never ſaw me in her life before; he told her I had been robbed, and they had the money; ſhe ſtill ſaid ſhe never ſaw me before; I deſired the officer to ſearch them; accordingly the officer ſearched Mary Dykes, he found ſixpence in her apron-ſtring; they heard the jingle of money, by which reaſon they immediately ſearched her all over; they could not find any money for a conſiderable time; afterwards, he ſaid we ſhould all go to the watch-houſe, he inſiſted upon it; and accordingly following Mary Dykes, ſhe began to ſwear and ſtorm about it; they got her into a paſſage, and ſhe pretended to be in a kind of fit, and they put her into the room again, and they found a guinea; then they began to diſpute about it, and a man and a woman that were in bed were deſired to get up, and I pulled up the head of the bedſtead, and ſaw two guineas and a half lay; I gave that to the officer; after that they inſiſted on ſearching further, and Mary Dykes began to ſtorm and ſwear; and the watchman found another guinea juſt where he ſtood; then they were all taken to priſon; we found no more money; and the next morning there was a hearing before the Magiſtrate, and he aſked Mary Dykes if ſhe concealed any part of that money, and ſhe ſaid, no; there was ſome ſilver that was taken away from Elizabeth Hebert, I only juſt aſked her if ſhe claimed that, ſhe ſaid, yes; ſeven ſhillings ſhe had from a gentleman in a coach, and five ſhillings of it was her's; I believe the ſilver was found in Hebert's pocket; I was deſired to appear the Saturday following; this was the Tueſday, when I came to the watch-houſe; the next Saturday I ſaw the beadle.

Was you in liquor?—I cannot ſay I was ſober; I was not very much in liquor.

Was there any light in the room where you was the firſt time?——When we firſt went in, the girl called for a candle in the entry, and a candle was brought; I am quite ſure theſe were the women; I can only ſay I loſt ſix guineas; it was looſe in my right-hand breeches-pocket.

## JEREMIAH KING *ſworn.*

On the 11th of April, I was officer of the night, and the proſecutor came to me between twelve and one in the morning, and informed me he had been robbed of ſix guineas; I aſked him, by whom? he ſaid by two women of the town; he ſaid he knew the women, but did not immediately know the ſtreet: he went up different ſtreets, and at laſt found the houſe; he ſaid he was ſure that was the houſe; there was a light in it, and the ſhutters were cracked, and we ſaw through, and within the room I ſaw two or three perſons; I heard them diſputing about money; the words were very high, and I believe I could ſafely ſay I heard Mary Dykes's voice in particular; he ſaid they were the girls, and that was the houſe. I knocked twice; ſomebody came, and aſked what I wanted; I ſaid, I muſt ſee Nancy; the proſecutor ſaid her name was Polly; I then ſaid, I want Polly; they ſaid, what Polly? I ſaid, the girl that I ſleep with ſometimes, in order to obtain admiſſion into the houſe; then the priſoner Dykes opened the door, and the proſecutor ſaid he was ſure ſhe was the woman that robbed him of his money; I took charge of her; ſhe denied it; ſhe wanted to go to the window; I ſaid ſhe ſhould not; I ſearched her, and in ſhaking her clothes, I heard the ſound of money, and from the ſound, I am pretty clear it was gold; I found nothing in her pockets; I inſiſted on her pulling off her clothes; ſhe heſitated; I put down my hand, and found ſixpence in the tail of her petticoat.

## JOHN GRIFFIN *ſworn.*

I picked up the laſt guinea; ſhe acknowledged to me that the five ſhillings and the half-guinea were the change of the other guinea.

## PRISONER DYKES'S DEFENCE.

I lent my hat to the woman of the houſe; I came at ten for it, and ſhe deſired me to go in, and the gentleman aſked me to get a pot of porter; he went for the pot of beer himſelf at ten, and never returned till almoſt two.

PRISONER

### PRISONER HEBERT's DEFENCE.

I was going down Queen-ſtreet; the proſecutor ſtopped me, and aſked me to have ſomething to drink; I declined it at firſt, and I went to the Queen's Head; he aſked me to ſee me home; he came home with me; he ſent out for ſixpenny-worth of liquor; after that the gentleman wanted me to oblige him for ſo ſmall a trifle as ſixpence, which I did not chuſe, and he was going away; as the gentleman was going away, Mary Dykes came in; the gentleman aſked her to drink ſome porter; the gentleman deſired the woman of the houſe to get change for a guinea, he would not truſt her with the change; he got up, and put his hand in his right-hand breeches-pocket, and ſaid he would go himſelf and get change; he went out, and never returned till he returned with an officer.

MARY DYKES, GUILTY.

*To be tranſported for ſeven years.*

ELIZABETH HEBERT, NOT GUILTY.

*Tried by the firſt Middleſex Jury, before Mr. Baron* EYRE.

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359. JAMES GODFREY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Elizabeth Fuller, at the hour of four in the night, on the 1ſt of April, and feloniouſly ſtealing therein eight ſilk handkerchiefs, value 8s. one black laced half handkerchief, value 6d. two ſilver ſeals, value 2s. a pair of ſilver ſhoe-buckles, value 6s. four ſilver ſpoons, value 5s. a ſilver pap-ſpoon, value 4s. a ſmall ſilver toothpick-caſe, value 12d. a ſilver medal, value 5s. a japan'd ſnuff-box, value 1s. a purſe, value 1d. three ſeals, value 12d. one ſmall roſe diamond ring, value 15s. two plain gold rings, value 15s. twenty pieces of old ſilver, value 6s. a pair of garnet ear-rings, ſet in gold, value 4s. and one ſilver watch, value 20s. her property.

ELIZABETH FULLER *ſworn.*

I live at Brentford End, in Iſleworth pariſh. On the 1ſt of April, between the hour of twelve and five, my houſe was broke open; I was at home, and went to bed at eleven; my ſon is generally the laſt; I did not ſee the houſe faſtened before I went up; about five, we were alarmed by our neighbours that our houſe was broke open.

JOHN FULLER *ſworn.*

The ſervant-maid was the laſt up; ſhe is not here; I always faſtened the ſhop-window myſelf, and locked the two doors; there are two doors into the ſhop: the next morning, about five, we were alarmed by the neighbours that the ſhop was broke open; I got up, and went into the ſhop, and found the tiles and ceiling of the ſhop broken, and the leads both, and ſome body had got in between the rafters; the ſhop adjoins to the houſe, but there is no room over it; there was room enough for a man to come through; I looked round the ſhop, and found two drawers open, one the till, and another; and I miſſed a number of different articles, and ſome ſilk articles which lay in the window. There was nothing done till about a quarter after ſeven in the morning, when Mr. Black came up to deſire me to come down to the Feathers, that there was a ſuſpicious man there; when I came there, we went up into the room where the priſoner and his wife were, and the firſt thing we diſcovered, in ſearching the room, was a Cheſhire cheeſe under the bed; the next thing that I could ſwear to, was a ſnuff-box that lay on a ch[illegible] the priſoner's room; after that, the priſoner was ſearched; there was a piece of money found in his pocket; the priſoner ſaid it was a crown piece when he took it out, but it was my medal.

In which pocket?—I believe the right-hand breeches-pocket; I do not recollect any thing elſe being found: his wife was then ſearched, and all the reſt of the articles, except a watch, were found upon her.

What did the priſoner ſay for himſelf?—He ſaid he had not been out; he ſaid nothing more; we found the watch, on coming

ing back, which was in the cage where the priſoner was confined, before we took him to Bow-ſtreet; I ſaw it found.

Was there any body elſe in the cage when he was there?——Nobody elſe, nor before, that I know of. I know nothing further.

### JOHN KING *ſworn.*

About ſix o'clock, on the 1ſt of April, I heard this ſhop had been broke open, and my ſuſpicion fell on the priſoner, becauſe I was ſent for the Thurſday before about him; I got aſſiſtance to help me; I ſent for Mr. Fuller, to enquire what he had loſt, before I took him; I went up in the room, and took him; he lodged at the Feathers.

How long had he lodged there?—Not a fortnight; he had lodged at the Red Lion about ſix or eight weeks before he came there; I had ſeen him before; I do not know his buſineſs. The firſt thing that was found, was a ſnuff-box on the chair; I went to ſearch him; he ſaid he had a crown piece; I took it out, and Mr. Fuller ſaid he would ſwear to it; I felt in his other pocket, and I believe there were ſome ſeals there, but I do not particularly recollect them; it was a japan'd ſnuff-box; after I had ſearched him, I told his wife I ſhould ſearch her; ſhe ſaid, it is of no uſe to keep it any longer; ſo ſhe pulled out theſe things out of her pocket, and the buckles and pap-ſpoon, and tea-ſpoon, and this caſe and ſome of the ſeals, and ſome looſe ſilver, which was tied up in this glove, I found in a box in the room; he ſaid he had not been out that morning; I ſaid I knew he had, his breeches were all over mortar; the watch I could not find about him then, though I believe I was flurried, and did not feel on the right ſide; when I came back, I found they were afterwards in the cage.

Had any body elſe been in the cage between that time?——I believe not.

How long afterwards was it that you looked in the cage?—As ſoon as we came back from Bow-ſtreet; it might be about three, it was in the afternoon of the ſame day; here is a leather purſe I found in a box with Mr. Fuller's name upon it in his own hand writing, that was in the box in the room with the looſe ſilver.

### MOSES EDMUNDS *ſworn.*

I was going to my labour about ten minutes before five, and I ſaw a man coming through the ſhop, through the ceiling, and he ran away, and I followed him, and I went to the publick houſe, I cannot ſwear to him; he had a light looſe great coat on; he was very like the priſoner by the back, but I cannot ſwear to him.

### JASPER PELLIGOTT *ſworn.*

On Saturday the 1ſt of April, I was going up Brentford, and he called after me, and ſaid, Mr. Fuller's ſhop was broke open; I went with him; I had the ſame reaſon to ſuſpect the man that he had, and we went into the room, and found the things as deſcribed by the conſtable; when we came back to Bow-ſtreet, I aſked the woman at the Brown Bear, if ſhe knew any thing of the watch, and the only anſwer ſhe made, was, have you looked in the cage; we found it there.

### JOHN STILES *ſworn.*

I live at Brentford, at the Feathers; the priſoner lodged at my houſe about eight days; I remember the night this robbery was committed, the priſoner went out about a quarter after four in the morning, as nigh as I can gueſs; I never ſaw him till about ſeven, then he came in.

Did you obſerve him bring any thing with him about that time?——He had ſomething in a white cloth he carried in his hand, but what I cannot ſay.

Did he uſe to go out ſo early?—I never ſaw him go out ſo early before.

What employment had he at your houſe?—I do not know.

Did he work at any thing?—I cannot really ſay he did, he was there ſo ſhort a time.

It was pretty near day-light when you let him out in the morning?——Yes, it was break of day.

*(The ſnuff-box depoſed to.)*

*Proſecutrix.* It lay in the till; I ſaw it forty or fifty times a day.

*Court.* Let me look at it, it is an old box, a good deal worn.

Then from the marks and appearance of it do you know it again?——Yes.

Have you any doubt of its being your's?——Not the leaſt in the world; theſe rings were taken out of the ſame drawer; the two gold rings lay in a box, where there was ſome ſilver and halfpence, the diamond ring was in a box wrapped up in a paper; I have no doubt of the box and the rings.

*(Mr. Fuller depoſes to them.)*

This purſe is mine; I do not know the watch, this was a watch pledged on the Friday; there was a watch the night before in the drawer, and it was gone in the morning; I can ſwear to the ſilver medal.

What is it a medal of?—Something of a battle; that lay in the ſame drawer where the two gold rings lay.

What was the device on the medal you loſt?——There was ſome man on horſeback.

And what woman, do you know?——I do not know, Diana, I believe it was.

*Court.* No, it is Anna, not Diana; how long have you had it?——Ever ſince I can remember.

Have you never taken notice what the medal was?——No.

How can you ſwear to it?——By ſeeing it conſtantly.

*Mrs. Fuller.* I cannot ſay I know the medal; I have ſeen it a number of years in that ſame drawer; I know this little tooth-pick caſe; I do not know the handkerchiefs, otherwiſe than ſeeing them lay in the window; I know the ear-rings and buckles; I can ſwear to them.

What may the value of theſe things be that are found at a low valuation?——About five guineas.

*Priſoner.* Sir, I am as innocent of the robbery, as a young child.

How did theſe things come into your poſſeſſion?—A man brought them, and delivered them to me in the ſtreet; I aſked him, whether I ſhould come to any harm by them? he ſaid, no; he delivered them to me; I cannot have my witneſſes here till to-morrow, or Monday; or elſe I have witneſſes where I was at the time the robbery was done; I went out to work at a gentleman's houſe, after a job of work; I am a day labouring man.

*Court to Proſecutor.* Name all the articles that are there?—A pair of ſilver buckles, four tea-ſpoons, one pap-ſpoon, a diamond ring, two plain gold rings, a pair of garnet ear-rings, and a ſilver watch, three ſilver ſeals, and a ſilver tooth-pick caſe, a quantity of old ſilver, and a ſilver medal.

GUILTY

*Of ſtealing to the value of* 39s. *but not guilty of breaking and entering.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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360. JOHN SIMPSON was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced, by the inſtigation of the devil, on the 17th day of March laſt, with force and arms, at the pariſh of St. Leonard, Shoreditch, on Elizabeth his wife, in the peace of God and our Lord the King, then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and with a certain pen-knife made of iron and ſteel, value 6d. which he, in his right hand, then and there held, on the left ſide of the ſaid Elizabeth, did ſtab, ſtrike, and penetrate, giving to her on the ſaid left ſide, one mortal wound of the length of a quarter of an inch, and of the depth of two inches, of which, ſhe, the ſaid Elizabeth, from the ſaid 17th of March, till the 18th, did languiſh, and languiſhing did live; and on the ſaid 18th of March, the ſaid Elizabeth, of the ſaid mortal wound did die; and ſo the Jurors upon their oaths ſay, that he the ſaid John, her the ſaid Elizabeth, in manner and form aforeſaid, did kill, and murder againſt the peace.

He was alſo charged with the like murder, on the Coroner's inquiſition.

*(The Caſe opened by Mr. Silveſter.)*

## ELEANOR EVANS *ſworn.*

I am wife of Robert Evans; my huſband is a blackſmith, and lives in Roſe and Crown court, Shoreditch.

How long did the priſoner and his wife lodge in that houſe?——Nine months, or thereabouts.

Where did you ſup on Thurſday night the 17th of March?——On the Thurſday night, I had ſupped before I went to ſup with the priſoner; he came in on the evening of the Thurſday night, as near as I can gueſs, about ten, and he went up ſtairs, one pair of ſtairs higher, and he came down rather diſpleaſed, becauſe ſupper was not done, and ſaid, he would go out and get a pint of beer; but he did not go out; when he came in he made up to the draft-board, where there was a hat hanging; my huſband ſaid he would not have him go out that night but come in and ſit down with him while the ſupper was ready; there was a bonnet hung up by the draft-board, and he pointed to it with his ſtick; he ſaid, he thought it was a woman; bleſs me, ſays he, how I am deceived; then he ſat down with my huſband and me in our kitchen; then he ſaid, he would ſend for a pot of beer, before the houſe was ſhut up, and he gave our apprentice the money, and he ſaid he would go up ſtairs, and my huſband ſhould go with him; my huſband had ſupped; and he ſaid, never mind that Evans, you ſhall go up ſtairs with me.

Was the pot of beer drank below?——No; the priſoner took it up ſtairs himſelf; then my huſband followed him, by the deſire of the priſoner, and I went with them; by that time ſupper was ready, and we four ſat down to ſupper; and we ſupped, to all outward appearance, very agreeably; he helped his wife to a bit of the pork; when we had ſupped, it was a little after eleven; then my huſband ſhook hands with the priſoner, and we both went into the next room; and was called again about one by the priſoner.

What ſort of a call was it?——Mrs. Evans; when I went in, and when I came in, he ſaid to me, now do you believe there is a man in bed with her; and I ſaid Simpſon, what are you talking of, there is nobody in bed with her; he ſaid, they were gipſies, and had been ſinging under the window the whole night.

Did you at that time look into the bed to ſee if there was any body there?—Oh, yes, there was nobody but the deceaſed in the bed; he then ſaid if you will not believe, go to bed; for you will ſee more of them come up ſtairs; then I went to bed; then I was called up again about four in the morning.

Did you go to ſleep?——I dare ſay I did.

What was the call then?—Mrs. Evans, Mrs. Evans, for God's ſake come in.

Whoſe voice was that?—Both parties, Mrs. Simpſon that is dead, and the priſoner; I got up and went into the room, and when I came into the room, the priſoner ſtood on the off ſide of the bed, in his ſhirt, with his breeches, ſhoes, and ſtockings on; he was undreſſed in the ſame manner at one o'clock when I went in; ſhe was in bed; I ſaid, what is the matter with you Mrs. Simpſon; and ſhe ſaid, he would neither ſleep himſelf, nor let her go to reſt; then he put his hand very coolly into his pocket, and pulled out a knife; I immediately cried murder.

Into his breeches pocket?——Yes.

What ſort of a knife was it?—A claſp pen-knife.

Was it claſped when he took it firſt out?—Yes, it was, and I cried murder; he opened the knife, and I repeated murder for God's ſake; and he ſaid to the deceaſed, d—n you, you bitch, I will run you through; then the priſoner made the knife to the left ſide, open, as ſhe lay on her right ſide.

What do you mean by the priſoner *making* the knife to the left ſide?——He made it to the left ſide, as though he was going to give the wound; but I did not know that he had.

Take the knife into your hand, and make a motion, in the manner he did?—

He held it in his right hand, and made a motion with the blade of the knife to the ſide.

Where did he ſtand?——At the upper end of the bed, and looked exactly at her who lay in the bed.

Then you being on the oppoſite ſide, could ſee diſtinctly the motion he made?——Yes, his face was towards her; he looked at her, he did not look at me; as near as I can recollect, it was the right ſide.

Do you recollect which hand it was he took the knife out of his pocket with?—He certainly muſt take it with his left hand.

Is he left handed or right handed?——I cannot ſay.

Which hand did he open the knife with?——As near as I can tell, he muſt hold it in his left hand, and open it with his right; that is, as near as I can think; but my flurry was ſo great, I can hardly anſwer.

What, did the woman lay covered?——She lay with the clothes *mouſled* like from her ſhoulder; ſhe was a very luſty woman.

Were the clothes off from her left, or her right ſhoulder?——Her left ſhoulder.

How low down might the clothes be off?——As near as I could ſee, with my fright and flurry, they were laid down off her ſhoulder.

When he made a puſh towards her ſide, was it to the lower part of her ſide, or the upper part?——I cannot ſay; ſeeing no blood follow, I thought nothing of it; then Mrs. Simpſon turned round immediately upon her back, and looked up at the priſoner, and ſaid, Simpſon are you going to murder me, and he immediately took the knife, and thruſt it as ſhe lay on her back, in the ſmall part of her noſe; ſhe lay with her head rather turned; then the blood followed there in a moſt violent manner.

Did he uſe any expreſſion when he made that thruſt?—None that I can recollect.

Did ſhe ſay any thing upon receiving that wound?——Nothing; I never heard her mention any thing.

What did not ſhe cry out?——They neither of them ſaid a word.

Did you ſay any thing to him?——Upon my word I cannot recollect that I ſpoke, except to my lodgers, who came down ſtairs, they lodge in the garret; my huſband came and ſtood at the door, and he ſaid, Simpſon, what have you done, have you cut your wife's throat; and he made no anſwer.

What became of the knife?—He came round while I was waſhing the blood off her noſe; Simpſon came round to the place where I ſtood; I had the deceaſed's head on my arm, and was waſhing the blood off her noſe, and was trying to ſtop it; then the priſoner came round to my ſide with the knife in his hand, and I ſaid, Mr. Simpſon, I wiſh you would give me this knife, upon which he gave it me; it was open when he gave it me.

Was there any blood upon it?——Upon my word in that confuſion I cannot ſay; I gave it to my huſband, as he ſtood at the door; then with the aſſiſtance of my lodgers, we took her and helped her into the next room, into my child's bed, for fear any thing ſhould enſue; I took her thinking if there was any thing of paſſion, ſhe had better be out of the way.

Was there any appearance of either of them being in a paſſion?—— None, that I ſaw at that time, in either of them.

Did the man appear to be in a paſſion when you firſt came into the room?——No, but what I made mention of; he looked in a very fierce terrible manner.

Different from what he uſed to look?—Yes, Sir; I never ſaw him commit ſuch a raſh action before; he looked in a very troubled bad ſituation; I never ſaw him look ſo before.

Did you put any clothes upon her before you moved her?——I put her on a clean ſhift; that was dirty on account of the blood and the water.

Where did you ſhift her?—In her own room.

In doing that, you did not take notice of her having received a hurt in her ſide?——

——No; after I got her into my room, I aſked him if he had not better go to bed, he came to the door, and made anſwer, he ſhould not go into that bed to night.

Was any thing ſaid during the time you was ſhifting her, by either the priſoner or the deceaſed?——No; ſhe never made any complaint at all.

*Court.* What became of him after he ſaid he ſhould not go to bed that night?——He had his clothes on, and I ſaid, he had better go to bed to his wife, and I ſaid, I would make the child get up and come into our bed, which was in the ſame room; he laid down by his wife, and I believe he lay about ten minutes, I cannot recollect there was any thing ſaid by either of them; then after I was ſettled in bed, he got up and blew my candle out that ſtood on the drawers, I ſaid Simpſon, this will never do, I ſhall not lay here in the dark, and I got up and ſtruck a light, at that time he got off the bed, after I ſtruck a light, and got out in the paſſage; he was diſturbed and troubled in his mind as I thought; I cannot recollect any thing more of the circumſtance, till after he had been out in the morning, and had been in again, which was about eight o'clock, then he came into the room, and he ſaid, remember, Mrs. Evans, I gave you the knife.

Where was his wife?——In bed; he ſaid you have my knife; I ſaid yes, but I do not chooſe to give it you; with that he ſaid, never mind it; and he went out of the room, and went into his own room, and ſoon after he came out of his own room and came to my door again, with a pair of new buckſkin breeches in his hand, and his plain ſhirt; and he ſaid he was going to the Halfmoon, in Halfmoon-alley, at George Wood's; I ſaw no more of him the fore part of the day, till eleven or twelve; then he came into the room where his wife lay; and ſaid, I believe one of her eyes is out; and I ſaid, no Simpſon, her eyes are as well as your's, it is only the wound in her noſe; ſays he, I muſt ſend for a ſurgeon; then he went down ſtairs again, and nothing paſſed at that time; then I went out, and went to her friend to let him know the ſituation ſhe was in, a gentleman where ſhe uſed to have her trifle from; the gentleman ſaid, I muſt get her advice for what was wanting, and he would give it me; I came home, and went and fetched a ſurgeon; by this time it was about two.

*Mr. Silveſter.* This friend uſed to pay her her annuity?——Yes; then I went to Mr. M'Larching in the Fields; he was not at home, he did not come to his time; then I ſent for him again; he ſaid he could not come; and ſhe complained of being ſore all over, then I ſent for Mr. Taylor, that was about ſeven, or after ſeven, I cannot ſay juſtly; ſhe ſaid one of her ribs was very ſore, and Mr. Taylor put his hand into her boſom, and felt it, and ſaid, ſwelled indeed! and he bid me bring a candle, and he examined where ſhe complained, and there he found the wound; that was the firſt time the wound was diſcovered; he took an inſtrument into his hand, and examined the wound, and I ſaid, I hope it is not ſo deep as that; and he ſaid it was, and he ordered me to make a poultice directly, which I did with bread and milk, and hog's lard; he ordered her a draught to compoſe her, and ſhe ſlept, as near as I can recollect, near half an hour; then ſhe grew worſe and worſe the whole night till the morning, when ſhe expired.

What time in the morning did ſhe die?——At half after ſix on the Saturday morning; the whole night ſhe lay in great agonies; ſhe ſaid, God forgive him, for I do; they aſked her if ſhe had any body to ſend to, and ſhe ſaid no; ſhe ſaid her miſery was ſo great, ſhe could not live many hours.

When was this man taken up?——He was rather obſtropulous; ſhe was then alive, and he ſaid he would go up ſtairs to ſee his wife; I ſaid, well, Simpſon, you ſhall go up, and he ſat down quite compoſed, to all appearance, and as ſoon as I went down, he pulled the pillow from her head, and *mouſled* the clothes; I found them ſo when I went up ſtairs.

You told me, that after he had ſaid he would not ſleep in that bed that night, he went out, and you do not recollect ſeeing him till the morning, when he ſaid, Mrs. Evans, remember I gave you my knife?—It was after he went out, he had the buckſkin breeches, and after he had ſaid one of her eyes was out, I had been to her friend; when he came in that night, I was in the kitchen, I went up with him, and when he came up, he ſeemed very compoſed; he ſat down by the bed-ſide; there was nothing of anger or paſſion, and I ſeeing every thing was quiet, went down.

How long was you down ſtairs?—Upon my word I cannot ſay; I left him there while I went out for a ſurgeon the firſt time; and when I returned, I went up to the deceaſed, and he was down in the kitchen; how he got down, or by what means, I cannot ſay.

When you went up, what ſtate was ſhe in?—I found the clothes half way down as ſhe lay in bed, and I ſaw the pillow laying at the foot of the bed.

Did the deceaſed ſay any thing at that time about his coming up?——She ſaid he had been pulling the pillow about, and ſhe had rather not ſee him.

Do you recollect the particular expreſſion ſhe made uſe of?——She made uſe of none; ſays ſhe, do not pother me, Simpſon, let me alone; that was when he was talking about her eye being out. I hope, my Lord, if I am miſtaken, you will be ſo good as to excuſe it, it is a heavy affair, ſhe was as good as a mother to me.

*Mr. Silveſter.* What age was the woman?—Fifty-two.

*Mr. Garrow.* Mrs. Evans, theſe two people have lodged in your houſe for nine months?—Yes.

Do you know from what place they came to lodge with you?—Yes, out of Ludgate priſon.

Do you know how long they had been there?——I cannot ſay.

You have ſaid you never ſaw him behave ſo before?——Never.

Upon what terms did they live together during the nine months you obſerved their conduct?—Very happy.

Did you ever ſee him beat her?—No; but I have ſaid to her I would go to my friends; ſays ſhe, Mrs. Evans, if I came to you for my ſupport, then you ſhould ſpeak; if I like it, who has any buſineſs; my five ſhillings a week will always keep me.

You ſay they lived well together?—Yes; his wife lodged with him in the priſon backwards and forwards.

This poor man, I believe, has had a great deal of misfortune, and five ſhillings a week was all they had to live on?—That I cannot ſay; five ſhillings was all ſhe had; ſhe was always contented.

What was the ſtate of his health at the time this happened?——He was ill, to be ſure; it was the firſt time of his going out.

How had he been confined, had he any aſſiſtance from any body of medical profeſſion, at the time he came in, in the evening, to your room firſt; I wiſh you would deſcribe a little more particularly to my Lord what he ſaid about the hat?——He ſaid he thought it had been a woman.

Did not he ſay he had caught one at leaſt, or any thing of that?—No.

Had you ever heard him talk in that way before, about catching gipſies, or men in bed?——No, never before.

They ſupped together very agreeably?—Yes, to all outward appearance.

It was the priſoner that called you up the firſt time?——Yes.

And the firſt thing he ſaid to you, was, now, do you believe I have caught a man in bed with her; to which you anſwered, no, there is nobody in bed with her?--Yes.

Then what reply did he make?—He ſaid there were gipſies under the bed ſinging.

Was that the time he talked about the trap-door?—I come here as much on one ſide as the other; I do not come to tell you what other people have ſaid.

What did he ſay?—Something that it was a bad houſe.

There was no complaint made by the wife, till he took the knife out of his pocket?——No, nothing at all.

What was the expreſſion?——He will neither ſleep himſelf, nor let me ſleep.

Did ſhe ſay, he cannot ſleep, or he will not ſleep?—She ſaid, he will not ſleep.

You cried out, murder! how did you perceive him to look?——When I ſee a man in bed, ſitting in that manner, and taking a knife out of his pocket, I had but little thought how the man looked; when he opened it, I cried murder, for God's ſake!

After he put the knife towards her ſide, it was that ſhe aſked him quietly whether he was going to murder here?—Yes.

When he went out of the room, did he take a light?—I cannot ſay.

Do you remember his coming in at five, and ſaying he would go to the Spread Eagle?——I cannot tell the time.

Did you ſee him before he went out on that day?—I did not.

This annuity entirely ceaſed on the death of the wife?—It did.

What was the man's buſineſs?—A barber and hair-dreſſer.

How long before this did you ſee him?—I ſaw him in bed the day before.

What time of day was that?——I cannot ſay.

Morning or afternoon?—After dinner.

Did he keep his bed?—He was in bed, but I never was in his room, except juſt aſking how he did; I had no occaſion to ſpeak to him in the courſe of that week; his wife ſaid he had a cold.

Before that time, he behaved himſelf decently and ſoberly?——Soberly I cannot ſay; but ſober or not, he always behaved well.

Was he apt to be in liquor?—Like other people.

Was he given to drink?——As every other man in buſineſs.

There are ſome men that are ſober men, there are other men that are often in liquor; which was he?——I muſt leave it to your Lordſhip.

How do I know; I never ſaw the man in my life before, good woman?—I muſt needs ſay, I believe he was in liquor a pretty deal, or elſe he never would have made away with what he has made away with.

Are you able to judge that night, when he came in, and when he miſtook the hat for a woman, was he ſober or not?—I may ſafely ſay then he was ſober.

When he was in liquor, how did he behave?——I never ſaw him any ways outrageous till that night.

Had he, when in liquor, any tendency to be miſchievous?—I never obſerved any thing of that kind.

ROBERT EVANS *ſworn.*

I am huſband to the laſt witneſs. The priſoner came home on the Thurſday night about ten, or rather before; he went up into his own room, and found fault with his wife, becauſe ſhe had not dreſſed his ſupper; they had a few words, but what they were I do not know; he came down into my apartment, and I deſired him to ſit down, and have a drop of beer.

Was he drunk or ſober?——Sober; I aſked him to ſit down, and next to the draft board that I have hanging in the room, there was a hat hung, and he makes to the hat, and ſaid, God bleſs my ſoul! I thought it had been a woman, and he drew back again; after that, he ſat down, and called for a pot of beer; we drank part of it; in the courſe of half an hour afterwards, he ſaid, Evans, you may as well go up to ſupper; ſays I, Mr. Simpſon, I have had my ſupper before, nevertheleſs, I will go up with you; he took the pot of beer into his own hand, and we went up ſtairs together into his own room; he ſat down, and there was a bit of loin of pork roaſting, and he turned it round, and baſted it, and he took it up, and deſired his wife to lay a cloth; and ſhe ſaid ſhe had none; my wife fetched a cloth of her own, and laid it for her; they took the meat up, and had their ſupper; after ſupper, about half after eleven, we left them in good friendſhip, and went to our bed; I heard no more till about one; about one, Mrs. Simpſon the deceaſed, came into our room in her ſhift; ſays I, for God's ſake what is the matter; ſhe ſaid, for God's ſake, I do not know what is the matter with Simpſon; he came in directly after her; ſays I, Simpſon, I wiſh you would go to your own room, and go to bed; accordingly they did.

When he followed her, did he ſay any thing?——Not to my knowledge; after that, in about a few minutes they called, I awaked my wife, and ſhe went to the room to them; and what they ſaid, I do not know; I went to ſleep; but after that, between three and four, the priſoner got out of bed again, and called, watch, watch, watch, ſeveral times over; I thought he was going down ſtairs, in the room of that he went up ſtairs, in my boy's garret, and what he did there, I do not know; I kept my own apartment; after that he came down, I called to him as he paſſed my room door, Simpſon, why do you not go to bed; and he went into his own room, and in a few minutes after that, they both called.

Did not you aſk him what he called watch for?——No, I deſired him to go to bed.

Were not you alarmed with his calling the watch?——I was; after that Mr. and Mrs. Simpſon both called, my wife got out of bed, and ſhe put on her petticoat, and went into the room; my wife called me in a minute or two after, for God's ſake, ſays ſhe, Evans, come, murder, murder, for God's ſake, murder, I got up and went into the room, and there the priſoner ſtood, with the knife in his hand.

Whereabouts did he ſtand when you came in?——In the middle of the room partly.

How was he dreſſed?—In his breeches and ſtockings.

Any ſhoes on?——I will not be ſure; the deceaſed ſat on the ſide of the bed, all of a gore of blood; I ſaid to him, Simpſon, what have you cut your wifes's throat? and I drew back again; he ſaid, ſhe has got three men in bed with her now; do not you ſee them there now, theſe are gipſies, ſays he, I am ſure they are; and they have got a trap door behind the bed, I am ſure of it; whereas my Lord, there is no ſuch thing as a trap door; my wife and lodger waſhed the deceaſed's face, and waſhed the blood off, and put a clean ſhift on, took her into my room and put her to bed to my girl; in a little time he came into the room, and I ſaid to him for God's ſake what is the matter with you, go to bed; he ſaid, I will not get in there any more; I ſaid, go then and lay down by your wife, and he did; during this time, the wife ſaid nothing; then he got up and blew out the candle I had in my room; I ſaid then to him, Simpſon, if you cannot be quiet, go out of doors; accordingly my wife ſtruck a light, and he went out; he went up ſtairs into the garret again, there I heard him make a noiſe, I jumped out of bed, and went up to him, he came down ſtairs, and went out of doors; my boy let him out; at about eight, he came back again; I was in bed, and he ſaid, that he had been to the Spread-Eagle, in Biſhopſgate-ſtreet, and had been tried there for killing a man; he had killed a man, he ſaid he knew he had killed a man, and ſtruck him through the ribs; and, ſays he, running through the ſtreet, after I got away, a man went to ſhoot me with a gun, but ſays he, I got away from him; then after that, he goes to Mr. Wood's that keeps a publick houſe in Halfmoon-alley, and carried a pair of breeches, and a ſhirt there; a little time after Mr. Wood and he came paſt my window, and Mr. Wood aſked me if I would go and have a glaſs of any thing to drink; and we went to the Horſe and Groom, the corner of Moor-fields; we had a glaſs each of us, and came away at about one, as nigh as I can recollect; he came back again; I was at dinner, I aſked him to have a bit, he ſaid no, then ſays he, have you been to the bankers? no, ſays I, you ſhall not go, I will go, or my wife ſhall; he directly ſtarted up in a rage, and ſaid he would go to Johnny Flude's the pawnbroker's, and get a pair of piſtols; he immediately went out of the houſe, and I did not ſee him any more for an hour or two afterwards.

When he was in the kitchen with you, had you any converſation with him, or had your wife?——No; when he came back again, I was reſolved to ſee what he had, whether he had piſtols or no; we ſearched him, me and another man, and I found he had nothing in his pockets at all; with that, ſays he, ſhall not I go and ſee my wife again? ſays I, go up ſtairs, and he went up ſtairs, and came down again, and I heard my wife ſay, he had uſed her very rough; and I thought it proper to charge an officer with him; and we took him to Mr. Wilmot's; and he was committed.

Did any thing particular paſs at the Juſtice's?——No; he ſaid he had killed a man.

When was the ſecond examination?—On Saturday morning.

Before, or after the woman was dead?——After, ſhe died about five o'clock; ſhe ſaid that Simpſon had done for her; and ſhe hoped God would forgive him.

*Mr. Garrow.* You had not then any idea that the woman had received the mortal wound?——No.

What did he ſay before the Juſtice?——I cannot ſay; the next day he was examined again, and he ſaid, he had caught a man in bed with his wife, whoſe name was Williamſon; and that he had killed him; that was a ſecond time.

Had he and his wife had any words?—I did not hear that they had, I did not hear what had paſſed between them.

When they ſupped they were then ſociable and agreeable?——Yes.

How lately before he came home had you ſeen him, before he made a puſh at the draft board, and in what ſtate did he appear to be?——Very bad; he ſaid, he had a violent cold about him, and was in a very bad ſituation.

You awaked by an out-cry before Mrs. Simpſon came in?——No, Sir; Mrs. Simpſon came in firſt; that was the firſt thing that awaked me.

What anſwer did Simpſon give you, when you deſired him to go into his own room?——He ſaid to my wife, that the gipſies were ſinging under the window.

Have you ever ſaid any where, that upon your deſiring him to go to bed, that he gave you this for anſwer; that there were gipſies in the bed, and that they had a trap door behind the bed?——He did the ſecond time.

Whether on the firſt time of their coming in, he did not give that anſwer?—Not then he did not; after he got into his own room I heard him ſay ſo, before four o'clock; I heard him ſay ſo twice, both at the firſt time, and at four o'clock, I heard the priſoner calling the watch, I obſerved nothing to call the watch for; I deſired him to go to bed.

What ſort of a noiſe did you hear in the garret?——A kind of rumbling of chairs, and things.

At the time he ſaid ſhe has three men in bed with her, do not you ſee them, you had no idea ſhe had received a mortal wound?——No; only the wound in the noſe; at the time he came from the Spread-Eagle, he ſaid he had laid there all night, that he had been tried for killing a man, and had been acquitted; he ſaid he had a bunch of white ribbons, and he would bring them home for my wife to wear.

Had he any?——No; the priſoner and his wife lived together very happy and very agreeable, as a man and woman need to do; this annuity was a principal part of their ſupport; ſhe was a very affectionate good worthy woman, and very tender of him.

Did ſhe ever complain of any ill treatment or brutality?——No, none in the leaſt; only about four in the morning, juſt as they were going to bed, ſhe ſaid, Simpſon has done for me, and God forgive him.

**ELIZABETH TATE** *ſworn.*

I am wife to John Tate; he is an enameller; I live in the front garret of this houſe; on the 17th of March, between three and four in the morning we heard Mr. Simpſon making a great noiſe, and call to Mr. Evans, he came into his own paſſage and called watch, then he run into the garret, into the apprentice's room, the apprentice aſked who was there? that is in the back garret; he ſaid he had been very ill uſed, he had ſent for an officer; the apprentice aſked him if he knew where he was, he ſaid, yes, very well, he was at the Spread Eagle; Mrs. Evans called him down, he went down, and in about five minutes after, Mrs. Evans called out murder, murder, for God's ſake, Evans get up, he has got a knife; then ſhe called up ſtairs to my huſband and me, my huſband went down firſt, and I followed him; when I came down, the deceaſed, Mrs. Simpſon, was ſitting at the ſide of the bed in her ſhift, with her hand to her forehead, her face was bloody, and her hand; Mrs. Evans had a baſon of water, I took the baſon from her, and waſhed her, and helped Mrs. Evans to ſhift her, then we helped her into Mrs. Evans's child's bed; the priſoner ſtood near to the foot of the bed; he looked very wild; after that I went up ſtairs into my own room, he returned up ſtairs again, and went into the apprentice's room again, and made a noiſe, and the apprentice called to my huſband, but before he could get to him, Mr. Evans came up and pulled him down; when I came home in the evening, I aſked how ſhe did, ſhe ſaid, ſhe was very bad; Mrs. Evans ſaid, they had found out another wound, and ſhe had ſent for a ſurgeon.

*Mr. Garrow.* Had you ſeen him in the courſe of a week?——No.

Have you ſeen the priſoner and his wife, did they live upon good terms?——I never heard her make any complaints.

### JOHN TATE *ſworn.*

I am the huſband of the laſt witneſs; on the 17th of March laſt, about three or four in the morning, or before that, I was awaked by the priſoner calling repeatedly to Mrs. Evans; Mrs. Evans got up to know what was the matter; he came out and went down ſtairs, and called watch, then he went up ſtairs, and threw down ſeveral things; the boy aſked him what he wanted; he ſaid he would let him know what he wanted; he aſked the boy where he was, the boy ſaid at Mr. Evans's; he ſaid no, he was at the Spread-Eagle; he went down, and went to his room; in a few minutes Mrs. Evans cried out, murder, murder, murder, Evans; I jumped out of bed immediately and ran down, when I came down, the deceaſed was ſitting on the bed-ſide, in her ſhift, with her hand on her forehead, and all bloody; the priſoner was there, with his breeches, and ſhoes and ſtockings on, he looked at me in a very wild manner; they were going to waſh her, but I returned; ſoon after that he came out of his room again, and came up a ſecond time, and then Mr. Evans being a good deal exaſperated, pulled or puſhed him down, for making an uproar in his houſe; he then returned to his room; ſoon after he went up again to go to bed; Mrs. Evans hearing that, called her apprentice and I up; I heard him ſay to the boy, which way are they gone now? but, however, the boy ſhut the door, and I heard no more of him, I went to work for the day.

*Mr. Garrow.* You ſay when you went into the room to him, he was in a very diſtracted ſtate?——Yes, Sir, I ſpoke to him, he only ſtared at me.

### —— TAYLOR *ſworn.*

I am an apothecary in Biſhopſgate-ſtreet; I am not a ſurgeon.

You was was ſent to ſee this poor woman?——Yes; about eight in the evening, it was on Friday; I ſaw her laying on her right ſide, I aſked her where her pain was, ſhe ſaid it was all over her body; I deſired Mrs. Evans to go round, and ſhe complained rather more of her back; and on looking towards the ſide that was next to me, there I ſaw the wound which Mrs. Evans had not ſeen before; the wound was on the left ſide near the blade bone, as far as I can recollect, it was pretty far back on the ſide; but the ſurgeon will give you a better deſcription; finding it was pretty much inflamed, I ordered the woman to poultice it.

Did you probe it, Sir?—Yes, Sir, and I ſuppoſe the probe might paſs about an inch and an half, but finding an obſtruction I did not paſs it any further; I ſent her a draught, I never ſaw her after.

Did you ſee any thing of the man?—No, I did not.

*Mr. Garrow.* She did not point out this you?——No, Sir; that was all ſhe ſaid o me.

### WILLIAM SHARP *ſworn*.

I am a ſurgeon, at No. 39, in Shoreditch; I examined the body at the deſire of the pariſh officers; I diſcovered a wound on the noſe, juſt at the junction of the bonds that form the noſe to the bones of the forehead; the knife had entered juſt in the ſuture, where they join; it had penetrated a very little way; ſhe had alſo a wound on the left ſide, between the ſeventh and eight ribs; the appearance of a large extravaſation of blood under the ſkin; the external ſkin was formed into ſeveral bliſters, containing a dark red fluid; I then opened the abdomen, or belly; I did not diſcover any thing particular in an unhealthful ſtate, except a ſlight inflammation in the ſmall inteſtines; afterwards we opened the breaſt or thorax, we diſcovered the wound between the ſeventh and eight ribs, about ſixteen ounces, or thereabouts, of coagulated blood, in the left cavity of the breaſt; and alſo that ſome ſharp inſtrument had entered the lungs; they ſhewed me a knife, and it appeared to have been ſome ſuch kind of inſtrument; it had entered about a quarter of an inch, or near half an inch into the lungs; from the air eſcaping from the lungs, it had got underneath the ſkin, and had ſwelled the body up to a conſiderable degree above its natural ſize.

Did you make any obſervation on the ribs?——Yes; I alſo found, that it had divided an intercoſtal artery running along the inferior edge of the ſeventh rib.

Was that in the direction of the wound?—Yes; it had paſſed with violence againſt the ribs, and there was a ſmall notch made in the ribs.

What do you ſuppoſe to be the cauſe of this poor woman's death?—The wound, and the conſequence of that wound was the cauſe of her death.

*Court.* Could you form any judgment whether any blood had paſſed outwardly?—I think there muſt have been ſome, but perhaps not much.

Could you form any judgment how long that wound might have been given?—No, my Lord; externally, it appeared to have the appearance of an incipient gangreen, or mortification.

Is this intercoſtal artery that you deſcribe a large veſſel, or a ſmall one?—Not a large one; perhaps about the diameter of a crow's quill.

Were the mouths of the veſſels choaked by the coagulated blood?——The veſſels were quite divided; there was no blood in the veſſels at that time; there was a large quantity of blood underneath the ſkin, ſo as to ſpread all down that ſide, and to the right ſide, and down part of the thigh, it was black all the way.

*Court to Priſoner.* You hear the charge and the evidence.

*Priſoner.* I cannot make any defence for myſelf; I do not recollect any thing of it, upon any account.

*Court.* You do not recollect any of the circumſtances?—No, I do not recollect ſupping at home at all.

### CHARLES SHARP *ſworn*.

I am a perfumer in Fleet-ſtreet; I have known the priſoner fourteen years.

How long is it ſince you had occaſion to travel with him?—I cannot exactly recollect the time; it is either between four or five, or five and ſix years; we went firſt to Lynn, and then to Cambridge.

In the courſe of that journey, did you obſerve any thing particular in the conduct of the priſoner?——At Yarmouth he was taken ill of a nervous complaint, a trembling and ſhaking; I ſent for a gentleman, who gave him ſomething; one of the mixtures was Huxton's Tincture of Bark; when we got to Lynn, we ſlept in a double-bedded room, at the Duke's Head, in the Market-place; about four in the morning, or at leaſt early in the morning, he waked, and ſaid he had heard groaning and mournings all night, and could not poſſibly ſleep, and wondered how I could ſleep; I was aſtoniſhed; he was out of bed, and walking about the room; I deſired to go to ſleep again, but he would not let me; he ſeemed uneaſy in his mind from the road to Cambridge; when I had him in the chaiſe, he uſed to ſay, do you not hear the ſinging; what the devil do they ſing for; ſure you muſt hear them ſinging; do ſtop the chaiſe.

Did he tell you what ſort of muſic it was?——Singing; he deſcribed one ſong to be Yankie doodle dandie; he hummed the tune to me.

Did you apply for any other medical aſſiſtance, in the courſe of your journey?—No; in the evening at the Red Lion at Cambridge, I had a friend that ſupped with me, and as ſoon as he was gone, the priſoner was ſitting in the room, and he ſtarted back in the chair, with his eye fixed full on the window, which was ſhut with outſide ſhutters; ſays I, what is the matter with you? ſays he, do not you ſee a woman looking at me through the window? I ſaid, I ſee no ſuch thing indeed; how can you be ſo ridiculous; I thought him very ſtrange and wild again; ſome time after, he repeated the ſame thing, do not you ſee the woman again; ſhe has now got a pair of ſpectacles on: I was very glad when I brought him to town.

Did you communicate this to his wife?——I do not recollect, in particular; but I told every body that knew him, that I had any occaſion to ſpeak to about it, becauſe it was ſo extremely ſtrange and ridiculous.

Did he appear to you to be a perſon diſturbed in his ſenſes?—I thought ſo.

Now, as to his character for humanity, as far as you have had an opportunity of that coming under your obſervation?—As to humanity, I always believed him to be a very humane man, good natured, rather tender-hearted than otherwiſe; ſoft in that reſpect.

You have had occaſions of ſeeing him and his wife together?—Very frequently.

Do you know upon what terms they lived?——I always underſtood they lived upon very good terms; I believe they lived upon very good terms.

I believe you made ſome reſolutions about his travelling with you again?——Yes.

*Mr. Silveſter.* Did not you apply to any medical man at Cambridge?——No; I thought I ſhould get him to town next day, and therefore I did not.

### JAMES BEALE *ſworn.*

I am apprentice to Mr. Evans; I recollect, the night this accident happened, Mr. Simpſon came into the room where I lay; I was between ſleeping and waking; I cannot ſay the time juſtly; I ſaid who is there? he ſaid, it is me; I ſaid, do you know where you are? he ſaid, he was at the Spread Eagle.

What were his own words?——He ſaid he was at the Spread Eagle, and I ſaid he was; he came a little further, and there was a table fell down, and he ſaid they have put them in my way, that he ſhould not get to me, and he came to the bedſide, and laid hold of the bed's foot, and then he went away.

Do you think he knew you, when he talked to you?——I do not know.

Did he talk to you as if he knew you?—Yes; he went down ſtairs, he came up the ſecond time after the murder was done.

What paſſed then?——He came into the room; I ſaid, who is there; he ſaid, me; and I called out for a light; then my maſter came and puſhed him down ſtairs; he ſaid nothing more that ſecond time, that I recollect.

Did you hear him call for the watch?—Yes, when he was coming up the ſtairs.

*Court.* Was that the firſt time, or ſecond time?——The ſecond time.

### JOHN CHERRY *ſworn.*

I live in Swithin's-lane; I am a ſmith; I have been acquainted with him near upon five years; I ſaw him on Monday, Tueſday, and Wedneſday before; he was in bed; I called to ſee how he did.

In what ſtate did you find him?—Very bad in bed; a violent pain in his bowels; he ſaid he was very droughty, and had cold ſhivering fits; I ſaw his wife each time; ſhe was taking care of him; they were upon good terms; I called on the Tueſday evening, about eight; I aſked Mrs. Simpſon where he was; ſhe was ironing a ſhirt; ſhe ſaid, poor creature, he is juſt gone out, but he is very ill; I aſked her where he was gone; ſhe ſaid, ſhe believed to Wood's; I went to Wood's, but did not find him; and going home, he came behind me, and tapped me over the ſhoulder; I aſked how he did; he ſaid he was very well; ſo he aſked me to drink, and we went into a houſe with a long paſſage; as ſoon as we got into the tap-room, he turned ſhort round; ſays he, what did we come here for; he walked on directly towards the door; I followed him; then he came back, and ſaid, we will have a dram at the bar; I told him he had better not drink any liquors, as he had been bad; he ſaid he had had nothing to drink all the day. I called at his houſe the next day, not knowing any thing of the accident; I went up ſtairs, as I uſually did, to his door, and Evans told me.

*Jury.* What was his general behaviour before that time?—I never ſaw any thing amiſs of the man in my life.

Did he behave like a man in his ſenſes?——Always; he had been at my houſe two months together, their circumſtances were ſo narrow; they had nothing to live on; I never knew what the annuity was; I underſtood it was more than has been mentioned; I fancy it was made leſs, on account of ſome money that was owing.

### ROBERT GAUL *ſworn.*

I am a debtor in Ludgate priſon; I have been three years and nine months there; the priſoner came to me at No. 9. in the priſon, and I ſhaved him, and combed his hair.

Did you obſerve any thing particular in his conduct?—He ſays to me, Bobby Gaul, I want to be ſhaved; ſays I, Mr. Simpſon, I will ſhave you, and I ſhaved his face half, and ſays he, Bobby, there is a gold laced hat there; ſays I, there is no gold laced hat there; yes, ſays he, there is; I turned between him and the window, and ſhaved the other ſide of his face, and as ſoon as I had done, he run and clapped his hand upon it; he ſhook and ſhivered, and trembled amazingly; and he ſtared, and took up his hat, and looked at it, and ſaid, whoſe is this; it was his own hat; a gentleman aſked him to drink ſome beer; he ſaid he had rather not; there was a report in the priſon that Simpſon had killed a man, that he had found abed with his wife; I did not believe it.

Now, that you are upon your oath, what is his character?—An inoffenſive, harmleſs man; I have frequently ſeen his wife with him; I never ſaw any thing but happineſs between them; he uſed to come down to me, and we were very ſociable, and when we could afford it, we had a pint of beer.

### GEORGE WOOD *ſworn.*

I keep the Half Moon; I ſaw the priſoner on the Thurſday afternoon, as near as I can recollect, it muſt be about four o'clock, and I rather wondered that I had not ſeen him during the courſe of the week, for he generally uſed to come once or twice a day into my houſe; he ſeemed in a violent palpitation, and he ſaid he had been very ill, and had been in his bed; I obſerved nothing more than a violent agitation and ſhaking, and he hovered over the fire, and ſignified that he had been very ill; he obſerved to me at that time that he ſhould go over and get ſhaved, and he did come through my houſe about ten that night. On the Friday morning, juſt turned of eight, I ſaw him; I made very particular and ſtrong obſervations upon him; he came into my houſe, and he ſeemed violently diſturbed, and appeared very wild; I aſked him what was the matter, and he turned ſhort round to me, and with a very gloomy appearance, he obſerved that he had committed a deed, which, he ſaid, when he had related it to me, would make every drop of blood in my veins run back; I made uſe of a vulgar expreſſion, and ſaid, it muſt be a d——nd ſtrange ſtory, indeed, Simpſon, to operate ſo powerfully upon me; he ſeemed rather confuſed, and ſaid it would, and turned to the fire, and ſaid he would tell me; he ſat down; he did not tell me immediately; he ſtaid in my houſe the courſe of two or three hours; he was out once; I urged him to relate the tale; he ſaid that he had found a man in bed with his wife, and he had ſtabbed him in the body, and he made no doubt but the ſtab would do for him; and he clapped his hand upon his wriſt, in this manner, and ſaid he had run a knife into his body thus far; I immediately proclaimed him mad; ſays I, the man is diſordered, knowing the diſpoſition of the man, I was ſure, in my own opinion, that he could not commit the act; I proceeded to aſk him, in conſequence, where he had been to commit this fact; he ſaid he had been at the Spread Eagle all the night; that he had laid there; that is, after he had caught this man in bed with his wife, and ſtabbed him; that he went to the Spread Eagle; that they brought the man there; that he had been tried at the Spread Eagle, and acquitted; that they had made him a preſent of ſome white things, to wear as a proof of his innocence; this confirmed me in my idea that the man was out of his mind; I told him, was I in poſſeſſion of a ſtrait waiſtcoat, I ſhould certainly put it on; and in the next place, I ſaid, you will be either in bedlam or in a mad-houſe; then, ſaid he, you do not believe the tale I tell; I ſaid, no; then, ſaid he, I will go and fetch Mr. Evans, and he will prove it, for he knows it to be a fact; he went away, and came back again in about ten minutes with a pair of buckſkin breeches and a clean ſhirt in his hand; they were wrapped up together; and he aſked me leave to go into the parlour and ſhift himſelf, which he did, and he brought me his dirty ſhirt and his buckſkin breeches to take care of for him; he ſaid Evans was coming; he ſaid he could not think, for his wife was ſome years older than him, what could poſſeſs the old fool to take a young fellow to bed with her; what, ſays I, is he a young fellow? yes, he is a young fellow; he ſaid he would take me to ſee him, if I choſe to go; I rather detained him; I told him I was going out, I aſked him to take a walk with me, which he agreed to. Prior to that, he fancied he ſaw chimney-ſweepers dancing in the ſtreet; he ſaid to my waiter, in my hearing, he tapped him on the ſhoulder, ſee there, John, ſays he, ſee the chimney-ſweepers dancing in the ſtreet; at laſt we went out together; and it was my intention to call on Evans; we went there; he was ſitting at the work-board; I aſked how he did: Simpſon and I went in, and we all three went together to the Horſe and Groom in Dagger's-court; we were there about ſix or ſeven minutes; nothing particular paſſed; I was not informed by Evans of any thing about it; I aſked him to go with me, but in Moorfields he altered his mind, and ſaid he would go to the Change; I ſaw him about three in the afternoon; he came with a ſtranger, a hair-dreſſer; he aſked him to drink, and they had a glaſs together; he invited this man to call at my houſe, to ſpend an evening with him; he had a pen ſticking acroſs his mouth, as if he was writing; his eyes were open, his hat cocked up, and not in the uſual way, but wild and extraordinary; he continued with me ten minutes, I ſaw no more of him till after he was taken up; ſhe always ſpoke of him, and he of her, on good terms, and happily.

*Mr. Silveſter.* Having known this man twelve months, did you ever obſerve any thing particular in his behaviour before this day, that this unfortunate behaviour happened?——The moſt that ever I obſerved in his behaviour, was a kind of ſtupidity about him.

*Court.* I rather ſuſpect that he was apt to be prevailed on to drink a little?——He was a man that was free, when he was in liquor; there was a kind of ſtupidity, a kind of inactivity, but not diſpoſed to be quarrelſome or miſchievous; on the Sunday afternoon, when I went to New Priſon, the man was frantic in my opinion, and Mr. Yardley obſerved to me, that he thought it feigned; I ſaid, I did not think it was; I was not afraid to go to him alone, for I was very ſure that the man was ſo harmleſs, that he would not hurt man, woman, or child if he knew it; now this I only give you as a proof of the opinion I had of the man.

### WILLIAM BROWN *ſworn.*

I am a perfumer and hair-dreſſer, in Swithins-lane; I have known him ever ſince the year 1770; he worked for me in 1770, and 1772, and 1773, till he got married.

What has been his general character?——I never ſaw any thing in his private character, but a humane man; I gave them a breakfaſt when they were married; they always lived very agreeable, ſhe gave him the beſt of characters; we all knew that things run very near, but ſhe was always ſatisfied; I am ſure they lived affectionately together.

Was his general character that of a good-natured man?——Yes; the annuity ſhe had, was given her on the day of her marriage.

### MATHEW JUTT *ſworn.*

I live in Leadenhall-market; I have known him twelve years; I knew his wife very well; I lodged in his houſe for above a year and a half; I had frequent opportunities of ſeeing them together, they behaved affectionately to each other; he is a good natured man, I never heard any other of him.

### SAMUEL YARDLEY *ſworn.*

I am deputy keeper of New Priſon, Clerkenwell, the priſoner was committed to my cuſtody the 18th of March; I did not ſee him till the Sunday morning, I thought he was inſane, according to all appearance in his behaviour, I aſked him to go to chapel; I always make it a point every ſabbath day in the morning, to take the priſoners to chapel, and he ſaid no, he ſhould not go, I aſked him how he got that black, he told me that a man in the ward where he lay had ſtruck him with a welt, he ſaid they wanted to tie him down for the purpoſe of improper practices; I enquired about that, and it turned out that they wanted to tie him down; I would not let him have any drink, and then he became better, and I found him a ſenſible man, I deſired our ſervants at home not to let him have any thing but tea; I thought he might have been drinking, which was the cauſe of this action.

### ROBERT STORKS *ſworn.*

I am a merchant in Ironmongers-lane; I have known him above thirteen years; I knew his wife very well, he uſed to dreſs me, he bought the leaſe of my houſe, which was too ſmall for me, they appeared to me to live upon good terms, I always took him to be a very good natured, kind, benevolent man, and a good neighbour, that was his general character.

### WILLIAM KINDER *ſworn.*

I am a ſhoemaker; I have known him ſixteen or ſeventeen years, a very good man, what I always thought, I knew his wife perfectly well, I have ſeen them frequently together, in the manner which they lived, they appeared to me to live on friendly and good terms as far as ever I ſaw.

### EDWARD CHIPPER *ſworn.*

I live in Leadenhall-market; I have known him five years, I never knew any thing amiſs of him, a good-natured inoffenſive man.

### GEORGE PACKWOOD *ſworn.*

I live in Gracechurch-ſtreet; I am a hair-dreſſer, and perfumer; I knew him ten or eleven years; I knew his wife well, I look upon it in my opinion, he was a man of tender feelings, and a good natured man.

### WILLIAM BARNARD *ſworn.*

I ſerved my apprenticeſhip with this priſoner four years after he was married; I lived in the houſe, they always ſeemed to be very agreeable together, lived happy and well, he was a good natured man.

### MICHAEL CLINT *ſworn.*

I am a hair-dreſſer in Lombard-ſtreet; I have known him twenty-ſix years.

Were you apprentices together?—Not in one houſe, but at the ſame time, his general character was extremely good, he and his wife were at my houſe four months, I took them in, they were diſtreſſed, they lived exceedingly well, very friendly and happy always; he was a very humane man, and a very charitable man.

### JOSEPH SAUNDERS *ſworn.*

I am a fiſhmonger in Leadenhall-market; I have been acquainted with him a good many years, I have ſeveral times obſerved ſomething remarkable in his conduct; I believe about five, or between five and ſix years ago, he had been into the country along with one Mr. Sharp, and ſome time after he was returned, I was in his company at the Spread-Eagle in Gracechurch-ſtreet, ſpending the evening with a few friends, and the priſoner came in.

*Court.* How ſoon after his return?—I fancy it may be about a week after, or not quite ſo long; he came in and he ſat himſelf down cloſe to me, there were ſeveral people there, I cannot tell who they were; he took notice to me, that as he was coming along through the gateway of the Inn, he had met a large black hog, and it would not let him paſs, and fought him, and he at laſt perſevered, and it bit him by the legs, he then ſat down a little, and was much diſcompoſed, he then imagined that there were three people behind the curtains, and he deſired us to look at them, and that they made faces at him.

Was that a mere imagination of his own?——Yes, there was no ſuch thing, and that about the hog, I took it at the time to be his illneſs, a kind of light headedneſs, or inſanity; I was frightened at the time, he was that evening juſt got up, and come from home, he had been in bed for a day or two; I have obſerved at different times in his company a rambling, and a kind of light headedneſs.

Had you an opportunity of ſeeing, whether that was increaſed at all by drinking?——It generally was when he complained he was ill, or that he laid by from his work for three or four days, or a week.

What did you take his character to be as to good nature and humanity?—I never ſaw any thing hurtful, or of bad diſpoſition in him, and I have been a great deal in his company.

Was you acquainted with his wife?——Yes.

On what terms did they ſeem to live?——Very agreeably.

*Mr. Silveſter.* You have not been in his company ſince he failed, as when he was in his proſperity?——I have not been in his company much theſe two years, only a little while before this happened.

Did you obſerve any thing in his behaviour then?——No.

*Court to Jury.* Gentlemen of the Jury, the priſoner at the bar ſtands indicted for a crime of a moſt enormous nature, that of the murder of his own wife, by ſtabbing her with a pen-knife: the enquiry has neceſſarily gone into a very conſiderable length, not only on account of the diſcuſſion that was neceſſary to eſtabliſh a fact againſt the priſoner, but alſo on account of the particular nature of his defence.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
# JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
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THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of John Simpſon.*

Upon the reſult of the whole evidence, it ſeems to be a fact of which there can be no reaſonable doubt that this poor woman received her death by the hands of the priſoner at the bar, and that it was done under no circumſtances which could in any degree, in point of law, operate either to juſtify or mitigate the fact; ſo that if any crime can be imputed to the priſoner, in reſpect to that fact, it muſt neceſſarily be the crime of wilful murder; becauſe there is nothing in the caſe which could in any degree provoke, or juſtify a man being provoked, to commit ſuch an outrage as this was, in the deliberate manner in which it appears to be committed; and therefore it was truly ſtated to you by the Counſel that opened the proſecution, that it would ultimately come to the queſtion, whether the priſoner was guilty of murder, or of no crime at all; and in order to lay a foundation for you to believe that he was guilty of no crime at all, you muſt be ſatisfied, at the time this fact was committed, his mind was in ſuch a ſtate of diſtraction, that he could no longer be ſenſible of the internal diſtinction between right and wrong, and more eſpecially the diſtinction between the affection that was due to an affectionate wife, and this ſavage outrage he committed upon her; and that though his hand was guilty, his heart was free from that act which the guilt of his hand would otherwiſe impute to him. Upon the whole reſult of the evidence, in which there is no contradiction, it ſeems to be moſt clearly aſcertained, that this man is in no confirmed habit or ſtate of lunacy; that he is by no means like an idiot, but has ſufficient ſenſe to govern himſelf, and to be anſwerable for his conduct; that generally ſpeaking, he has been in poſſeſſion of his right mind, and that if there be any foundation to excuſe him from the guilt of this homicide, in conſequence of his being inſane at the time, it is the ground of an inſanity, temporary in its nature, which aroſe in conſequence of a particular circumſtance taking effect only during a particular period, and that at this moment, for any thing you learn to the contrary, and at a very ſhort time before the fact was committed, this man was perfectly in the poſſeſſion of his ſenſes; and this thing is that which makes this enquiry ſo extremely ſerious, becauſe it would be a dreadful circumſtance, if the bare enormity of the offence was to be ſuggeſted as a foundation to excuſe the man who could be wicked enough to commit it; and the poſſibility of the man who meditated a crime of this kind, forming a plan which might lay a ground of excuſe, makes this ſort of enquiry, in which you can have very little aſſiſtance from any thing that was done at any ſeries of time previous to the fact, and ſtill leſs ſatisfaction with reſpect to the conduct of the priſoner ſince the fact; it is on this account an enquiry, far more ſerious than thoſe enquiries are which end in inſanity; for in thoſe caſes it has generally come out, that the party is in a ſtate of habitual inſanity, which would juſtify his being delivered into an actual ſtate of confinement; now, from the preſent caſe, I ſee nothing that we can draw any concluſion of that nature from. This is a man who has ſeen better days; married a woman, who was ſomething older than himſelf, with ſome ſmall proviſion made for her, and they had lived in ſome degree of reſpect for ſome time, having apprentices and ſervants; but by degrees, probably, I ſhould think from the general ſcope of the evidence in conſequence of intemperance, having neglected his buſineſs, and ruined his health, he comes from the priſon of Ludgate to theſe lodgings, living with his wife in a conſiderable degree of diſtreſs and poverty, but at the ſame time with a reaſonable proportion of affection and regard; the circumſtances of the fact which appears to have been committed, are certainly ſuch circumſtances as cannot eaſily be accounted for on any other grounds, than grounds of inſanity. It is not true, that the Jury ought to find the inſanity of ſuch a perſon ſufficiently eſtabliſhed; it ought to awaken the attention of every body to look out for ſuch a caſe, and to expect to ſee it proved, and to view carefully, and with great caution, all theſe circumſtances attending the ſtate of the fact; notwithſtanding there wants in the evidence any thing that looks like a probable foundation that looks like ill will; for there is not a ſcintilla of evidence, except the man's going up ſtairs, and expreſſing ſome diſpleaſure at his ſupper not being ready, in which they cannot, on being croſs-examined, expreſs the words of the diſpleaſure, or whether he was out of humour or no; and beyond that, the fact itſelf is committed in a manner that was immediately open to obſervation and detection; the man ſeemed induſtriouſly to call in witneſſes to ſee the fact committed; having in that extraordinary manner committed the fact, with frequent opportunities, (for they did not know the extent of the miſchief) with frequent opportunities to get off; he makes uſe of none of them, but goes about in that ſtate in which he is deſcribed, running backwards and forwards where the fact was committed, and where the woman lay languiſhing, and to the laſt moment he ſeems to have no thought or idea of getting away, or eſcaping the hands of juſtice. Theſe are circumſtances that belong to the fact, in their own nature ſo extraordinary, as to lay every conſiderable ground of probability that that would turn out to be a caſe of lunacy; and when you come to examine the reſt of the circumſtances, it appears that there is the ſtrongeſt ground to believe that is the caſe. This man appears to have been five or ſix years ago on a journey to Lynn and Cambridge, with Mr. Sharp; to have firſt, as I can collect, betrayed ſome degree of a mind diſturbed in conſequence of a nervous complaint that was then upon him; Mr. Sharp has ſatisfactorily proved that, and the proof of it is confirmed by the laſt witneſs Mr. Sanders, who tells you, that the priſoner came to a public houſe which he deſcribed, and there diſcovered marks of what the witneſs calls light headineſs, talking wildly of a black hog, and of ſeeing three people that were moving the window curtain, and were making mouths at him, and inſulting him, when in truth no ſuch thing paſſed; theſe were certain marks of a mind agitated by a certain degree of lunacy; and you find, that the week before this accident happened this man was again ill of a nervous

vous aguiſh complaint; he had been confined to his bed ſeveral days, and it was not till Thurſday night, having been in bed three whole days, and part of a fourth, that he broke out into the unhappy outrage that produced this enquiry. You find he had pork for ſupper too; and though in the houſes of perſons that are better judges of what is to be done with ſick people, one ſhould hardly expect to find a ſupper of roaſt pork for ſuch a man, yet theſe lower people think that eating and drinking is the only thing for a fever, and the moment they can be prevailed upon to eat, they are well; and therefore I do not at all wonder that the firſt idea was a hot ſupper; this ſupper was had, except a ſingle circumſtance mentioned by one of the witneſſes of his expreſſing ſome diſſatisfaction that it was not done to his time; this ſupper was had in great good humour, he inviting two of his neighbours to ſup with him; he had drank one glaſs of gin, or anniſeed, before; he drank ſome beer at his ſupper; he eat a meat ſupper; he had been ill of a nervous complaint for ſome days, and it is not at all improbable that this had flown to his brain, and had produced a conſiderable degree of delirium; for in a ſhort time after they had been in bed, he firſt of all calls out, makes a noiſe and alarm, expreſſes a great uneaſineſs, thinks there are gipſies in the bed, and people in his room; that there are men in his bed, and then proceeds to the idea of ſome man being in bed with his wife; the people he calls in find there is no man there, no ground at all for this alarm of his; they compoſe him, they ſucceed; he returns to his bed again; the alarm is ſoon raiſed again, and the wife is alarmed by the ſtate of her huſband; they both call out to the family to come in; they come in, they find this man ſitting in his breeches and ſtockings, and probably ſhoes, and in his ſhirt by his bed-ſide; Mrs. Evans enquires what's the matter; he talks of there being gipſies in the room; and then draws his knife, unclaſps it without any circumſtance of ſecreſy, and with great deliberation thruſts the mortal wound, and with an evident deſign, I think, to ſtab ſome perſon who appeared to him at that time to be the proper object of his reſentment, after he had done this, and made another ſtroke at this poor woman, which made the blood flow, and Mrs. Evans deſiring to have the knife, he gave her the knife, made no attempt to ruſh out, but ſtood there with a ſtupid kind of look, probably full of the idea that ſeemed to have impreſſed his mind, that it was ſomebody elſe he attacked; you find, after this he is ſtill uneaſy, diſcontented, lays down in another bed with his wife for a moment; then he goes up ſtairs, talks to the apprentice about his being at the Spread Eagle; an idea which you ſee afterwards is drawn out into ſome form in his mind; for afterwards he ſays he has been at the Spread Eagle, and there he was tried for the death of a man he had killed, and was to have ribbons on his acquittal. Now, unleſs you can ſee reaſon on this evidence to collect that all this was fraud, and all made up for the purpoſe of having an opportunity, in a way that would not expoſe him to perſonal riſk, to deſtroy his wife, this is plain and evident inſanity. I have looked to ſee if there was any thing in the evidence, from whence ſo deep and ſo abominable a practice could be ſuſpected of him; and here the general courſe of life you have heard of the man, of his inoffenſive manners, and of his gentle conduct towards his wife, come to be material; for it is almoſt impoſſible that a man would deliberately form a ſcheme of deſtroying his wife, and conduct it both before, at, and after the act, with that aſtoniſhing regularity with which this madneſs of his ſeems to be managed. Therefore, if you ſhould not ſee reaſon on this repreſentation, to entertain any conſiderable degree of doubt of the ſtate in which this man was, I think I need not go further and ſtate the whole evidence; I confeſs, my own mind is ſatisfied with reſpect to it; therefore, if you ſhould be of the ſame opinion, I think that public juſtice will be ſatisfied, if after this long enquiry, on the ground of a temporary inſanity, which this man had laboured under for four or five days before this fact, you think that this man is not guilty of the crime imputed to him in this indictment.

*Jury.* My Lord, we wiſh to go out.

*Court.* Oh, if you wiſh to go out, I muſt ſtate the evidence to you; becauſe if you do not feel it at once in the way in which I have ſtated it, it is fit I ſhould ſtate the whole evidence to you.

*The Jury conferred a ſhort time, and gave a verdict*

NOT GUILTY.

NOT GUILTY *on the Coroner's Inquiſition.*

*Jury.* I think this man ſhould be taken care of.

*Court.* I will order he ſhall not be diſcharged at preſent, but that he ſhall be examined before the Lord Mayor; and his friends will, I hope, appear, and ſettle ſome method to take care of him.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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361. THOMAS TROUT was indicted for feloniouſly ſtealing, on the 18th of March laſt, three fore coach wheels, value 10s. two fore chaiſe wheels, value 8s. two hind chaiſe wheels, value 8s. two hind phæton wheels, value 14s. the property of William Wright, Lionel Lukin, and John Allen.

And DAVID DAVY was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

*(The indictment opened by Mr. Garrow, and the caſe by Mr. Silveſter.)*

*(The witneſſes examined ſeparate.)*

DANIEL CHANTRY *ſworn.*

I am a wheeler of Mr. Wright's, Lukin, and Allen. On the 18th of March, I had been to Mr. Wright's ſhop; it was paſt ſeven in the evening; coming out to go home, I met one James Holloway coming out with a fore wheel of a chariot; he ſaid he was running it for pleaſure; I ſaid it was an odd night; it was a wet night, it was ſeven o'clock; I returned, and ſaw him come back without it; I waited, he never came out again; the gate was open three quarters of an hour; I ſhut the gate, and in conſequence of ſome converſation I had with Holloway, I communicated the ſtory to one of the partners, Mr. Wright.

Was you preſent when Trout was called?——Yes, on the Sunday morning.

Was Holloway there at the ſame time that Trout was there?——Yes.

Tell us any thing Holloway ſaid in the preſence of Trout, but not when Trout was abſent?—He ſaid, before Trout, that he had run that wheel to Mr. Davy's by Trout's order, and was to have a glaſs of gin for his trouble.

What did Trout ſay to that?—He ſaid he had lent Mr. Davy a wheel.

Did he directly acknowlege that he had employed Holloway to run it, or only not deny it?—He acknowledged that he had run the wheel; he ſaid he was going that way home, and Trout ſaid to Holloway, as you are going home, leave this wheel at Mr. Davy's; Mr. Davy was ſent for; when Trout and Davy came together, Davy ſaid he did not know any thing of borrowing a wheel of them, but if any of his people had, he did not know any thing about it.

What did Trout ſay to that?——Trout ſaid he believed it was ſome of Mr. Davy's people; Trout was then aſked if he ſhould know the man that borrowed the wheel; Trout ſaid he believed he ſhould, he was a tall man.

Was any queſtion aſked of Davy before either of the partners, as to his having purchaſed any wheels?——Yes; Davy ſaid to one of the partners that he had purchaſed ſeveral wheels, and had been in the yard to look them out; and he ſaid that Mr. Allen, one of the partners, had ſeen him in the yard; Mr. Allen ſaid he did not remember ſeeing him in the yard for ſome time; Davy ſaid he had been there ſome time ago, and had bought wheels there; he was aſked how long ago; he ſaid it might be a twelvemonth ago; he did not believe he had bought any within a twelvemonth, it might be that ago; all the converſation was confined to one wheel.

There had been converſation about a pair of wheels?——Yes, there was converſation about new wheels, and things that did not concern my buſineſs.

Did Mr. Allen or Mr. Wright aſk Davy any queſtions about the other wheels?——Not at that time, till he came back from the yard; Mr. Davy and we went to Mr. Davy's yard, when we came there we found one wheel, which was either the wheel the boy had run, or the fellow to it; he ſaid, he did not know how it came there, he ſuppoſed his people had borrowed it; then we came back again; he ſaid, he did not know that he had any more, nor he did not know that he had that till he ſaw it; in about two hours after, Mr. Wright took me with him to Davy's, I went with him to Davy's ſhop, and we found the fellow wheel to this, and two others, the two others were a pair of fore wheels, we found them in Davy's ſhop; he and his ſon were both preſent; Davy ſaid he did not know how they came there.

Did you find any thing more?——Not at that time; there was no more converſation then; on the Monday following, I went with Mr. Wright and the conſtable, having a ſearch warrant; in a large cellar under ground, we found five wheels, one pair of phæton hind wheels, one pair of chariot wheels, and one fore wheel belonging to a coach.

Was Davy at home at that time?——Yes.

What account did he give of thoſe wheels?——He ſaid he had none, he was very agreeable to go down and ſhew, he did not know he had any, he helped them out of the cellar; I am a wheeler to thoſe gentlemen; I know theſe wheels, they were made by me or my man.

Tell us when thoſe wheels were taken off?——The Biſhop of Exeter had new wheels put on the 8th of March, *(looks in a book.)* This is a memorandum book of my own making, in my hand writing.

Did you find any of the Biſhop of Exeter's wheels at Davy's?——Two hind wheels of the chariot, and Mr. Woodley's pair of fore wheels which we found at Davy's were taken off the carriage the 6th of March; there was a pair of Mr. Stanley's chariot hind wheels, we found them alſo, they were taken off the 16th of January, and the 22d of January Lady Onſlow's pair were taken off; Mr. Newcombe's wheels I did not take off, we found theſe there, a pair of Mr. Newcombe's hind wheels of his phæton.

The wheels are broken up in general when they are taken off?——But that depends upon the ſtate of them.

Have you any doubt at all of theſe wheels being the property of thoſe gentlemen?——No, I am ſure of the wheels, I can prove it by every matter that can be.

*Mr. Fielding.* Is it always the caſe when wheels are taken off that they are broken up?——If they are good for nothing elſe.

*Mr. Garrow.* What does the coachmaker allow the coachman for theſe old wheels?——I think it is one guinea for the ſet; but that is not my buſineſs.

Do you remember hearing any thing from either of the priſoners as to the price that was to be paid, by one to the other, when they were examined?——At Bow-ſtreet Davy ſaid before the magiſtrates, that he gave ſix, ſeven, or eight ſhillings a pair for them.

Did he ſay what he had given for theſe wheels?——No; he ſaid nothing about them.

*Mr. Fielding.* Do you know that the allowance given to the coachman for the wheels, is a particular compliment made to the coachmen, and that more is given than would be given for the wheels themſelves?——It depends upon the condition of the wheels.

Is not it a common thing to give the coachman a guinea?——If the wheels are not worth five ſhillings, the coachman expects a guinea, if they are worth a guinea, he receives no more than a guinea.

How far do you live from Mr. Wright's?——About two hundred yards.

Davy is a conſiderable wheeler?——Yes.

Is not the cuſtom of the trade to buy wheels and fit them up, and ſell them again to the hackney men, or any perſon that wants them?—I do not know.

Do you not do it yourſelf?—I am not in buſineſs for myſelf.

You do not know the conduct of the yard?———No.

What the particular department of Trout is, you do not know?—No.

When this converſation had taken place at Mr. Wright's, you went with Davy to his houſe?——Yes; he ſhewed me that wheel in his paſſage.

Trout ſaid he believed it was one of the men?——Yes, and he ſaid he believed he ſhould know him if he ſaw him.

The firſt time you went to Davy's houſe was the Sunday morning?—Yes.

Then you made a diſcovery of this ſingle wheel of the Biſhop of Exeter's?——Yes.

Davy was with you, and he ſaid here are all the wheels I have?——Yes.

You went again with a ſearch warrant on Monday?—Yes.

Then there was all that interval?——Yes.

Davy had opportunity of removing theſe wheels from the premiſes?—At a certainty he had.

Is not a cellar a common place to put wheels in?——I do not like to have them in a cellar, they do no good under ground.

A pair of fore wheels are not ſo much worth, as a pair of bind wheels?——That depends on the ſtate of them, but if they are in the ſame ſtate, the hind wheels is of moſt value.

Do you know a man of the name of Rag?—Yes, a publican.

You have not lived on any good terms with Davy?—I never had any words with him; I know nothing of him, only how do you do, and good night to you.

Have you to Mrs. Rag, or any body elſe ſaid theſe words, or to this effect, d——n him, I have found ſome wheels in the ſhop, I have him now, and d—n my eyes if I do not *do him*?—I never mentioned any ſuch thing to my knowledge.

Have you or have you not?——At a certainty I ſhould never ſay ſo; why ſhould I do him, I do not know that I ever ſaid ſuch a word.

Does your memory ſerve you to ſay ſo?——I do not remember any ſuch a word.

*Mr. Garrow.* What was the Biſhop of Exeter's wheels worth that you found at Davy's?——They were worth eight ſhillings.

Now Mr. Woodley's?——About eight more.

Mr. Newcombe's?——The phaeton wheels are worth fourteen ſhillings.

Did he at the firſt time ſhew you the cellar?——No, only the gateway; he ſaid, theſe are all the old wheels I have.

*Court.* When Davy was ſent for, and queſtioned upon them, he acknowledged he had frequently bought wheels, and ſaid he had often been in the yard to look them out, and that Allen had ſeen him there; Allen ſaid he had not ſeen him there for ſome time; Mr. Davy acknowledged that.

Did Mr. Allen deny having ever ſeen him there for the purpoſe of looking out wheels?——I do not remember that Allen ſaid he ever ſaw him look out wheels.

Did Mr. Allen deny that he had ever been there looking out wheels?——He ſaid if it had been, it was a long time ago.

Did Mr. Allen deny his ever having any knowledge of the purpoſe of his being there?—Mr. Allen ſaid he did not know that he came to look out any wheels.

Upon your oath?——I did not attend, I did not take any notice, I cannot poſitively pretend to ſay.

If you cannot ſay poſitively, why do you ſay at all in anſwer to my queſtion?——Mr. Allen told him he did not know that he had been there to look out wheels.

Can you ſwear that poſitively?——Mr. Allen ſaid, he did not know he had any right to look out wheels, and did not know that he bought any wheels there.

Who was preſent then?—All three partners;

news; I remember Mr. Allen ſaid to him, he did not know that he came there upon any ſuch buſineſs.

Will you ſwear that Mr. Allen ſaid, in anſwer to Davy, that he did not know he had ever come there on that buſineſs?——Yes, Mr. Allen ſaid, that he did not know that he came there upon that buſineſs.

WILLIAM WRIGHT *ſworn.*

I am in partnerſhip with Meſſrs. Lukin and Allen, coachmakers in Long-acre.

What ſituation was the priſoner Trout in, at your houſe?——He was foreman to the labourers.

Have you loſt any wheels?——Yes.

Had he any authority to ſend any wheels from your ſhop?——Never.

Do you ſell any wheels to any body ſecond hand?——We have ſold wheels but very ſeldom, the reaſon is, thoſe that are good I keep to put on other carriages; and thoſe that are good for nothing, he had the breaking up of, and I uſed to give him ſixpence a ſet for breaking them to pieces.

You worked up the old iron?——Yes, and the wood work we burn.

Had he any authority from you, or your partners, to diſpoſe of any wheels to any body?——He never had; he had like to have loſt his place ſome time ago about ſelling a pair of wheels.

How long ago was that?——The 19th of November, 1784, he ſold a pair of hind wheels that came out of a gentleman's phæton, that were very good ones; he ſold them for fourteen ſhillings, they were worth two guineas, he had no authority for that; Mr. Lukin then ſent for him and told him, if ever he ſold any more without authority, he ſhould have no more buſineſs; people have come into the ſhop and aſked if we had wheels to ſell, and I have ſent them to Trout, but he was to ſhew them to me, that I might fix the price, and he was not to ſell them himſelf; he ſold one pair, and gave the money to the clerk.

In March 1786, were any wheels ſold?——I do not know of any; we fixed the price on that pair which he ſold; he aſked me; I took twenty-eight ſhillings for them, that is brought to account in this book; Trout was brought before me and my partners, and Holloway ſaid when Trout was preſent, that he told him to take that wheel to Davy's, and he would give him a glaſs of gin for it; I then aſked Trout if he did, he heſitated a little, and ſaid, he did; that he met Mr. Davy the day before, and he deſired him to give his compliments to me and deſired I would lend him a pair of wheels.

When Davy was brought, what was ſaid then?——I aſked Davy if he had borrowed any wheels of Trout, he ſaid, he had not ſeen Trout for ſome time, I believe it was a fortnight; then Trout ſaid it was not Davy, it was Davy's man, that he aſked to lend him a pair of wheels; Davy ſaid he had bought wheels in the yard; I have ſeen him I believe to the beſt of my recollection; I ſaid, I have not ſeen you in the yard theſe two years; he ſaid Mr. Allen and I was by; Mr. Allen ſaid, he had not ſeen him for a great while, for a twelvemonth; Mr. Davy ſaid, it was a long time, he could not ſay, it might be a twelvemonth; Chantry went to Davy's, and after he had been there, Davy came back himſelf, and told us that Chantry had been there, and found another pair of fore wheels in the ſhop, but he did not know how they came there; I went and ſaw the wheels, and then he ſaid they were our wheels and he had them of Trout.

Did he deſcribe how he had them of Trout?——No, I did not aſk him.

He did not ſay when or how?——No; I then ſaid, Mr. Davy, if Trout comes for theſe wheels, do not you let them have them away, nor do not you let any body have them, till I come for them myſelf; I aſked him if he had any more wheels of ours on his premiſes; he ſaid, no, he had not; about ſix I went to the fore gate and there was Trout, with a pair of fore wheels, ſays I, you ſcoundrel how dare you bring theſe wheels here, and I made him take them back; about two hours after, the ſame wheels were put into our yard again, how they came there I do not know; on the Monday morning we went and found five more wheels there, which he acknowledged he had of Trout; Davy was preſent at Bow-ſtreet, and Trout ſaid he had ſix ſhillings a pair for them, and Davy ſaid, that was eight ſhillings for the hind ones; I aſked him when he paid Trout; he ſaid, he could not ſay when it was, he ſometimes paid him four or five guineas at a time.

How much was the hind wheels worth?——Sixteen ſhillings.

*Mr. Shepherd.* This houſe belongs to you, and Mr. Wright, and Mr. Allen?——Yes.

Has your uncle no intereſt in it?—No.

Nor any dormant intereſt in it?——No.

When was the preſent firm eſtabliſhed?—At Michaelmas.

And the priſoner Trout is foreman under the labourers?—Yes.

And you ſay, he is the man to whom you referred the enquirers for wheels?——Yes.

Did not you generally refer the people to Trout?——To look them out, but not to ſell them.

You juſt now told us that you referred them to him, and he was to come out and let youk now the offers; now is not it the general cuſtom of the trade to ſell the old wheels?——I do not know what other people do, I do not ſell old wheels; in 1784, Trout ſold ſome wheels.

And had not he before that time ſold wheels for you?——In that way, no other way.

*Court.* Is it poſſible for you to know with certainty off what particular carriage wheels come?——No; there was one particular circumſtance in a pair of theſe wheels, there were boxes in them.

*Court to Chantry.* How do you know theſe wheels?——The hind wheels were there and the fore wheels were gone; I found the fore wheels at Mr. Davy's.

How long had that man worked with you?——About ſeven years.

All that you can tell was, that they were his make?——Yes, and my turning; I can tell when they were made, I always book them.

When the old wheels are taken off and mixed with other wheels, how could you diſtinguiſh them from other wheels made by the ſame man under your direction?—By the colour, and by the paint, they were painted yellow, and the hoops black, we had no other painted that colour.

*Mr. Garrow.* You took them off the 8th of March?——Yes; off the Biſhop of Exeter's.

How do you know Mr. Woodley's?—It is a very heavy coach, it runs very hard, they were ſtronger, I know the wheels, I obſerved them when they came off Mr. Woodley's carriage.

Now as to Mr. Stanley's chariot wheels?—I know them perfectly well.

As to Mr. Newcombe's phæton wheels? I knom them to be the wheels, but I do not know when they were taken off, becauſe there were a ſet of patent wheels put upon them.

*Mr. Fielding.* I ſuppoſe the new wheels of this heavy carriage are of the ſame ſort as the former were?——Yes, they had not been on one year; I ſaw theſe wheels of Mr. Woodley's on the Friday before, the man owned to running them away on the Saturday evening.

JAMES HOLLOWAY *ſworn.*

I am a painter; apprentice to Meſſrs. Wright and Lukin.

Do you remember ſeeing Chantry on Saturday night, the 18th of March?—Yes, I was taking a fore wheel and running up Hanover-ſtreet out of Mr. Wright's yard to Mr. Davy's, by Trout's order.

What did Trout ſay to you?—He told me his maſter had ſold the wheels to Mr. Davy, and that he was allowed one ſhilling to carry them, and if I would carry them, he would allow me half, three-pence for two, and four for ſix-pence.

Do you remember Chantry ſpeaking to you about it?——Yes.

Did you carry that wheel?—Yes.

Where did you deliver it?—I left it at the door, I took two more the ſame day, and I left them in the ſame manner, by the order of Trout.

What wheels were theſe?——Three fore wheels, I do not know to what carriage they belonged; they were yellow wheels.

Have you, at any other time, taken any other wheels from Mr. Wright's?—Yes, for this five years paſt at different times.

Was it known to Mr. Wright?—Trout told me they were ſold to Mr. Davy, by the order of Mr. Wright; I took there by the order of Trout.

At what time of the day?——Sometime one, and ſometimes five; theſe are the hours we have to ourſelves.

Had you any particular inſtructions from Trout as to the manner?——He bade me not ſay where I was going with them if I met any body; I have ſeen Davy himſelf when I have delivered them, ſometimes his ſon, ſometimes his man.

Who paid you?—Trout.

How many have you carried in the laſt ſix month?——I cannot pretend to ſay.

How many do you think?——About twenty ſets.

How far is Davy's houſe from the proſecutor's back gate?—About a minutes walk.

Have you at any time received any money from any body but Trout?——Yes, lately before Chriſtmas, I received ſixpence from Davy, once or twice, I cannot ſay when.

Have you ſeen the wheels that were found at Mr. Davy's houſe?—Yes.

Are any of theſe thoſe that you carried to Mr. Wright's?—Yes, I carried them all; there are nine, ſome fore wheels, and ſome hind wheels; I uſed to carry more fore wheels than hind wheels.

*Court.* How long before this was it that you had ſeen Davy, when you carried any wheels?—I ſaw him the day before I took them; I ſaw him the Tueſday before, he was ſtanding at the ſhop; I took ſome home that day, and delivered them in his preſence.

How many did you take then?——A pair of fore wheels.

Do you know of Davy's diſpoſing of any wheels?—I ſaw a cart load of wheels as I came by one day.

Do you know whoſe property thoſe had been?—No.

*Court.* Then in the courſe of the five years you have by your account carried a very large number to Davy's by Trout's direction, and as much as twenty ſets, within the laſt ſix months?—Yes.

## JAMES BLACKBURN *ſworn.*

I was ſervant with Mr. Davy.

Do you know of any dealings between him and Trout?——No; only that I was to fetch ſome wheels away from Mr. Wright's.

By whoſe orders?—My maſter's, which was Mr. Davy.

What were the orders your maſter gave you?——He uſed to tell me to go and fetch ſuch wheels from Mr. Wright's, between nine and ten, one and two, or five and ſix.

Why was you to go within thoſe hours?——I really cannot tell.

Were theſe the working hours of the buſineſs?—No, they were meal times.

How often did you go?——A good many times.

*Mr. Fielding.* Trout was on the premiſes when you went?—Yes.

Have you never carried any wheels back?—No.

Where did you put the wheels when you brought them to your maſter's houſe?——Sometimes in the ſhop, ſometimes out of doors.

## JOSEPH BARRETT *ſworn.*

I keep the White-Bear publick houſe, about forty yards from Mr. Wright's back gates; I know the two priſoners; I have frequently ſeen them together.

Have you ever gone to Mr. Wright's for Trout?——Yes, by the order of Mr. Davy.

Had you any particular directions from

him about that ?——Yes; he told me to go for Mr. Trout to Mr. Wright's yard, and he told me once, if I ſaw Mr. Wright not to mention that Davy was at my houſe.

Did Trout uſe to come in conſequence of theſe meſſages ?——Yes, when he had an opportunity, when Mr. Wright was not in the way; theſe meſſages were not at any particular times, they were in the working hours.

In caſe Mr. Wright was there, what was you to ſay to Trout ?——I was to give him a beckon.

*Mr. Fielding.* How came you here to day ?—I was ſubpœned.

Who brought you the ſubpœna ?——I do not know the gentleman; Mr. Wright came to me.

Did not you know very well that Mr. Wright and Mr. Davy were not upon good terms, and that Mr. Wright would be angry if his foreman was ſent out of the houſe ?——I have not kept the houſe above a year and a half; I did not know that Wright and Davy were not upon good terms.

Has that intercourſe between Davy and Trout ſubſiſted any time ?—It has continued down to the preſent time.

*Mr. Fielding.* I am now to ſubmit to your Lordſhip, that there is no evidence to affect Trout; that there is no evidence to affect him as acceſſary; I am ready to admit, the boy expreſſly proves that degree of criminality upon him, and no other, that he took theſe by his order, which is one of the ingredients, conſtituting the criminality of an acceſſary expreſſly.

*Court.* Aſk the queſtion firſt.

*To Holloway.* When you took the wheels from Mr. Wright's to Mr. Davy's, where did you take them from ?—From the place where they ſtood, againſt the wall.

Was Trout preſent when you took them? ——He generally was.

*Priſoner Trout.* My Lord, I cannot make a ſpeech; I make bold to hand up this paper. *(Read.)* May it pleaſe your Lordſhip, and you the gentlemen of the Jury; having an impediment in my ſpeech, I beg the indulgence to obſerve, that I am totally innocent of the charge, for which I have the misfortune to ſtand here arrainged; I have been twenty one years in the ſervice of my proſecutors; I appeal to them what has been the general tenor of my conduct during that time; I have been for years paſt, authoriſed by them, to diſpoſe of all the old wheels; the wheels in queſtion I did ſell, in conſequenc of that authority; I paid them the money I received; therefore I beg leave to add, that I am a poor man, that my afflictions are much exaggerated, by having a numerous infant offspring, without a mother, and they muſt be without a friend ſhould conviction follow; I therefore humbly hope, that this court will temper juſtice with mercy, by paſſing upon me as lenient a ſentence as juſtice will admit in my diſtreſſed ſituation.

*Court to Priſoner Trout.* You ſee one of the gentlemen has denied your having any authority to ſell ?——Here is a gentleman in the court that has been in the counting houſe, and enquired whether there were any old wheels to ſell, and Mr. Fletcher, and Lukin, and Allen have ſaid go down to Trout; my maſter has been angry during the time of buſineſs; he has made uſe of ſome bad words; the next day they have come, and I have agreed for them; I have ſeen one of my other maſters, and told him, ſays I, the man has offered a guinea, ſays he, how are they, are they pretty tidy Trout ? Sir, ſays I, the hoops are on, the wood is but ſo and ſo; I have told the man he might have them for one pound one ſhilling.

## JOHN SUTTON *ſworn.*

I am a wheelwright.

How long have you known Trout ?——These twelve or fourteen years.

What character has he borne ?——I never heard any thing of him but an honeſt man; I have bought wheels of Trout; I have bought a ſet of Mr. Wright, a ſet of Mr. Allen, and ſeveral ſets I have bought of Trout, in the courſe of theſe ten years.

Did it appear to you that Trout was the

man with whom that buſineſs was to be tranſacted?——Mr. Wright has ſent me down to Trout; I have gone down to Trout into the yard, and I have looked for ſuch a ſet of wheels as I have wanted; I found them there, and I have agreed with Trout for them, and paid him for them; one time I told Mr. Wright I wanted a ſet of wheels for an old carriage; and he ſaid, go down to Trout, and Trout will deal with you for old wheels; Trout will ſell them to you.

Then, you underſtood from Mr. Wright that Trout was the man with whom this buſineſs was to be done?——I have bought ſeveral ſets in the yard in the courſe of ten years.

What prices may you have given?——Twenty-four, or twenty-five ſhillings; ſometimes I have gone as far as thirty ſhillings; that is the whole ſum.

What is the loweſt of thoſe of a more moderate quality?——I never bought any but what was very good; I wanted them that were fit to put on a gentleman's carriage, that would run for a month or ſix weeks, till a new carriage was made; I gave a better price than a hackneyman would have given.

It may happen that a pair of fore wheels are worth very little, unleſs they are fit to put on?——They give gentlemen's coachmen more than the wheels are worth; a guinea is the price, that is not worth above ten or a dozen ſhillings; then the fore wheel cannot be worth above four or five ſhillings.

*Mr. Silveſter.* Where do you live?—I am wheeler to Mr. Hatchett, in Long-acre.

When was this tranſaction with Mr. Wright?——I believe it may be three or four years ſince; I have not dealt with Mr. Wright ſince, but with Mr. Trout I have ſometimes; I have ſeen Mr. Wright in the yard, or Mr. Allen, or Mr. Lukin, and had what I wanted.

Who did you pay the money to at that time?—To Mr. Wright, in the yard.

How did you fetch them away?—I generally had them ſent away; I took them home in the open day, in working hours, I and my fellow ſervant, that was foreman to the labourers, the ſame as Trout was; we ſold them there; we never went to Mr. Hatchett.

*Court.* You had a general authority from Mr. Hatchett to ſell, and account with him for the money?—Yes.

Do you recollect at all particularly what Mr. Wright ſaid when he bid you go down to Trout?——Go to Trout, and Trout will deal with you for the wheels; I looked out the ſet myſelf, and then he was to deal with me for them.

RICHARD MOUNTAIN *ſworn.*

Did you purchaſe any wheels of Mr. Wright?—Yes; but I do not remember any in this Mr. Wright's time.

How long ago?——I ſhould ſuppoſe it to be five or ſix years ago.

Who did you uſe to deal with?——Mr. Thomas Wright; and if he was not there, and I bid Trout too little, he uſed to ſay, I muſt aſk my maſter; I have known Trout fourteen or fifteen years; I always ſaw him as a labourer; I know nothing particular of him.

*(The priſoner Trout called another witneſs, who gave him a very good character.)*

### PRISONER DAVY'S DEFENCE.

I leave it to my counſel.

——— BENWELL *ſworn.*

I underſtand you are a coach-maker?—I am.

Can you inform the gentlemen of the jury the courſe of the trade?——I can of our own; I have ſerved an apprenticeſhip in the trade, and I am now in the trade; I employ, I ſuppoſe, thirty journeymen; we have a foreman to the labourers.

Is it, or is it not, cuſtomary to intruſt that man with the ſale of the caſt wheels?—Certainly; the ſhop I am in, I have been in about twenty-five years; I ſucceeded Mr. Foſter, in Long Acre; I never knew him ſell a ſet of whels; we wiſh to have them out of our way; when any perſon comes, we let them part with them; they bring the money to account.

Has it happened that any of theſe men had ſold wheels to perſons applying?—I have one man that I ſold twenty ſets at a time to; he has gone through with that bargain, and brought the money to account.

What is the value of a ſet of wheels?—Why they muſt be a pretty good ſet, with a good deal of iron upon them, to fetch twelve or fourteen ſhillings; I never gave a receipt for any ſuch thing in my life; whatever they ſold them for, I always abided by what they did.

*Court.* When you ſpeak of the price of twelve ſhillings, you ſpeak of thoſe that are to be broken up?—Yes; I have ſold the fore wheels for about eight ſhillings, and the hind wheels for about fourteen ſhillings.

But many for a much higher price than that, I ſuppoſe?—Oh, yes. I have known Davy twenty years; he is in a capital way of buſineſs as a wheel-wright; always bore the beſt of characters; an honeſt, hard-working man as ever I knew; he has certainly brought up a large family, with a great deal of induſtry; he has many ſervants.

*Mr. Silveſter.* Did he deal with you for old wheels?——He has frequently bought fore wheels at our ſhop; fore wheels are more applied for, becauſe they are wanted to ſend into the North, to uſe in the coal trade.

*Court.* Has the priſoner Davy dealt frequently at Mr. Foſter's for old wheels?—I cannot ſay, Sir; it did not come within my knowledge; lately he bought five pair of fore wheels, for which he gave eight ſhillings a pair.

——— BERRY *ſworn.*

I am a coach-maker in Long-acre, near to Mr. Davy; I have known him ſeventeen years; I have dealt with him to this very time; I always found him a fair, honeſt man, rather likely to be impoſed on, than impoſe; he has a dozen men under him; I have ſold him wheels.

——— SLODDARD *ſworn.*

I have known Davy I ſuppoſe for twenty-four years; I live in Mount-ſtreet, Groſvenor-ſquare; his general character has been a very good one; an honeſt, induſtrious, hard-working man as ever was; I always underſtood him ſo.

——— WELLS *ſworn.*

I live in Charles-ſtreet, Long-acre; I have known him upwards of twenty years; I know him to be a very honeſt, hard-working man, and took great care of his family.

——— HEATHER *ſworn.*

I live in Long-acre; I have known him ſeventeen or eighteen years; a very honeſt, induſtrious, hard-working man; I never knew any body ſpeak againſt him in my life; he has a large family.

——— MABERLY *ſworn.*

I live in Little Queen-ſtreet; I have known Mr. Davy twelve, or fourteen, or ſixteen years; he has bore a general good character, and ſtood unimpeached, I believe, till this matter.

——— FROOME *ſworn.*

I live in Oxford-ſtreet; I have known him twenty years; I always underſtood him to be a very worthy, honeſt man, and I have ſold him ten pair of wheels, hind and fore ones together, for eight ſhillings a pair, not more.

THOMAS WALLIS *ſworn.*

I live in Long-acre; I have known him about eleven or twelve years; his character is very good; I never heard any thing amiſs of him in my life, nor ever had the leaſt reaſon to ſuſpect him.

OWEN O'KEEFE *ſworn.*

I have known him about eight years; always looked upon him to be a very honeſt induſtrious man, in the courſe of my dealings with him.

*Court.* You cannot add to the circumſtance of character; for theſe witneſſes are all of a very reſpectable deſcription, as far as their knowledge goes; and there is no doubt of their character.

*Court to Chantry.* Which of the wheels was it?——One of the Biſhop of Exeter's, and two of Mr. Woodley's coach.

THOMAS TROUT, GUILTY.

*To be tranſported for ſeven years.*

DAVID DAVY, GUILTY.

*To be tranſported for fourteen years.*

*The priſoner Davy was recommended by the Jury.*

*Tried by the firſt Middleſex Jury, before Mr.* RECORDER.

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362. **GEORGE EMBLETON, RICHARD EADES, and WILLIAM SMITH,** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of James King, about the hour of one in the night, on the 22d day of February laſt, and burglariouſly ſtealing therein two linen ſheets, value 7s. three pair of cotton ſtockings, value 1s. one pair of ditto, value 3s. two frocks, value 2s. one towel, value 6d. two napkins, value 1s. two aprons, value 6d. four night-caps, value 6d. one ſkirt, value 1s. three handkerchiefs, value 1s. one ſhirt, value 1s. one ſhift, value 6d. ſix ſhifts, value 3s. one neckcloth, value 2d. one cap and fender, value 2s. one fender, value 1s. a poker, value 6d. a pair of tongs, value 1s. a ſhovel, value 1s. one pair of ſciſſars, value 2d. ſix cups and ſaucers, value 1s. two pounds weight of brown ſugar, and four pewter tea-ſpoons, value 1s. the property of the ſaid James King.

**JAMES KING** *ſworn.*

On the 22d of February, I was the laſt up in the houſe; I went to bed about twelve; I am ſure all the doors and windows were faſt; my wife was firſt up in the morning, between five and ſix; my wife called me down, and I found the brick-work of the chimney broke down, and a hole big enough for two men to get through; the chimney is between the coal-hole and the parlour; they got through the coal-hole; the door of that coal-hole is ſhut, but never locked.

There is no communication between the coal-hole and the houſe?——No; there are windows, but they join together.

Was it day-light when you came down?—Yes; it was day-break.

Were there any things loſt out of the houſe?—Out of the parlour; the things mentioned in the indictment; the things were advertiſed; a ſervant came down to me, and I came up to London, and found ſome of my things at Mr. Wilmot's office on the 28th, and the three priſoners were in cuſtody, but how they came in cuſtody I do not know.

**REBECCA KING** *ſworn.*

I came down in the morning of the robbery, between five and ſix.

Was it day-light?——Pretty light; it was light enough to ſee about the houſe without a candle; I went to fetch ſome coals, and ſaw the back parlour chimney was all pulled down; I miſſed the things mentioned in the indictment.

**SARAH MARCELLO** *ſworn.*

On the 23d of February, ſome things were brought to me, between ſeven and eight in the morning, in a bag, as nigh as I can gueſs; I keep a ſale ſhop in Shoreditch, No. 40; they were offered for ſale; when they brought them, I was in bed, and the ſtockings were quite wet; the three priſoners were all in the ſhop when I came down ſtairs; I am ſure theſe are the three men; I aſked them what they wanted, and the priſoners Smith and Embleton ſaid they each of them wanted a pair of ſhoes.

Did the priſoner Eades ſay any thing?—No, not at that time; I was uneaſy at their being there, and I requeſted them to go away; they ſhewed ſome reluctance; then Smith told Eades they would go to the Star and Garter, and wait for his coming; Eades ſaid he would come preſently: then I aſked Eades what he would have for the things; he ſaid they were his property; he aſked half a guinea for them; I offered him nine ſhillings; he ſaid, you may have them; I ſuſpected the man, and went to Mr. Allen, and took him into cuſtody;

when the officer came, I gave charge of him; and the priſoner Eades ſaid, he met two men coming acroſs Newington Fields, and that theſe two men followed him, and gave them to him to ſell; that is all that I know. Allen and me went to look for the other men at the Star and Garter, and we found them there; the priſoners are the men; then Mr. Allen took charge of Eades and the things; Eades ſaid he was coming along in Newington Fields, and he met two men, and he picked them up; that two men were huſtling for them, and he huſtled with them, and got a cut over his forehead; the other men ſaid they knew nothing of him; Eades ſaid after, that Smith gave him the things to ſell; Smith confeſſed, and he was not examined by the Juſtice.

CHARLES ALLEN *ſworn.*

Mrs. Marcello called me to take charge of one of theſe priſoners; ſhe told me ſhe dare ſay there had been a robbery committed; that ſhe had ſome things offered for ſale, and they were wet.

Who did you find there?—The priſoner Eades.

What did he ſay?—He ſaid the things were given him to ſell by Smith; he did not ſay any thing about Embleton.

Did he mention any body but Smith having any thing to do with the things?—No, I then went to the public houſe, and took the other men.

When you firſt went there, and took the two men, what did either of them ſay?—Embleton ſaid he knew nothing at all about them; he went in to buy a pair of ſhoes; Smith did not deny but what he gave them to him to ſell, and ſaid he found them in a ditch.

Did Smith ſay that Embleton was with him?——No.

Did Embleton deny any knowledge of the things?—Yes.

Did Smith contradict that?—No; Eades ſaid that Smith was the man that gave him the things; I am ſure thoſe are the things.

ABRAHAM MARCELLO *ſworn.*

On the 23d of February, my youngeſt child brought up a bag, containing ſome clothes in it; I went down, and my wife had given charge of one man; I ſaw nobody when I came down; they were at the next door, at Mr. Allen's; I ſaw the priſoner Eades in cuſtody at Mr. Allen's; I aſked him how he came by theſe goods; he ſaid that a brewer's ſervant, (that was Smith) who was at the Star and Garter, gave them to him to ſell; I aſked him where the brewer's ſervant was; he ſaid he was gone to get a pint of beer at the Star and Garter; then I ſaid to Mr. Allen, you had better apprehend the other two men, and the brewer's ſervant; he ſaid there were two men with him, but it was the brewer's ſervant that gave it to him.

After your wife and Allen went away to look after the two men, did any thing paſs between Eades and you?——No; he ſaid he was innocent; I was preſent at the examination of all three of them; the officer told Mr. Wilmot the charge; Mr. Wilmot called to Smith firſt; when he was alone, he ſaid, young man, it will ſave me a good deal of trouble, if you tell the truth; Smith ſaid he was coming along the fields, and he found the bundle in a ditch, and he had a ſcuffle with two men, and one of them cut him over the eye; I ſaw no mark or wound; there would have been one, if it was freſh. Embleton ſaid he was preſent; the other man ſaid the things were found; none of them ſaid that Embleton knew any thing of this. I know nothing further.

*(The things depoſed to.)*

*Court to Mrs. Marcello.* Is your girl here?—No.

When you came down, you found theſe three men in the ſhop?——Yes.

Who aſked for the ſhoes, can you recollect?—Yes, each of them; Smith and Embleton ſaid they wanted a pair of ſhoes, but I looked at their feet, and I did not think they wanted any; they had very good ſhoes on their feet; they both ſaid they would go and have a pint of beer; Smith ſaid to Eades they would go to the Star and Garter, and get a pint of beer, and Embleton ſaid, ſo they would.

Did Smith and Embleton ſay any thing?—No, nothing; but they were very loth to go away from the premiſes.

When you offered the nine ſhillings, and agreed for that, it was with a view to get the officer?—Yes; I did not mean to buy them; I would not wiſh to buy them under twelve or fourteen ſhillings at a fair price; I would not wiſh to buy them cheaper.

It was between ſeven and eight?——It was a little before eight.

*Court to Proſecutor.* How far is your houſe from town?—About ſix miles from Shoreditch church.

*Mrs. King.* My Lord, that priſoner, Embleton, was at our houſe the evening before; our's is a public houſe; there was him and another; I cannot tell who the other was; I do not know that it was either of the priſoners; I knew him again when I ſaw him; he had a pint of beer; I ſaid, gentlemen, how far are you going this dark cold night; and he ſaid, Madam, we are going to town; he paid me for the pint of beer; it was about eight in the evening; they ſtaid half an hour at our houſe; I ſaw or heard no more of them.

What part of the houſe were they in?—They were in the kitchen; I was ironing in the parlour.

*Priſoner Eadis.* I was walking down Shoreditch, and I met George Embleton in Shoreditch, that very morning that I was taken up; and he ſaid, Dick, I have been very ſick a long while, will you give me part of a pint of purl; I ſaid, yes, and welcome, if I had but a penny I would give you a part of it; we drank out one pint of purl, and went to the door, and drank another at the door; and as we were going out, George ſaid to me, Dick, will you give me part of another pint; as we were drinking it, the priſoner Smith came paſt; he ſpoke to George; I never ſaw him before; and he told me as he had found theſe things; I ſaid, I was going to Shoreditch; Embleton, he was going to buy a pair of ſhoes.

### PRISONER SMITH's DEFENCE.

I picked up theſe things going to town; I came back and met with theſe two men at the Roſe and Crown door; I ſaid I have found ſomething, but what they are, I do not know; and as I ſaid ſo, I turned the things out in the middle of the high road.

### PRISONER EMBLETON's DEFENCE.

I had been very ill, and I then got up and I met with Eades, and he and I had a pint or two of purl; when this man came up, we went with him; I wanted a pair of ſhoes, the ſhoes I had on were tore on both ſides; and I had them mended in New-priſon; I could not get a pair of ſhoes; and this man employed him to ſell the things for him, and we went to the Star and Garter; as for being in the proſecutor's houſe, I was bad in my bed and had been for five days; and the conſtable knows I was very bad when he took me; I could ſcarcely walk to the office.

*(The priſoners witneſſes examined ſeparate.)*

### SUSAN CABE *ſworn.*

I am a witneſs for Smith; he lodged at my houſe about a year and a half.

Have you any huſband?——Yes; he is a watch finiſher.

What character does he bear?—He always bore an exceeding good character, a hard working, ſober, honeſt man; he was taken up either the 22d or 23d; I remember his being taken up; that was on the Thurſday following.

What day of the month was the Thurſday?——I cannot rightly ſay.

How long was it after he was taken up?——He was taken up on the Monday as I was told; I did not hear it till the Thurſday following.

When had you ſeen him laſt before you heard he was taken up?—I ſaw him the 22d.

What day of the week was that?—It was on the Monday.

Do you mean the Monday before the Thurſday, or the Monday week?——The

Monday week before I heard he was taken up.

Was it in February or in March that you heard he was taken up?—In February.

You heard it was in February, was it the laſt Thurſday in February?—I believe it was.

And you had ſeen him the Monday before that?——Yes.

Was it the Monday before that, or the Monday week before that?—The Monday week before that.

Then you had not ſeen him for ten days before you heard he was taken up?——Yes, I had.

How ſo?——Then it muſt be the Monday before I heard it, and not the Monday week.

How long had he been taken up before you heard it?——Two or three days.

Are you ſure it was the Thurſday you heard it?——Yes; I think it was, to the beſt of my knowledge.

Where was it you laſt ſaw him?—He was at my houſe the laſt time I ſaw him; he left my houſe about ſix in the morning; the laſt time I ſaw him, I think it was on a Monday.

*Priſoner Eades.* I do not know I have any witneſſes.

*Priſoner Embleton.* I have a perſon that can teſtify, that I was bad in my bed for five days; and I have perſons to appear for my character.

RICHARD BELLWARD *ſworn.*

I have known Embleton twelve or fourteen years; he is a carpenter; when I knew him at home, he bore a very good character; he was brought up with his parents; he lived then in Marſh-ſtreet, Walthamſtow; before he was taken up he lived at Newington.

*The priſoner Embleton called three witneſſes to his character.*

George Embleton,
Richard Eades, } Guilty
William Smith

*Of ſtealing, but not of breaking and entering.*

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* Recorder.

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363. JAMES PERRY was indicted for feloniouſly ſtealing on the 11th day of March, one feather bolſter, value 5s. two pair of ſheets, value 5s. two blankets, value 5s. one ſhirt, value 7s. a waiſtcoat, value 3s. a black cloath coat, value 20s. a ſattin waiſtcoat, value 20s. four cotton bed curtains, value 20s. five remnants of ſattin, containing ſeven yards, value 20s. one copper preſerving-pan, value 5s. one copper ſaucepan, value 5s. one other copper ſaucepan, value 5s. a coal ſkuttle, value 10s. a pair of knee buckles, value 7s. a mattreſs, value 20s. a counterpane, value 20s. a great coat, value 2s. a man's hat, value 3s. the property of Humphry Jackſon, Eſq. in his dwelling houſe.

JOSEPH STEVENS *ſworn.*

I am a braſs founder.

Do you know of Mr. Jackſon looſing any thing?——No; I was taken up for this offence. George Moore pulled a hat from off the priſoner's head and gave it me to pawn; I know nothing of the robbery; they were at the publick houſe, and not having money enough to pay the reckoning, they gave me the hat to pawn for five ſhillings.

When was it?——About a month ago; Moore deſired me to pawn the hat.

Whoſe hat was it?——Mr. Jackſon's.

Where was it?—In Biſhopſgate-ſtreet, between eight and nine in the morning, and I was taken up; I could not pawn it, and they told me to ſell it.

*(The hat produced.)*

Is that the hat?——It is very like it.

Have you any doubt?—No, it had ſuch a lining.

MOSES JOSEPH *ſworn.*

The laſt day of the lottery, the 22d day of March, on a Wedneſday, there was a man, one Moore, in company with Perry, came and aſked me if I took things out of pawn; I was in Pettycoat-lane; Moore ſays, I have loſt all my money, 150l. in the lottery, and he ſaid, he had many things in pawn, and aſked me to take them out.

Had Perry and Moore any converſation together when you went into the publick houſe?—They were ſpeaking, but I know not what paſſed; Perry fetched a paper, containing a liſt of clothes that was in pawn; Perry and Moore went with me as far as the pawnbroker's, but Perry did not go in; I went on Wedneſday and Thurſday; there was ſo many pawnbroker's I could not go to them all in one day; I went on Wedneſday, I took a bed and bolſter, and gave Moore half a guinea; I did not ſee Perry after this, he went away; there was ſix different pawnbrokers.

Did Perry go with you to any other pawnbroker's that day?——No.

What is the name of the firſt pawnbroker?—I do not know; he lives in the Minories.

Are the effects taken out the firſt day here?——Yes, they are over the way, all but the bed, that is ſold.

*Court.* Send for the other things into Court.

*Moſes Joſeph.* On Thurſday I took ſome more out, and Friday ſome more things.

Did Moore go with you?——He did to every one that were pawned in the name of Lee; but Moore had the duplicates; and I gave him two guineas.

Have you all the things you bought?——All but the bed, which is ſold; they had fifteen guineas in all; I went to two pawnbrokers on Wedneſday, one was Mr. Bond in Houndſditch; on Thurſday I went to four more, but cannot recollect their names; on Friday I went to two more.

What property did you take the firſt day?——A gooſe feather-bed, and a coal ſkuttle, the bed I ſold to one Barnard.

*(The copper coal ſkuttle produced.)*

What things did you find the next day?—Some ſheets, &c.

**HUMPHRY JACKSON, Eſq.** *ſworn.*

Did you looſe any property on the 11th of March?——Yes; Perry and Moore were employed by me in my manufactory in Tower-ſtreet; I was indiſpoſed at my country houſe in Kent, and they uſed to come down to receive their wages; the laſt time they came, was the 14th of March; I thought they had been at work regularly, and paid them their wages; I told Moore, I ſhould return to town on Tueſday; on the Wedneſday I came and found the houſe locked up; I made enquiry after my men, but they had not been ſeen at work for ſome time; I got a carpenter to get into the houſe, and with ſome difficulty he opened it, it was ſo good a lock; he found a quantity of linen thrown about in ſuch a manner as if the houſe had been robbed.

What did you looſe?——All the things mentioned in the indictment.

*Court.* Hand up the hat. *(The hat produced.)* The priſoner meſſed in the houſe, and had the uſe of every thing in the houſe; before the magiſtrate the priſoner diſcharged himſelf, and laid the whole upon Moore.

*Court to Priſoner.* Have you any queſtion to aſk Stevens?

*Priſoner.* Pleaſe to aſk Stevens how he came by the hat?——I had it of Moore, who ſaid it was his own property, and I muſt ſell it.

*Court to Stevens.* Had Perry any hat with him?——Moore had torn the front of Perry's hat off, and ſaid he would lend him this for two or three days, till he could get another, which proved to be Mr. Jackſon's.

**THOMAS BLAND** *ſworn.*

I live in Shoe-lane; I am a braſs founder; I have known Perry upwards of ten years.

Where did he live?——In Tower-ſtreet; he worked with Mr. Jackſon.

**EDWARD NORRIS** *ſworn.*

I am a bedſtead maker; I have known him ten years; a very good character.

**JOHN WEALE** *ſworn.*

I have known the priſoner fifteen or ſixteen years; a very good character.

*Jackſon.* I am upon my oath, and you have more than once, twice, or thrice given me a very horrid character of him, and that he was diſcharged for things he ſhould not, and you have ſaid every thing that is bad of him before my face.

*Court to witneſs.* Upon the oath you have taken, did you never give a different character to Mr. Jackſon?——Never did in my life give him a bad character; he owes me money now, but that is nothing to his character; he ſaid his maſter did not pay him, that was the reaſon.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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364. **JAMES JONES,** otherwiſe **ELISHA BENJAMIN,** was indicted, for feloniouſly ſtealing, on the 15th day of March laſt, five weather ſheep, value 5$^{l}$. the property of Samuel Matthew and James Waterford.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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365. **ELIZABETH ANDERSON** was indicted for feloniouſly ſtealing, on the 3d day of April, one leather wrapper, value 1d. and ſixteen ounces of ſewing ſilk, value 20s. the property of Angus Duthie and James Brown, privily in their ſhop.

**CHARLES COOPER** *ſworn.*

The priſoner came into the ſhop the 3d of April, about three in the afternoon to buy ſome ſilk; ſhe fixed on three colours, and I went to the other end of the counter to weigh it; I obſerved a motion of her hand to that part of the counter where this ſilk was; ſhe bought fourpenny worth, and went away; I miſſed the wrapper, and went after, and brought her into the ſhop, and I juſt perceived her drop the wrapper from under her coats; I knew the wrapper, being pieced in ſeveral places.

*Priſoner.* I am thirteen years old; I did not meddle with it.

*The priſoner's mother appeared for her character.*

GUILTY, 4$^{s}$. 10d.

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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366. **CATHARINE GRADY** was indicted for feloniouſly ſtealing on the 7th day of April laſt, one ſilk handkerchief, value 6d. one ſilver watch, value 40s. and ten ſhillings in monies numbered, the property of Hugh May, privily from his perſon.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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367. **JANE CAUDRAY,** otherwiſe **EWERS,** was indicted for feloniouſly ſtealing on the 22d day of March laſt, twenty yards of black ſilk lace, value 30s. the property of Elizabeth Ann Rippon.

The priſoner was ſtopped by Mr. Barlow of Cranbourn-court, ſilk mercer, to whom ſhe offered the lace for ſale.

*(Depoſed to.)*

GUILTY.

*The priſoner called three witneſſes to her character.*

*Recommended by the Jury.*

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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368. **JOSEPH WILLIAMSON,** and **RICHARD PURNELL,** were indicted for feloniouſly ſtealing on the 3d day of March laſt, ſeven hats, value 30s. the property of Thomas Morton.

BOTH NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

369. **CHARLES LE GROSS** was indicted for feloniouſly ſtealing, on the 28th day of January laſt, one hempen ſack, value 1s. four fowls, value 4s. and one ſhe-aſs, value 3s. the property of perſons unknown.

The priſoner was ſtopped by John Duck on the aſs, with the ſack with four fowls with their necks broke; he was taken to the Juſtice's, and the fellow garter to that which he had on was tied round the ſack; he ſaid he had had the aſs a fortnight, but could not tell whether it was a he or a ſhe; and found the bag and fowls cloſe to a ditch.

*Court to Jury.* In this caſe you muſt raiſe a double preſumption, firſt, that the property that never was claimed was ſtolen; and ſecondly, that the party in poſſeſſion of it, was the perſon who ſtole it.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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370. **SARAH BURKE** was indicted for feloniouſly ſtealing, on the 22d day of April, eight guineas, value 8l. 8s. and four ſhillings in monies numbered, the property of Bridget Kenſillia, widow, in the dwelling-houſe of Mary Kelly.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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371. **GEORGE WOODWARD** and **GEORGE ROBERTS** were indicted for feloniouſly ſtealing, on the 22d day of March laſt, three pounds weight of whip-cord, value 2s. a pair of ſtirrup-leathers, value 2s. and two pair of girths, value 2s. the property of Charles Dixon.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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372. **ANN SMITH** was indicted for feloniouſly ſtealing, on the 23d day of March laſt, five handkerchiefs, made of ſilk and cotton, value 5s. the property of Thomas Poole.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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373. **DAVID CREE** was indicted for feloniouſly ſtealing, on the 28th day of March laſt, fifty pounds weight of Malaga raiſins, value 3s. the property of Richard Munt.

The perſon of the priſoner could not be identified.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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374. **ANN SHERLOCK** was indicted for feloniouſly ſtealing, on the 17th day of April, one ſilver watch, value 4l. two cornelian ſeals, ſet in metal, value 10s. one half guinea, value 10s. 6d. the property of Samuel Purnell, in the dwelling-houſe of Thomas Fagan.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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NUMBER IV. PART VII.

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[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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375. ELIZABETH ADAMS was indicted for feloniouſly ſtealing, on the 1ſt day of April, one ſilk gown, value 20s. one printed cotton gown, value 10s. a muſlin apron, value 12d. a linen ditto, value 12d. a neck handkerchief, value 12d. a lawn ditto, value 12d. two black ſilk handkerchiefs, value 2s. two pair of ruffles, value 12d. the property of Alexander Macky.

ALEXANDER MACKY *ſworn.*

The priſoner was a lodger of mine ſix months and a half; on the 1ſt of April, ſome clothes were hung to dry in the one pair of ſtairs; my wife ſet the door and window open; the priſoner lodged in the two pair of ſtairs; ſhe went down in the low parlour at two, and ſtaid till ſeven; and whenever ſhe went up ſtairs, we heard her in the room above; we imagined ſhe was going to ſhut the windows; ſhe ſtaid about a quarter of an hour there; we aſked her whether ſhe had been in the room above, and ſhe ſaid, no; then ſhe lighted her candle, and went up ſtairs; then ſhe came down again, and went out; my wife went up ſtairs, and I went up; and the clothes were gone; the box was quite open, and nothing in it but one pair of ruffles; in about three quarters of an hour the priſoner returned; I told her ſhe had taken the things; ſhe denied it; on the Thurſday following I took her up; her room was never ſearched; the things were afterwards found.

*Mr. Garrow, Priſoner's Counſel.* This poor girl had been ſix months a lodger of your's?——Yes.

How had ſhe behaved?——Exceedingly well.

You had a good character with her?—Yes.

I believe you had reaſon enough to know that ſhe was much diſtreſſed?——I did not know it, but it might be ſo.

ISABELLA MACKY *ſworn.*

*Mr. Garrow.* You have had many converſations with this young woman about your things?—Yes.

At laſt, I believe, you told her, if ſhe would give you the things, or tell you where they were, that you would ſay no more about it?——Yes, Sir, I did.

*Court.* Was that before you got the warrant for her?——Yes.

After you got the warrant for her, and took her up, did you, after the conſtable came, make her any promiſe?——No; I told the conſtable if ſhe would let me have the things, I would not hurt her. I did not tell her ſo.

—— ASHTON *ſworn.*

I took the priſoner; I found the things in the priſoner's room; ſhe gave them me.

*Court to Mrs. Macky.* As you authoriſed the conſtable to tell this young woman ſo, how came you to proſecute her afterwards?—The conſtable told me he was bound over, or I ſhould have let her go.

When the priſoner left your room in the afternoon when theſe things were loſt, did you hear where ſhe went to?—I am ſure I can ſwear it, I heard her in my room three minutes, unlocking my box; and I went up ſtairs, and came down again.

Did you ſay you heard her unlocking your box?—Yes, I did.

Why did not you go up ſtairs then?—I did not think ſhe was a thief.

Then, what buſineſs had ſhe to unlock your box?—I ſwear I heard her.

*Priſoner.* I leave it to my counſel.

CHARLES WRIGHT *ſworn.*

I am one of the firſt clerks in the Admiralty. This young woman was a ſervant in my family fifteen months; ſhe was ſtrictly honeſt the whole time ſhe lived with me; I gave her an exceeding good character; ſhe left me in November 1784.

*The priſoner called another witneſs, who gave her a very good character.*

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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376. EDWARD SMITH was indicted for feloniouſly ſtealing, on the 14th day of March laſt, one damaſk table-cloth, value 1s. the property of Thomas Elliot, and one cotton gown, value 1s. and one linen apron, value 6d. the property of Eleanor Rowland, ſpinſter.

*The proſecutors called on their recognizances, the priſoner was*

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

377. THOMAS DIPPEY was indicted for feloniouſly ſtealing, on the 7th day of April, three cotton gowns, value 20s. a petticoat, value 6d. two ditto, value 2s. 6d. eight aprons, value 5s. 6d. four ſhifts, value 2s. two pair of ſhoes, value 6d. and ſundry other things, the property of Ann Stewart.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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378. WILLIAM BROWN was indicted, for that he, on the 7th of November laſt, a certain piſtol, loaded with gunpowder and one leaden bullet, which he in his right hand then and there had and held, to, at, and againſt him, Edward Gibſon, in a public ſtreet, wilfully and feloniouſly did ſhoot off and diſcharge, againſt the ſtatute, and againſt the peace.

EDWARD GIBSON *ſworn.*

I am a linen-draper; I live in Barbican. On Monday, about five in the evening, Mr. Henry Thwait's ſervant was delivering goods at my houſe; he called out, there is a man has taken ſix pieces of print out of the cart this inſtant; my man called out; I caught the man by the coat; he inſtantly ſaid he would ſhoot me, and clapped a piſtol to my face, and ſwore he would ſhoot me, and ſnapped the piſtol; I cried out, for God's ſake, aſſiſt me; I held him faſt by the arm till the two patrolls came up, with two drawn hangers; they took him, and tied his hands; he only ſnapped the piſtol, but it did not go off.

*Court.* They have entirely miſtaken the matter; they have indicted him for firing, when he only ſnapped the piſtol.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

---

379. JAMES SIGNALL was indicted for feloniouſly ſtealing, on the 18th day of

March laſt, one pocket-handkerchief, value 4d. the property of John Gale.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

---

380. MARY RILEY was indicted for feloniouſly ſtealing, on the 14th day of April, one crown piece, value 5s. one half crown piece, value 2s. 6d. and five ſhillings in monies numbered, the property of Cornelius Scannell.

There being no evidence againſt the priſoner, but her own declaration, made on the promiſe of favour, ſhe was

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

---

381. THOMAS EBBORNE was indicted for feloniouſly ſtealing, on the 18th day of March laſt, one linen ſhirt, value 5s. the property of James Thompſon.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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382. ESTHER NOBLE was indicted for feloniouſly ſtealing, on the 10th day of March, one metal watch, value 30s. one ſhirt, value 6s. one pair of ſilk ſtockings, value 1s. one coat, value 6d. one apron, value 6d. the property of Joſeph De Marco, and one callico gown, value 7s. the property of Peter Campbell.

The watch was pawned by the priſoner the ſame day it was ſtolen, and ſhe gave an uncertain account of it.

*Priſoner.* A woman gave it me to pawn.

GUILTY.

*To be privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

383. RICHARD FOLKS was indicted for feloniouſly ſtealing, on the 22d day of April laſt, three hundred and thirty-ſix pieces of copper money, called halfpence, value 14s. the property of James Hatchellor.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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384. CATHERINE BROWN was indicted for feloniouſly ſtealing, on the 17th day of April laſt, one child's linen frock, value 8s. one other linen frock, value 6d. and one ſpoon, value 18d. the property of Andrew Wilkie.

The priſoner was ſtopped ſelling the frock, having previouſly been ſeen about the proſecutor's houſe.

GUILTY.

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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385. JOHN NEWBURY was indicted for feloniouſly ſtealing, on the 2d day of March laſt, two pieces of timber, value 17s. the property of Richard Mann.

The priſoner, in his defence, brought a witneſs to prove that the timber was adrift after it was loſt.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

---

386. JOHN ECCLES was indicted for feloniouſly ſtealing, on the 10th day of April, twelve pounds weight of iron, value 15d. the property of William Hill and John Taylor.

The priſoner was taken with the property upon him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

387. **THOMAS GLOVER** was indicted for felonioufly ſtealing, on the 22d day of April, two cloth coats, value 3l. one waiſtcoat, value 10s. one apron, value 5s. one neck handkerchief, value 3s. one pocket book, value 6d. the property of Benjamin Wells, in his dwelling-houſe.

BENJAMIN WELLS *ſworn.*

I live in Warwick Place. My ſervant had left ſome of my clothes in the paſſage, the door being left open to clean it, about nine they were gone; they were removed, I believe, by the ſervant; I generally take the key of the ſtreet-door up with me; but it was on the Saturday morning, and the girl was to clean the paſſage out, and I left it below; my clothes are frequently put there by the ſervant for the purpoſe of bruſhing them, but ſhe had imprudently left the ſtreet-door open; the things I ſaw at eight diſappeared before nine. I made ſome enquiry in the neighbourhood, and I found from a hackney coachman; I ſaw all the things at Bow-ſtreet on Monday, except the papers; a woman was in cuſtody.

WILLIAM RICHARDS *ſworn.*

I was at the corner of Warwick-court, upon the ſtand, and the priſoner came by with theſe things, and ſeemed much confuſed; he came under a cart, came to my horſes head, went on the off ſide, opened the coach door himſelf, and put the things in the coach; he bid me drive to Weſtminſter as faſt as poſſible; he was ſo confuſed, he could ſcarcely tell me; then I aſked him to what part of Weſtminſter, and he ſaid to Duck-lane; I drove paſt the turning; I did not know it exactly; I ſtopped and aſked him; he got out and took the bundle and called a woman to give him two ſhillings; he went into a houſe which an old lady kept; he aſked where Nanny was, ſhe ſaid, ſhe was up ſtairs; he called her down, and gave this bundle to her, and ordered her to give me two ſhillings; I looked through the fore glaſs all the way, and going along the Strand, I ſaw the priſoner take a pocket book from one of his breaſt pockets, and look over a many papers; then I immediately thought going along, this man may have things of a gentleman's of very great property; and I thought it was the beſt thing I could do to diſcover as ſoon as poſſible, and as ſoon as I him ſet down, I gave notice; in conſequence of which, the woman was firſt apprehended; Sir Robert Taylor went with me; I begged of him to go becauſe we are fearful; I ſhewed him the houſe; I thought it belonged to ſome gentlemen's chambers; and I gave notice at the coffee-houſe; the priſoner is the man; I knew his face before; I have no doubt of him.

JOHN SAYRE *ſworn.*

I went to this houſe with Sir Richard Taylor; I found four or five people in the houſe; and I found theſe things that I now produce in the two pair of ſtairs; there were two women and a man in bed, that was juſt come out of priſon; in conſequence of the information of theſe girls, I apprehended Mrs. Brown; the priſoner was not there, about an hour or two after the priſoner came, and owned the property; the priſoner was taken in Bond-ſtreet two or three days after.

Did he ever ſay any thing about this matter?——No.

*Mr. Wells.* Here are two coats, the waiſtcoat, and pocket book; this I know to be mine.

Is there any particular deſcription by which you know it?——This coat I have not yet looked at, but there is a piece of the button broken off, here it is, I believe the other coat to be mine, the pocket book I am ſure of.

What may the value of thoſe things be at a low valuation?——I do not wiſh to value them too high; twenty ſhillings.

FRANCES BROWN *ſworn.*

The priſoner brought theſe things into the houſe with the coachman, and aſked me to lend him a couple of ſhillings, he did not ſtop a minute in the place, he did not ſay how he came by them.

## PRISONER's DEFENCE.

As I was coming along on Monday morning, I met with that woman's huſband with the things under his arm; and he aſked me, knowing me, to take theſe things to his houſe, and he would pay me for it, accordingly I did ſo, and he bid me aſk his wife for three ſhillings to pay for the coach; I have nobody to prove this, I have not been a long time out of the country.

GUILTY, 20s.

*Tranſported for ſeven years.*

*Court to Priſoner.* In this caſe you probably owe your life to the lenity of Mr. Wells the proſecutor; you ought to diſcover where the papers are.

*Priſoner.* I know nothing of them.

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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388. MARY IRELAND and ANN PRICE were indicted for feloniouſly aſſaulting Finlay Martin, in the dwelling houſe of William Simpſon, on the 11th day of March laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, ſeventeen ſhillings in monies numbered, and one hundred and ninety two halfpence, value 8s. his property.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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389. ELIZABETH JACKSON was indicted for feloniouſly ſtealing on the 6th day of March laſt, one wooden box, value 3s. one pepper box, value 6d. one linen gown, value 7s. one ſtriped gown, value 6s, one apron, value 2s. another apron, value 6d. one linen gown, value 5s. an apron, value 18d. twenty-two caps, value 10s. two linen handkerchiefs, value 6s. five pair of lace robins, value 2s. thirteen pair of plain ditto, value 3s. three aprons, value 21s. three pair of cotton ſtockings, value 7s. four pair of worſted ſtockings, value 3s. the property of John Fokes the younger.

*A ſecond count.* For feloniouſly ſtealing on the 2d day of March laſt, one bank note, value 20l. that ſum being unſatisfied, the property of the ſaid John Fokes.

*(The witneſſes examined apart at the requeſt of the priſoner.)*

JANE FOKES, jun. *ſworn.*

The priſoner came to engage my mother to nurſe her lady, ſhe ſaid ſhe lived at Mr. Robinſon's in North-ſtreet, and ſhe ſaid ſhe would go on the Monday; ſhe came on Saturday the 4th of March, and ſaid, that in the morning her lady had given her four tickets for the play on Monday evening; that ſhe and her huſband, and two of Lord Towſhend's ſervants were going to the play, and if I and my eldeſt brother, Daniel Fokes, would go, we ſhould; I told her I was much obliged to her, and being a ſervant out of place, I ſhould be glad to go; on Monday the priſoner was to call on me at two o'clock, which ſhe did, and then told my mother not to go to her lady till Tueſday; and ſhe then ſaid, ſhe could not go to the play, becauſe her lady had a great deal of company, and two of the maids were gone into the country, and ſhe ſhould be glad if I would come and aſſiſt the cook for two or three days; and as I was out of place, I ſaid, I would go; I ſaid, I had no clothes, but thoſe upon me; and ſhe ſaid, ſhe would lend me things plenty; and my eldeſt brother came home to go to the play; I told him we could not go, and I deſired him to ſend for ſome things for me to my lodgings; and he wrote a note and laid it on the window; and the priſoner ſtole that note, and went to my lodgings, and got the things mentioned in the indictment; I wrote for a dark cotton gown, a ſilk handkerchief, and a coloured apron; theſe things lay in my caravan; the gentlewoman could get to them, but nothing more; I went with the priſoner to go to this place; my mother lives in One Bell-court, Tooley-ſtreet; and upon London-bridge the priſoner ſaid, ſhe was come

without without money, and was to take a dreſſed cap home for her lady; and it was to come to a guinea; her lady had given her a guinea in the morning, but ſhe laid it down on the ſideboard, and came out without it; and aſked me what money I had about me; and I told her, only a crown piece, and a dollar; then ſhe ſaid, there was an old fellow ſervant of her's, that kept a public houſe by Honey-lane market; ſhe went in, I ſtopped a minute at the door; ſhe called for a pint of twopenny; ſhe called to me to go along; ſhe drank half the liquor, and found fault, the man had drawn her beer inſtead of twopenny; I aſked her, was not ſhe going into the bar to the gentlewoman; ſays ſhe, Jenny, you can lend me that crown piece and dollar, that I may not go home without getting the cap; I ſaid, I can do ſo, but not by the way of parting with it; ſhe ſaid, by no means; and I lent her them, to go and fetch the cap; and ſhe bid me ſtop a few minutes, and ſhe would return, but ſhe did not; it then wanted ten minutes to ſix, I waited till twenty minutes after ſix; I found ſhe did not return; I went home, and told my mother; but I went firſt to Mr. Seagood's, where ſhe ſaid ſhe was going, nobody had been there; and my brother went to where ſhe ſaid ſhe lived, and no ſuch perſon lived in the family; there is ſuch a family; the next day about half after one, I went to my lodgings, and the boxes and the other things were gone.

*Eleanor Gillingwater* proved the priſoner coming for the proſecutrix's box to her houſe, with a note.

*Daniel Fokes*, the proſecutrix's brother, confirmed the above, and depoſed to the note which he wrote; he found the priſoner on Thurſday, and the box in her room, and a cap and handkerchief belonging to his ſiſter, and found a pair of ſhoes and buckles, and a pair of ſtockings, and a white petticoat ſhe had on, belonging to the proſecutrix, and found the duplicates of other things in her pockets.

WILLIAM GARNER *ſworn.*

I took theſe things off the priſoner I am poſitive.

*(The things depoſed to.)*

GUILTY.

*To be privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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390. CHARLOTTE BECKETT was indicted for feloniouſly receiving one morocco pocket book, value 5s. ſixteen yards of ſilk ribbon, value 2s. 6d. fifteen callico caps, value 15s. one print, entitled the death of Captain Cooke, value 5s. the property of Catharine Anderſon; well knowing the ſame to be ſtolen.

Some of the property which Mrs. Anderſon ſwore to, not appearing to the Jury to be ſufficiently indentified, the priſoner was

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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391. JOHN GRUBB was indicted for burglariouſly breaking and entering the dwelling houſe of Thomas Godſell, about the hour of eleven in the night, on the 21ſt day of April laſt, and burglariouſly ſtealing therein, twenty pair of iron horſe ſhoes, value 8s. and ten pounds weight of iron, value 12d. the property of the ſaid Thomas.

THOMAS GODSELL *ſworn.*

I have a ſhop a quarter of a mile diſtant from my houſe; I have a houſe and ſhop in Old Gravel-lane, my foreman lives in the rooms; I give him ſo much a week, and the rooms to live in; I never lodged there myſelf for theſe fourteen or fifteen years; on the 21ſt of April laſt, this ſhop was broke open; I can ſwear to the property.

THOMAS TUCKWOOD *ſworn.*

I am a horſe keeper to Mr. Godſell; he

is a farrier and ſmith; I locked this door about nine or ten, the evening before, and the next morning it was broke open; there were horſe ſhoes loſt, but what I cannot ſay.

THOMAS BROWN *ſworn.*

I took the priſoner with the property on him.

*Priſoner.* A man aſked me to carry it.

GUILTY

*Of ſtealing, but not of the burglary.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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392. ANN JOHNSON was indicted for feloniouſly ſtealing, on the 26th day of April laſt, one cotton bed-gown, value 5s. one pair of ſtays, value 2s. one ſhift, value 18d. one ſilk handkerchief, value 6d. one woollen cloak, value 2s. one black ſilk bonnet, value 6d. one woollen apron, value 6d. one ribbon, value 5d. the property of Sarah Thomkins, ſpinſter; two ſhirts, value 2s. one waiſtcoat, value 1s. the property of John Stratton.

The priſoner lodged in the ſame houſe with the proſecutrix; and the things were found upon her, two hours after they were loſt; nobody was in the houſe but the priſoner, when the proſecutrix went out, and when ſhe returned, the priſoner and the things were gone.

*(Depoſed to.)*

*Priſoner.* I was in liquor; how the things came into my room, I cannot ſay.

GUILTY.

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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393. RICHARD M'DONALDS was indicted for feloniouſly ſtealing, on the 29th day of March laſt, one cotton gown, value 4s. the property of Sarah Stockett, ſpinſter.

The proſecutrix ſaw the priſoner take the gown off the line, and he was taken directly.

GUILTY.

*To be whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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394. ELIZABETH WHITE was indicted for feloniouſly ſtealing, on the 18th day of April, one flannel petticoat, value 4s. the property of Sarah Cooper.

The priſoner was found in the proſecutrix's room, with the property.

GUILTY.

*To be whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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395. ELIZABETH BURKETT was indicted for feloniouſly ſtealing, on the 4th day of February laſt, one gold watch, value 6l. one ſeal, value 2s. and ſix ſhillings and ſix pence in monies numbered, the property of Thomas Brearey.

The proſecutor not appearing, the priſoner was

ACQUITTED.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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396. EDWARD BAILLIE was indicted for feloniouſly ſtealing on the 6th day of April, ſix pounds weight of pork, value 2s. the property of Charles Holliday.

The proſecutrix ſaw the priſoner take the pork, and took him directly.

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

397. RICHARD COLLINS and GEORGE MOSS were indicted for feloniouſly ſtealing four buſhels of coals, value 5s. the property of Henry Briggs.

BOTH NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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398. JOHN HOWARD was indicted for feloniouſly ſtealing, on the 11th day of March laſt, eleven pounds and an half of pork, value 4s. the property of Philip Winter.

The witneſſes called on their recognizances, and not appearing, the priſoner was

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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399. WILLIAM WILSON and EDWARD DEMERAY were indicted for feloniouſly ſtealing, on the 2d day of April laſt, one linen handkerchief, value 18d. two ſilver ſalt ſpoons, value 2s. one ſilver punch ladle, value 3s. one plated coffee pot, value 10s. one waiter, value 10s. nine napkins, value 3s. one damaſk napkin, value 1s. one cap, value 1d. one apron, value 18d. ſix prints, value 10s. and ſeven prints, value 7s. the property of Thomas Goodman.

BOTH NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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400. JOHN EDWARDS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Williams, about the hour of four in the night, on the 13th day of April laſt, and burglariouſly ſtealing therein, eight hundred and eight pieces of copper money, called halfpence, value 1l. 13s. 8d. and ſixty four copper farthings, value 16d. his property.

*A ſecond count*, For that he being in the ſame dwelling houſe, firſt feloniouſly ſtole the ſame goods, and afterwards burglariouſly broke the ſaid houſe to get out thereof.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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401. JUDITH LEVI was indicted for feloniouſly receiving, on the 8th day of October laſt, one yard and a quarter of brown linen cloth, value 6d. and three yards and three quarters of muſlin, value 8s. 6d. the property of John Thomas, knowing them to be ſtolen.

Edward Wilcox called on his recognizance, but did not appear.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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402. FRANCES LEWIS was indicted for that ſhe, not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, on the 9th day of April laſt, with force and arms, at the pariſh of St. Luke, feloniouſly, wilfully, and of her malice aforethought, did make an aſſault on one Ann Roſe, and did then and there, feloniouſly, wilfully, and of her malice aforethought, ſtrike, beat, and kick the ſaid Ann Roſe, in and upon the head, breaſt, back, and ſides, and did caſt, and throw her down, unto, and upon the ground with great force and violence, giving her then and there, as well by the beating and kicking, as by the caſting her down aforeſaid, ſeveral mortal ſtrokes, wounds, and bruiſes, of which ſhe languiſhed till the 13th of April, on which ſaid 13th day of April, the ſaid Ann Roſe, of the ſeveral mortal wounds and bruiſes, did die; and ſo the Jurors aforeſaid ſay, that ſhe the ſaid Frances Lewis, her the ſaid Ann Roſe did kill and murder. She was alſo charged on the Coroner's inquiſition, with killing and ſlaying the ſaid Ann Roſe.

**SARAH ROBERTSON** *ſworn.*

I live in White-horſe court, Cherry-tree-alley, White-croſs-ſtreet.

Where did Ann Roſe live?——In Cow-heel-alley, No. 2.

Was ſhe a ſingle or a married woman?——Single.

Did ſhe lodge there, or had ſhe a houſe?—A little houſe.

Was ſhe a houſe-keeper?—Yes.

Where did this priſoner live?——In Old-ſtreet.

What do you know of the misfortune that happened to Ann Roſe?—Ann Roſe and a man came home at one o'clock, on a Saturday night, about a fortnight ago.

Were they ſober when they came home?——Middling ſober.

Did any body come home with them?—Nobody but their two ſelves.

Where was you?—At home.

How near do you live to them?——At that time I lived in the houſe with them; and in about an hour after the priſoner and her huſband came in.

Do they lodge in the ſame houſe too?—No, the man that lived with the deceaſed is brother to the priſoner.

What did they come about?—About a ſon that ſhe has at ſea, to tell her brother of it.

Was you in the room with them?——Yes; and the words began about the boy that is at ſea; and this woman, the priſoner, put the deceaſed in a paſſion.

What did ſhe do or ſay, to put her in a paſſion?—She was talking about the boy that is at ſea, and ſhe ſaid he was dead.

Why ſhould that put the deceaſed in a paſſion?——Becauſe the deceaſed ſaid, he had better be dead, than come home, for he had no houſe nor habitation; and the priſoner ſaid, why was it ſo; and the deceaſed ſaid, it would be a happy turn, if pleaſe God to take him; and ſo the priſoner called the deceaſed a b—h, or ſomething or another; and ſhe put her in *ſuch a big paſſion*, that ſhe up with her hand and ſlapped her face; the deceaſed ſlapped the priſoner's face; then after, the priſoner took and held her hands, and ſhook her; I fancy ſhe took and ſhook her; and the deceaſed fell down; and ſhe got ſome hurt in her back; I do not know how ſhe came by it, without ſhe fell againſt the box.

Did you tee whether ſhe fell againſt the box or no?——Sir, ſhe fell down, but whether ſhe hit herſelf againſt the box or no, I cannot ſay; but ſhe ſaid, ſhe did hurt herſelf againſt the box; her huſband picked her up, and ſhe complained of her back, *moſt monſtrous* of a pain in her back; and afterwards there were words between them, and they went at it again; and they went out into the yard.

What do you call going at it?——Why, fighting, and ſhaking one another.

Did they ſtrike?——The deceaſed had the moſt blows; this woman did not fight her; ſhe held her hands, and ſhook her well.

What did the deceaſed do, did ſhe try to fight?——Oh yes; ſhe fought again, to take her own part.

Who was it that began the ſecond time?——I cannot ſay.

What did ſhe ſay or do, to begin the ſecond time?——It was about the boy; I ſat by the fire, and in about a quarter of an hour I heard the cry of murder; what they were doing in the yard I cannot tell; they went out after the two men; I got up and went out, and this priſoner had hold of her by her hand; and held her hands, and ſhook her well.

Was the deceaſed at that time ſtanding, or was ſhe on the ground?——Standing both of them; it was the deceaſed cried murder; I knew her voice.

What did the deceaſed do, while the priſoner had hold of her hand?——She ſtrove to ſtrike as well as ſhe could with her hand.

Did you interpoſe to put a ſtop to this?——They ſoon let one another go, and the deceaſed complained of her back and they did not go to it any more; they both came in.

What became of the huſbands of thoſe two people?——They were in the yard, and drinking; they were trying to part them when I went out.

Did ſhe complain of her back before ſhe went out the ſecond time?—Yes; and ſhe complained of her back when ſhe came in; and when her huſband came in, her paſſion was ſo great, that ſhe took ſome red hot fire out with her hand, and hove it at him.

What did ſhe take the fire out with?—In her hand.

Was it wood or coal?—Coal; and then afterwards ſhe took up the poker, and ſhe hit him over his head; then after he took a ſtick, and was going to lick her; and I took the ſtick from him and broke it; and then I believe it was all over; then they made it all up again; and then the priſoner called the deceaſed out, and told her ſhe wanted to ſpeak to her, and the deceaſed ſaid, what do you want to ſpeak to me, now you have almoſt killed me? and the priſoner ſaid, ſays ſhe, almoſt killed you, if it had not been for your brother, I would have laid you for dead; and then afterwards they went home together to the priſoner's houſe in Old-ſtreet.

The deceaſed did not live at the priſoner's houſe at that time?—No.

What did they go home for?——They went to get ſome victuals for the man; the deceaſed brought ſome meat home with her.

How long after did the deceaſed come back again with the meat?—I take it, ſhe went home about ſix, and returned about half after ſix or ſeven; this was in the morning.

So then you ſet up all night in this affray?——Yes; the deceaſed and the priſoner came home, and the deceaſed told me where ſhe got it; I dreſſed the pork; we had it for breakfaſt; and the deceaſed eat very heartily; but ſhe ſtill complained of her back and her belly till ſhe died; ſhe eat nothing more; ſhe kept about till ſhe went to bed; and ſhe got up no more till ſhe was brought to bed.

When was ſhe brought to bed?——On the Tueſday morning.

Did you ſee the child?——Yes.

Have you any judgment, can you tell me whether it was at its full time?—No Sir, it was about ſix months; it lived about three hours after ſhe was delivered.

Did you apprehend ſhe was not more than ſix months gone?—No; I believe ſhe was not.

How ſoon did you diſcover that ſhe had labour pains upon her, and was likely to be brought to bed?——I cannot ſay how ſoon, ſhe complained all day of the Monday and all night; and ſhe was brought to bed at eight o'clock.

Had ſhe any aſſiſtance?—Yes, a midwife.

Was the priſoner in liquor; as well as the deceaſed?—Yes, the priſoner was very much in liquor; the deceaſed was not ſo much in liquor.

How long have you known them?——I was with them a twelvemonth conſtant.

What buſineſs did the huſband follow?——He is a wheelwright.

How had they lived together, were they good friends, or did they live jangling?—They agreed very well.

They did not bear any ill will to one another that you obſerved?——I cannot ſay; the deceaſed ſaid, if ever ſhe got over it, as her child was dead, that ſhe would get a warrant for this woman, and keep it by her, they did not bear any will to one another that I obſerved.

*Mr. Garrow.* Do you remember any converſation between theſe two women about the deceaſed having no bread for her children?——The priſoner's huſband cut two ſlices of bread off for the deceaſed and ſome butter.

Did you hear any converſation with her after ſhe had got the pork and things, about coals?—Yes; ſhe borrowed ſeven farthings of the priſoner for coals after the quarrel.

*Court.* Was it known among you that the deceaſed was with child?——Yes.

### ELIZABETH ROSE *ſworn.*

I was not there at the time; but on the Sunday, the deceaſed came to my place, and told me ſhe had been very ill uſed by the priſoner.

She complained in general that ſhe had been ill uſed ?—Yes.

Did you obſerve whether ſhe was ill or not ?—Yes, ſhe was ill, ſhe complained of a violent pain in her back.

Was you with her after that ?——I ſaw her on the Monday, about five or ſix in the afternoon.

Was ſhe then in bed, or up ?—She then was in bed; when I went in, ſhe ſaid, ſhe was very bad, I aſked her what was the matter, ſhe told me, ſhe had been in a violent pain, and ſhe believed it was through the ill uſage that this woman had given her.

I do not aſk the account of what the woman did to her, but I want to know her condition; when did you apprehend that ſhe might be likely to be brought to bed ?—On the Tueſday morning ſhe ſent for me in, and when I went in, ſhe ſays to me, Oh, Betty, I am very bad, and I aſked her a few private queſtions, and ſhe told me, as I could underſtand, that ſhe was going to be delivered, or at leaſt to miſcarry; I ſaid, if pleaſe God, I will go and aſk Mrs. Martin to come to you, ſhe is your landlady, and is a midwife, and ſhe came immediately half dreſſed and half undreſſed, and when ſhe in, I ſaid, Mrs. Martin, I believe every thing is ready for you.

When was ſhe delivered ?——On that Tueſday morning.

How ſoon after Mrs. Martin came ?—Why Sir, the deceaſed was delivered I may ſay before ſhe came in; the child was born before the midwife came.

The child died ſoon I underſtand ?——The child lived about three hours, and the woman died the Thurſday following.

Did ſhe apprehend herſelf to be in danger before ſhe died ?—She ſaid, from the beginning to the laſt, that ſhe thought ſhe never could recover it; ſhe ſaid, if pleaſe God ſhe went to bed, ſhe thought never to get out of it, ſhe ſaid, I ſhall be worſe to-morrow than I am now.

After ſhe was brought to bed, did ſhe tell you any particulars ?—After ſhe was brought to bed, and the child died, ſhe ſaid, Betty, if pleaſe God I die, I hope you will do your endeavour to ſee juſtice done me, and take up that wicked huſſey for murdering me and my child.

Now at this time, did ſhe tell you what it was in particular that the woman had done to her ?—She had told me all before.

Did ſhe repeat it at that time ?—I cannot ſay ſhe did, ſhe ſaid to me as thus, ſays ſhe, Betty, I wiſh I had ſome relief; that was after the child lay dead on the table, I ſaid, I will go to the pariſh officers and ſee if I cannot get you ſome; I went to the gentlemen, and got a note for the apothecary; the apothecary was not at home, I went again at two o'clock, and the apothecary ſaid, he could not come till ten o'clock the next day.

Had you a note from the pariſh officer to the apothecary ?—Yes, Sir, I delivered it into the apothecary's houſe; with that the gentlemen of the pariſh ſaid, if we would ſtay till about five at night, they would ſee what was the reaſon he could not come, and they would make him; between five and ſix they came and ſaw her, and went out again, and ſaid, provided he did not come, they would bring another within half an hour or an hour; and as they ſaid, ſo they did, about ſix on the Wedneſday afternoon.

### JAMES BUCKLEY *ſworn.*

I am a carpenter by trade; I happened to be in the room at the ſame time.

You are the perſon that they call the priſoner's huſband ?——Yes.

It ſeems you are not her huſband ?——No.

Nor the deceaſed's man was not her huſband neither it ſeems ?—No.

A ſcandalous ſtate you all live in! relate what you know of this ?——The priſoner went to ſee her brother on account of her ſon, to know if he knew any thing of the Rattleſnake being blown up, in which he was; I was very unwilling to let her go, but ſhe prevailed upon me; when we went there firſt, ſhe ſpoke to her brother; he ſaid, no; the deceaſed ſaid, I am glad to hear he is blown up; the priſoner made anſwer, I think it is a very cruel thing to have a perſon blown up into the air, without having time to ſay, Lord have mercy upon me! They diſcourſed of this ſome time, and at laſt bad words aroſe; at laſt the deceaſed flew into a very great rage, and with a very bad word in her mouth, which was, d——n your eyes, you b——ch, I will murder you; upon which, ſhe took up ſomething to ſtrike her with, which I think was a diſh, or ſomething of that ſort; the priſoner wrenched it from her hand, and held her for ſome time; then ſhe let her go; ſhe took up a brick, and ſwore ſhe would put her eyes out with the brick; upon which the priſoner laid hold of that, and took it away from her, and after that ſhe held her hands, the deceaſed endeavouring to beat the priſoner; and the deceaſed offered to kick the priſoner; and there was a box lay pretty near to the bed's foot, which ſhe tumbled over; I ſaw her, and I believe ſhe fell againſt the bed-ſide, and hit herſelf; in a little time after, they went into the yard, we all did, to drink a couple of pots of beer, which I had ſent for.

What, did you drink your beer in the yard?——It is a kind of a garden.

What, go out into the yard to drink in the night, in the middle of April?—Yes; we had the beer out, and could not drink it on this happening; when we had been in the yard a little while, ſome words aroſe again, and the deceaſed was going to throw ſomething at the priſoner, and the priſoner took hold of her hands, and gave her a ſhake; we came into the houſe again; I did not imagine any thing happening, I called to them ſeveral times; ſays I, you will hurt one another, and then you will be ſorry for it; I endeavoured for ſome time to ſeparate them, which I could not obtain.

So you and Mr. Lewis, that lived with theſe two women, you ſtood by, and ſuffered them to pull themſelves to pieces in this manner?——They often had words in this manner before, but they did not hurt one another, and then they went to drink after it.

Why, you all knew ſhe was with child?——No, I did not; ſhe was a woman that I did not altogether like, and I told the priſoner not to let her come into our room ſeveral times, for I did not like her, ſhe had very bad expreſſions.

You were both of you two abominable brutes, to let theſe people tear one another to pieces in this manner?——The deceaſed cried out murder in the yard, and the priſoner ſaid to her brother, Richard, go and give that woman good words, for ſhe makes a ſhameful noiſe; in a very few minutes, we were all friends; I inſiſted upon the priſoner's coming home, and ſtaying no longer. As we were coming to go home, the deceaſed ſaid to the priſoner, Fanny, you have got a good loaf to carry home to your children, but I have not got a bit of bread for mine; the priſoner ſaid, you ſhall have ſome, and ſhe ſaid to me, Jem, cut her ſome; I cut three ſlices, but ſhe thought it was not enough, and ſhe cut a fourth off it; I likewiſe gave her ſome butter; then we went to the Crown, and had another pot of beer, to depart in peace; then the deceaſed ſaid to the priſoner, Fanny, you promiſed me a hat when your child died; and the priſoner ſaid, that I did; if you will go with me, you ſhall have it now; and they both went home together; and there happened to lay a piece of pork, which I had bought for dinner, and ſhe ſeemed to have ſome kind of inclination to this pork; upon which the priſoner lighted a fire, and broiled ſome, as I underſtood, and came and gave it her; I and the other man were at the Crown, drinking the beer.

How long did you ſtay at the Crown?——We might ſtay an hour and a half, or two hours; when we parted from the Crown, we went home alone, and theſe two women came back to the Crown to us.

Did any body come back with the two women?——They came by themſelves; then we ſtaid a little while, and each went to her own home, all in friendſhip; I did hear the deceaſed ſay, I think it was at the Crown, that ſhe had hurt herſelf by tumbling over that d—ned box; I do not remember hearing her ſay any thing of it in the houſe or in the yard; I think it was there; however, that was the expreſſion, and all I heard her ſay of it.

So, you do not remember her complaining in the houſe, or in the yard, of being hurt?——No, I did not take notice, there was a noiſe; and I thought as the priſoner did not ſtrike her, there could be no damage; all I minded was that the priſoner did not ſtrike her; I ſaw the deceaſed again on Tueſday night; that was after ſhe was brought to-bed.

RICHARD LEWIS *ſworn*.

I am brother to the priſoner.

You are the man that cohabited with the deceaſed?—Yes; I ſaw them at high words; as to blows, I ſaw none.

What were the high words about?——About this lad that was at ſea; it began about that.

Whoſe ſon was this lad at ſea?——The priſoner's; I went out into the yard, to get out of the noiſe of it; and when I came back, there was peace.

How long did that laſt?—I cannot ſay; about a quarter of an hour, or rather more; there was another fray in the paſſage, but I did not ſee it; I do not know whether it was in the houſe or the yard.

The affray was in the yard, was not it?——As they tell me; I did not ſee the blow ſtruck on the head.

Tell me the whole of what you ſaw?—I ſaw her when ſhe fell atop of the box.

Where was that, in the houſe; begin, and tell me how it paſſed?——They began firſt with words, all about this boy, and about the Rattleſnake; then the deceaſed ſtruck the priſoner, and through that, ſhe either puſhed her down, or ſhe tumbled down, I cannot ſay which.

By whom was this done?——By Frances Lewis; I do not believe ſhe puſhed her down, ſhe tumbled down herſelf.

Was ſhe hurt by that fall?—Yes; ſhe complained of her back.

Where was Mr. Buckley at that time?—He might be in the room for what I know; ſhe complained of her back.

What happened after that?—Nothing particular happened after that.

Recollect yourſelf of all that happened in the yard after that?—I was not ſober.

And can't you recollect whether you went into the yard afterwards with them, or no?——I believe I was in the yard, but I cannot recollect; I was ſometimes in the yard, and ſometimes in the houſe.

And upon your oath, you cannot give me any account of what paſſed in the yard?—I cannot.

After the affray was over, they were all ſociable?—They went out together.

Where did they go to?——I underſtood they went to Mr. Buckley's houſe.

Did not you go to the Crown?—Yes.

Why did not you tell me ſo?—I went to the Crown, and Mr. Buckley and they came to us.

What time did you get back from the Crown?——About ſeven, as near as I can gueſs.

Did you go to bed?——I did.

Did your wife?——No, ſhe did not go to bed till the Sunday; I went to bed, and ſlept ſeveral hours.

What buſineſs are you?——A coach wheelwright.

How long was you in bed?——Not more than ſix hours.

When you got up, what condition did you find your woman in?——She complained of a pain in her back.

How was ſhe on the Sunday night?——Very poorly.

Did ſhe get up on the Tueſday?——Not at all; I never ſaw her up after ſhe went to bed.

A fine life you are leading, to ſit up all night, and drinking, and getting into theſe affrays, and living in this abominable ſtate!

**PHEBE MACCOLM** *ſworn.*

I am a midwife.

I hear you was good enough to go to this poor woman?—Yes.

What time was it you firſt ſaw her?—On Tueſday morning, between the hours of eight and nine.

Was ſhe delivered before you came?—The buſineſs was wholly done.

What ſtate did you find the woman in?——She was a ſtranger to me; the firſt ſhe ſaid to me, was, Oh, Mrs. Maccolm, Mrs, Maccolm, Mrs. Maccolm, I ſhall die! I did not imagine it was from any ill treatment, but from her labour coming on; I then was not acquainted ſhe was delivered; Elizabeth Rowe ſays to me, your buſineſs is ready for you; ready for me! I ſaid; and going towards the bed, I ſaw what ſhe meant; bleſs me, ſays I, you are not at your time; the child was alive, but when I firſt ſaw it, I did not expect life in it; I took the child, and was intending to ſit down, and dreſs it, with the child in my lap; I ordered Elizabeth Roſe to get the deceaſed to bed; the place was very poor; with her going to lift her, ſhe ſeemed to ſhake, as though ſhe could not bear to be moved; I aroſe from my chair, and ſaid, I will do it; I attempted to take her by her two ſhoulders, to aſſiſt her; ſhe did not appear as if ſhe could bear it; I then held her under the right arm, and ſhe aſſiſted herſelf, and got off the bed, and ſat without any aſſiſtance in a chair; ſhe expreſſed ſhe had been ill uſed by Mrs. Buckley, a woman, ſhe ſaid, I knew; that is the priſoner; I did not at all recollect who ſhe meant; ſhe was as comfortable as I could make her; I put her to bed, and I left her; the child was alive; I ſaw her no more till the Wedneſday evening; on the Wedneſday evening I had been out of town; when I came home, I heard the officers of the pariſh had been at my houſe, and that the woman was exceedingly ill; I went before I ſat down in the room; I then ſaw the deceaſed in a fever, and ſhe was very ill, and then complained of a pain in her head; ſhe expreſſed it was a mercy that this woman was there, for between them both they would wholly have murdered her, but who ſhe meant, I cannot ſay; I looked upon it to be the huſband and the priſoner.

How long did you ſtay with her at that time?——I did not ſtay many minutes.

Did you adminiſter any medicines?——No, Sir; ſhe had a gentleman, which is here.

Did ſhe appear to you to be quite in poſſeſſion of her ſenſes, when ſhe ſaid this?—Yes, Sir; I did not perceive any thing elſe.

No mark of being delirious?—No, Sir; but ſhe certainly had a fever.

Did ſhe mention any other circumſtances?——No more than a very great pain in her head.

**BARTHOLOMEW BOWEN** *ſworn.*

I am a ſurgeon, No. 127, Whitecroſs-ſtreet.

Is not the perſon here that attended the woman?——I did. On the 12th of April, between ſix and ſeven, or thereabout, Mr. Briant, and the other overſeer of the pariſh, came to my houſe, and deſired me to go with them to ſee a poor diſtreſſed woman, becauſe they ſaid they had ſent for the apothecary of the pariſh, and he would not come; I went with them, and found her in a dying ſtate, with a putrid fever; I told them, this woman is a dead woman, and they deſired me to ſend a trifle in; I ſent in a balſamic, that was not taken, and the next day they told me ſhe died, between ſeven and eight in the morning.

Was ſhe at that time in her ſenſes?——She was in her ſenſes, but as low as could be to be alive.

Had you been informed ſhe had been delivered lately?—Yes; they did not tell me ſhe was ill treated.

I ſuppoſe, in the ſtate ſhe was in, you did not think it of any uſe to make any enquiry reſpecting that?——On Friday, Mr. Riley and me examined the body, and we found ſeveral bruiſes and contuſions in different parts of the body, and particularly on the os ſacrum, and between the two ſhoulders, and the upper part and the lower part of the left arm; then, according to my own opinion, it was by violent paſſions, and by ſtruggling, each of them, which brought on a premature delivery, which was the occaſion of her death.

How the premature delivery was brought on, you cannot tell?——No.

Are thoſe putrid fevers often the conſequence, or do they accompany deliveries?—Always in ſuch caſes they cauſe mortifications.

I thought they were more likely to be inflammatory?—They turn to inflammatory, and then mortifications enſue.

Do you apprehend in this caſe a mortification did enſue?——Certainly.

### SAMUEL RILEY *ſworn*.

I inſpected the body, and found ſeveral marks or contuſions on different parts; the principal of which was on the os ſacrum, one between the two ſhoulders, and on the left arm, the lower part of the upper arm, which extended juſt below the joint, and a few livid ſpots or contuſions round each wriſt, the occaſion of the marks of violence; my opinion is, that if ſhe had not been in the ſituation that I learned ſhe was in, the bruiſes themſelves were not ſufficient to have cauſed her death.

Would bruiſes that have been received a few days before, acquire a worſe appearance, in conſequence of a putrid fever happening?—Certainly.

That bruiſe in the os ſacrum, is that a likely thing to happen by a fall againſt the corner of a box?——Yes, or againſt the floor.

This ſpecies of fevers, is that the ſpecies of fever that ordinarily attends child-bearing?——Generally, it firſt ariſes from an inflammatory fever, which is what we call a puerperal fever.

Where the party is delivered on Tueſday, and is in a dying ſtate on Thurſday, is that the puerperal fever?—I look upon it, that this fever was brought on by paſſion.

I want to know, whether this kind of fever is a common circumſtance that happens upon premature births the day before?——It is common for a fever to attend perſons in this ſtate.

Is it this ſort of fever?——The ſame fever but not ſo violent.

An inflammatory fever that degenerates into a putrid fever, I ſhould apprehend would require ſome time?—Not much, my Lord.

Theſe puerperal fevers are brought on I ſuppoſe by a variety of cauſes?——Yes; either from pains of delivery or the ſtate of diſcharges after delivery.

It is natural enough, when you are informed that there has been a great affray, and that there has been blows, to take that into your conſideration, and to aſcribe it to that.

*(The priſoner gave in a paper to Mr Garrow, which he ſaid, neither he nor any body elſe in Court could read.)*

*Priſoner to Sarah Robertſon.* Did not you take the diſh out of her hand?—She did not meddle with her with it; I took it away from her.

She was in a paſſion with the priſoner?——Yes; it was a twopenny diſh, I took it from her.

Why did you take it from her?—I dare ſay ſhe would have done the priſoner ſome miſchief, if I had not.

Was that before they began fighting at all?—It was in the affray.

*Court.* Is any body here belonging to the Crown?—No.

Where is the Crown?—In White-croſs-ſtreet.

*Court to Jury.* Gentlemen, the priſoner ſtands indicted for the wilful murder of Ann Roſe, and on the Coroner's inquiſition, ſhe ſtands charged not with the murder, but with manſlaughter; the circumſtances of the caſe, as well as we can collect them from witneſſes, who either do not ſpeak ſo correctly as one would wiſh them to do, or have their reaſons for not ſtating accurately the whole that is paſt, are theſe. [*Here the learned Judge ſummed up the evidence, and* *then added.*] This is the whole of the evidence; the priſoner could not in the nature of things, have any witneſſes, unleſs it was the people whom I ſhould have been glad to have ſeen that kept the Crown. Upon theſe circumſtances you are to ſay, in the firſt place, whether this woman's death is at all imputable to any thing that was done by the priſoner, on the Saturday night, and if it was, what is the nature of the offence, of which ſhe is guilty, in conſequence of her having produced the death of this woman; with reſpect at all, to its being imputable to the priſoner; the deceaſed appears from all I can collect to the contrary to have been in health, before this affray happened; it is agreed on all hands, that there was a violent affray, that the deceaſed was in a great paſſion, in conſequence of ſomething that had paſſed; and that in the courſe of that, her hands were held, there was a ſtruggle, a ſcuffle, and ſhe fell down, or was thrown down, and was certainly hurt in a part that would have cauſed the conſequences that followed; the contuſion on the os ſacrum; nothing was more likely to have produced a premature delivery; ſhe complained of this contuſion on the os ſacrum: upon the whole of the evidence, though undoubtedly theſe fevers are no uncommon conſequences of all kinds of births natural, as well as premature; yet, when you find the woman does not appear to be in ill health before a premature birth, brought on ſoon after this affray, I think you can hardly doubt much, but that that affray which happened on Saturday night, did contribute to bring on that premature birth, which was followed by this fever, of which the woman died. Whether any degree of crime, whether any ſhare of the injury that was brought on this woman, is to be imputed to the priſoner may depend on this; whether on the whole of the evidence, upon which it appears, as well as we can judge, that the deceaſed was the aggreſſor, by provoking this woman in the very tendereſt point, in which a woman could be urged to paſſion, by throwing out, that it was a good thing that her ſon was blown up; that ſort of inhumanity, that muſt awaken the feelings of a mother; whether after that it does appear to you that the priſoner did any thing more than reſtrain the deceaſed from doing her a miſchief; and according to the repreſentation of it by ſome of the witneſſes, they would have you underſtand, that the priſoner did nothing more, than when the deceaſed flew into a violent paſſion, and caught up firſt a diſh, then a brick, and attempted to ſtrike the priſoner; that the priſoner did nothing more than lay hold on her hands, and endeavour to make her quiet; and if ſhe had done no more than that, and it appeared in that ſcuffle, that the priſoner did no other than that, and the deceaſed fell down, and that that fall was not imputable to the priſoner, but by holding her hands prevented her doing her any miſchief; I ſhould be of opinion, no ſhare of the miſchief was occaſioned by the priſoner; on the other hand, the priſoner though provoked to a conſiderable degree by this ſort of language, if ſhe entered further into the affray, and was herſelf active in attacking the deceaſed, and if ſhe did, what one of the witneſſes deſcribed to you, after ſhe held her hands, ſhook her well, if ſhaking well means that ſhe offered any violence to her; and particularly if ſhe threw her down, in conſequence of which her back was ſo much hurt; I think, conſidering her ſituation, who was then ſix months gone with child, conſidering the extreme probability that this might produce miſchief, and bring on a premature birth, which was ſo likely to be followed by a fever, and death; I think then there will be ſome reaſon to impute to the priſoner ſome ſhare of theſe conſequences, and which we ſhall be obliged to enquire into, in the ſecond part of the diſcuſſion which I propoſe to offer to your conſideration; I propoſe firſt to enquire, whether any ſhare of guilt was imputable to the priſoner, and ſecond, what degree of guilt be imputable to her: If you ſhould be of opinion, this fever was not brought on by any thing that was done to the deceaſed, or that the priſoner did nothing more than defend herſelf, then you will be diſpoſed to acquit the priſoner entirely; but ſuppoſing that was not the caſe, then what is the nature of the crime ſhe is guilty of; with reſpect to that, I think there cannot be two opinions; there certainly was no ſuch precedent malice, or ill-will between the deceaſed and the priſoner, as to lead you to think that the priſoner did what ſhe did with any ſerious and formed intention, to injure a woman in the circumſtances in which ſhe was; to be ſure, if in deliberate malice, one woman was to attack another, who was known to be ſix months gone with child, and was to beat her, and abuſe her for the purpoſe of forcing miſcarriage, of which ſhe ſhould die, that would unqueſtionably be as much murder, as if ſhe ſtabbed her to the heart; but if this affray was ſuch an one, as plainly aroſe from a ſudden quarrel, in conſequence of the deceaſed being the aggreſſor, and the priſoner being provoked; if this woman uſed more force that ſhe ſhould have uſed, it is impoſſible to carry it any further than manſlaughter, which is a homicide, though committed under circumſtances which ſcreen it from that crime of murder; if any blame is imputable to this woman, it is, that this misfortune has been brought on in conſequence of ſome an act of violence on the perſon of the deceaſed; but ſtill I think it can go no further that what the Coroner's inqueſt have made it, ſuppoſing they are right in attributing any crime to the deceaſed, namely the crime of manſlaughter. But the points for your conſideration are, whether this woman's death has been brought on by this affray, that happened on Saturday evening; and if it was, whether, in the courſe of this affray, any blame is imputable to the priſoner; in the event of this not being ſo brought on, or that the priſoner did nothing but hold her hands to prevent her doing miſchief, then certainly you ought to acquit the priſoner; but if you think that the priſoner did uſe violence to this woman, and ſhook her, and threw her down with violence, by which ſhe was hurt, in that caſe you will find her guilty of manſlaughter.

GUILTY, *of manſlaughter,*

*But not of the murder.*

*Guilty, on the Coroner's inquiſition.*

*Burnt in the hand and diſcharged.*

*Tried by the firſt Middleſex Jury before* Mr. *Baron* EYRE.

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403. The ſaid FRANCES LEWIS was again indicted for that ſhe not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, on the 9th day of April, in and upon Ann Roſe, then being pregnant with a male child, and alſo in and upon the ſaid male child, did make an aſſault, and her the ſaid Ann Roſe and alſo the ſaid male child, did ſtrike, and beat, and throw the ſaid Ann Roſe on the ground, whereby the the ſaid male child received divers mortal wounds and bruiſes in the womb of her the ſaid Ann Roſe, the ſaid Ann Roſe brought forth the ſaid male child alive, which of the ſaid bruiſes, did languiſh three hours, and on the ſame day did die; ſhe was alſo charged, with the Coroner's inquiſition with killing, and ſlaying this male child.

*Court to Jury.* Gentlemen, this is, you eaſily perceive, another method of bringing the caſe before you; I ſhall recommend to you in this caſe, to find a general verdict of not guilty; it is a great deal too much to charge, on the circumſtance of the child being alive, the death of the child to the priſoner at the bar, in any ſhape at all; to be ſure the child periſhed merely in conſequence of a premature birth; therefore publick juſtice is ſatisfied with what you have done already, and it would be an improper verdict to find her guilty.

NOT GUILTY.

*Not Guilty on the Coroner's inquiſition.*

*Tried by the firſt Middleſex Jury before* Mr. *Baron* EYRE.

404. **JOHN KIRBY** and **JAMES CARR** were indicted for felonioully ſtealing, on the 9th of April, ten pounds weight of pork, value 4s. twelve pounds weight of mutton, value 5s. ſix pounds weight of beef, value 3s. and four pounds weight of veal, value 1s. the property of James Burleigh.

*(Before this trial came on, the Proſecutor informed the Court, that one of the runners, whoſe name was Blacketer, had contrived to ſend home the proſecutor's apprentice, and told him that his maſter wanted him to go home for ſome beef-ſteakes, in order that he might be out of the way while the trial was on; he being a material witneſs, the Baron ordered the proſecutor to take an officer, and go in ſearch of Blacketer, and fetch him into court.)*

### JAMES BURLEIGH *ſworn.*

I am a butcher in Newport market; on Sunday, the 9th of April, in the afternoon, I went into my ſhop to take out a book; I ſaw my meat hanging as uſual; I went to my dwelling-houſe, which is over the way; all was ſafe at four that afternoon.

### JOHN SADLER *ſworn.*

I am the proſecutor's ſon-in-law. Our apprentice and I had been in the Strand; it was about eight when we left the Strand, and as we juſt came home together, ſays I to the apprentice, may be the door is not locked; he went to ſee, and he ſaid, no; I got a candle, and went into the ſhop, and I ſaw two men lay down, one with his head in the ſawduſt-hole, and the other with his head over his back; then one of them jumped up, and knocked the candle out of my hand, and knocked me down, and run away, and our apprentice run after him.

### JOHN BENNETT *ſworn.*

The door was haſped, it was not open; and the priſoner Kirby came out of the ſhop, and knocked the lad down, and run out of the ſhop; I purſued, I never loſt ſight of him; I took him about twenty yards out of Cranbourn-alley, in Leiceſter Fields; I am ſure he was not out of my ſight from the time he came out of the ſhop.

### JOHN CROUCH *ſworn.*

I was going through Newport market about half after eight; I heard a noiſe in the proſecutor's ſhop, and preſently the apprentice and the lad came up, and the lad ſaid, let us ſee if the door is faſt; he got a candle, and the inſtant he went into the ſhop, he hallooed out; and one of them knocked him down, and blew out the candle; he ran out, and I ran after him, and loſt ſight of him as he turned the corner in Litchfield ſtreet, and I came in ſight of him again; he was running; he was the ſame man that I was purſuing; I knew his face the inſtant he came out of the ſhop.

### JAMES HAYLOCK *ſworn.*

I am a runner; I heard the cry of ſtop thief! I run out, and ſaw two or three people running; I run out, and caught hold of the priſoner Carr; he was not in a run, he was in a kind of walking; juſt by the Cock door, one of the lads came up, and ſaid he was the man; but I do not know, he was about fifty yards from the corner of the ſtreet.

Perhaps he is ſome friend of your's?——No; I never ſaw the man in my life before.

*Crouch.* I am ſure he was running when the runner laid hold of him.

*Haylock.* I belong to Litchfield-ſtreet office; if he had run, I could not have caught him, for I have a bad leg.

*Proſecutor.* This man ſaid, when the priſoner was taken, ſays he, blaſt my eyes! he run right into my arms.

*Court.* Do not let that man go, that Haylock.

*Court to Proſecutor.* When did you ſee the meat?——When I went into the ſhop, the meat was hanging on the hooks; when the child was alarmed, I immediately ran out; I ſaw the priſoner Carr in Market-ſtreet; I was in the market-houſe; I ſaw him about twenty yards from my ſhop; he was running, and the other after him.

Are you ſure he is the man that was running?——I will not take upon oath to ſay that he was; I ſhould have caught him, but there was a barrow, and I fell over it; I cannot ſay it was the priſoner; I do not think he had a great coat on at the time. When the priſoners were brought back in the ſhop, there was beef and veal, and mutton, in different pieces, in this bag, which was taken off a hook, and it lay in the ſame place where the boy told me he ſaw the priſoners lay; I came back along with Carr; I did not ſee him taken.

Had you turned the corner before he was taken?—I was not nigh him till after he was taken.

### Prisoner Kirby's Defence.

Coming from Knightſbridge, through Leiceſter Fields, I ſaw a parcel of boys crying ſtop thief! and they took hold of me.

### WILLIAM BURNETT *ſworn.*

I am a bedſtead-maker; I have known Kirby theſe three years; he is a labourer, I have employed him; I never heard any thing of his diſhoneſty.

### PETER SMITH *ſworn.*

That *gentleman* worked for me; I have known him ſix years; about three months ago he white-waſhed my room; I do not know where he lives.

### Prisoner Carr's Defence.

Coming along, there was a cry of ſtop thief! and they laid hold of me, and ſaid I was the perſon that went out of the ſhop; I am in the green grocery way; in about an hour after this gentleman put me into confinement, my wife went to the proſecutor, and the proſecutor told my wife if I could raiſe twenty ſhillings, he would get me off.

### JOHN M'GREGOR *ſworn.*

I have known the priſoner Carr twelve or thirteen years; he deals in greens and fiſh; I never knew any thing to the contrary, but what he was an honeſt man.

### MARY WRIGH *ſworn.*

I have known Carr almoſt two years; I live at No. 15, Little Windmill ſtreet.

What character does he bear?—A very good one.

### ELIZABETH NORTH *ſworn.*

I live in Berwick-ſtreet; I have known him ever ſince he was born; I never knew any thing diſhoneſt by him.

*Court to Burleigh.* When theſe people were taken before a Magiſtrate, did you make any offer to make it up?——They begged they might not be committed, but afterwards they were committed; I told one of their wives, if any thing was to be done for her, I would have no objection.

Did you propoſe to her, that if ſhe could raiſe twenty ſhillings, you would throw every thing out of Court?—On the night he was apprehended, when this priſoner was taken to the watch-houſe, one gentleman in particular ſaid he knew Carr, he called him by his name; he ſays, what have you been at? he ſaid nothing; and I told him.

*Court to Carr.* Who was that gentleman?—I do not know.

*Haylock.* I wiſh to ſpeak to your Lordſhip before the Jury deliver their verdict; I only wiſh to ſhew you, my Lord, whether I can run. *(Shews his leg.)*

JOHN KIRBY, } Guilty.
JAMES CARR, }

*Each tranſported for ſeven years.*

*Court.* Where is Blacketer?——I am here, my Lord.

Explain to the Court as well as you can?——Haylock ſays to me——

*Haylock.* I wiſh to have him ſworn.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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NUMBER IV. PART VIII.

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

### *Continuation of the Trial of John Kirby and James Carr.*

JOHN BLACKETER *ſworn.*

Sir, Haylock was in the public houſe, over at the Pitt's Head; he ſaid, here is Burleigh's man over the way, playing at marbles; ſays he, I will go and ſend him for a beef-ſteak; ſays I, why do not you? I went up with him, and he told the boy to go for ſome beef-ſteaks; ſays the boy, it is very right, I forgot the bag; ſays I, then, you rogue, run as faſt as you can, they have no dinner.

*Court.* I rather believe that circumſtance is a miſtake; but I am not ſatisfied about the other; and if the Court will take upon themſelves to be at the expence of a proſecution for perjury againſt Haylock, I will commit him.

*Haylock.* I hope not.

*Blacketer.* I ordered a ſhoulder of mutton for my own dinner.

*Court.* Then, Haylock, unleſs you give very good bail, you will be committed for perjury; let him be taken into cuſtody, and the expences of it will be borne by the city.

*Tried by the firſt Middleſex Jury before*
*Mr.* BARON EYRE.

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405. JOSEPH EGAN was indicted for that he, well knowing that one Thomas Banks did duly ſerve our Lord the King on board the Stirling Caſtle, from the 4th of December till the 19th of October following, and that afterwards on the ſaid 19th day of October, he departed this life, and was entitled to certain wages and pay, then due to him from our ſaid Lord the King, on the 4th day of April laſt did procure one Thomas Peters to perſonate, and falſely aſſume, the name and character of the ſaid Thomas Banks, in order to receive his wages and pay, againſt the ſtatute.

*Nothing appearing againſt the priſoner, he was*

ACQUITTED.

*Tried by the London Jury before*
*Mr.* RECORDER.

---

406. MARIA GARDENER was indicted for feloniouſly ſtealing, on the 24th day of April, one callico gown, value 10s. the property of Thomas Vazey.

JOSEPH REEVE *ſworn.*

On the 24th of April, the priſoner came

to our houſe, and went into the parlour, and had ſix pennyworth of brandy and water; immediately after, I miſſed the gown. I followed her, and found it in her poſſeſſion.

*(The gown depoſed to.)*

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

---

407. THOMAS TANNER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Thomas Baker, about the hour of nine in the night, on the 23d day of March laſt, and burglariouſly ſtealing therein, two linen ſhirts, value 4s. one pair of ſtockings, value 4s. two pair of gloves, value 6d. one table-cloth, value 4s. one wicker baſket, value 6d. the property of the ſaid James Baker.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

---

408. PETER GEACH was indicted for feloniouſly ſtealing, on the 26th day of April, four ſilver tea-ſpoons, value 8s. the property of John Conſtable.

The priſoner was ſtopped pawning the ſpoons, and had been in the proſecutor's room a little before they were ſtolen.

GUILTY.

*To be privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

---

409. ISABELLA DOWDELL was indicted for feloniouſly ſtealing, on the 25th day of March laſt, two quart pewter pots, value 2s. the property of Nicholas Butt.

The priſoner came to beg a pail of water, and two pots were found in the pail.

GUILTY.

*To be privately whipped, and confined three months in Newgate.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

---

410. WILLIAM NEWCOMB was indicted for feloniouſly ſtealing, on the 4th day of April laſt, one hempen ſack, value 6d. and three buſhels of coals, value 6s. the property of Richard Burrell.

*John Carpenter and John Platt called on their recognizances, and not appearing, the priſoner was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

---

411. THOMAS DELL was indicted for feloniouſly ſtealing, on the 8th day of April laſt, ten pounds weight of lead, value 20d. two pounds weight of ſolder, value 1s. the property of Jeremiah Percy.

JEREMIAH PERCY *ſworn.*

On Sunday, the 9th of April, I took the priſoner with this lead, which was taken from my ſhop.

Do you know when it was loſt?—No.

*(The lead produced.)*

WILLIAM CONWAY *ſworn.*

I am one of the patrol belonging to the Fleet market; I ſaw the priſoner knock at one Simpſon's, an old iron ſhop; I ſpoke to him; he ſaid, I have got ſome lead; let me go, and take the lead to your own uſe; I took him to the watch-houſe; I ſaid to him, how came you by the lead; and he ſaid, I was bewitched, but we learn one of another; I ſaid, where did you get it; he ſaid, from Mr. Percy, my maſter.

SAMUEL ROBERTS *ſworn.*

I am conſtable; I took charge of the priſoner and the lead; he acknowledged he had taken it from different places where he worked for his maſter.

*Court to Mr. Percy.* Do you know this lead to be your's?—I believe it to be mine.

## PRISONER's DEFENCE.

I was going home with a bundle of clothes, and I had a few pieces of lead, and the patrol took me to the watch-houſe.

*The priſoner called three witneſſes, who gave him a good character.*

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

---

412. **EDWARD WILLIAM HACKING** was indicted for feloniouſly ſtealing, on the 18th day of April, ſix ſhillings in monies numbered, the monies of William Williams.

The Court ſaid, on hearing the evidence for the proſecution, that there was no pretence to call this a felonious taking.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

---

413. **RICHARD MERCHANT** was indicted for feloniouſly ſtealing, on the 18th day of March laſt, one pewter pint pot, value 6d. and one quart pewter pot, value 1s. the property of Nicholas Bulwinckle.

The pots were taken out of the priſoner's pockets.

GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

---

414. **WILLIAM PORCH** was indicted for feloniouſly ſtealing, on the 6th day of March laſt, one gold laced hat, value 10s. the property of William Currie, Eſq.

John Neale, Mr. Currie's coachman, went to the play with the carriage, to fetch home his miſtreſs, and the priſoner came up, and puſhed him down, and he loſt his hat, which was afterwards pawned by the priſoner.

GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

---

415. **BENJAMIN HARDY**, otherwiſe **HARTY**, was indicted for feloniouſly ſtealing two braſs pails, value 3s. a copper cover, value 2s. and a pair of pattens, value 10d. the property of Reginald Williams.

The proſecutor's wife caught the priſoner in the kitchen, and miſſed ſome things; he went with her, and ſhewed her where he had put them; and ſhe went with him, and he gave her the pans again.

GUILTY.

*Recommended by the Jury.*

*To be privately whipped, and confined one month in Newgate.*

*Tried by the London Jury before Mr. Baron* EYRE.

---

416. **CHARLES YOUNG** was indicted for feloniouſly ſtealing, on the 11th day of April, two quart pewter pots, value 1s. and one pewter pint pot, value 3d. the property of William Ramſay.

The pot was found at the priſoner's lodging.

GUILTY.

*Privately whipped.*

*Tried by the London Jury before Mr. Baron* EYRE.

---

417. **WILLIAM KUTE** was indicted for feloniouſly ſtealing, on the 17th day of March laſt, one cloth jacket, value 5s. one waiſtcoat, value 1s. and divers other things, the property of John Wilſon.

The proſecutor put his cheſt and bed on board the Graveſend boat to go on board the ſhip Melliſh, of which he was going out carpenter's mate, and the priſoner lent him a hand on ſhore with it; and the priſoner agreed to carry it, and he gave him the ſlip; he ſold the the things to different witneſſes who appeared.

GUILTY.

*To be whipped, and confined one year in Newgate.*

*Tried by the London Jury before Mr. Baron* EYRE.

---

418. CHARLES MARTIN was indicted for feloniouſly ſtealing, on the 10th day of March laſt, two pieces of printed callico, containing twenty-one yards, value 30s. the property of Edward Vints and Joſeph Chapman.

The priſoner was ſeen by Mr. Vints taking the goods under his arm, and going out of the ſhop; he was purſued, and brought back, with the property upon him.

GUILTY.

*He was recommended to mercy.*

*Privately whipped.*

*Tried by the London Jury before Mr. Baron* EYRE.

---

419. JOHN FLETCHER was indicted for feloniouſly ſtealing, on the 17th day of March, five tanned calve ſkins, value 30s. the property of Lawrence Veſſier and John Oſborne.

The priſoner was ſtopped by the patrol with the ſkins.

GUILTY.

*To be whipped, and confined one year in Newgate.*

*Tried by the London Jury before Mr. Baron* EYRE.

---

420. THOMAS SMITH and THOMAS PORTER, otherwiſe BELLAFIELD, were indicted for feloniouſly ſtealing, on the 22d day of April, one ſilver tobacco-box, value 18s. ten dollars, value 40s. one piſtreen, value 10d. two bedgowns, value 6d. one ounce of ſilver, value 4s. and one ſilver ſauceboat-handle, value 4s. the property of John King, in his dwelling-houſe.

The priſoners were ſtopped by the patrol as ſuſpicious perſons, at four on the morning of the robbery; they were ſearched at the watch-houſe, and the dollars and the piſtreen, and the other things, were found on Porter. The priſoners were cloſe together when they were taken.

THOMAS SMITH, alias BELLAFIELD, } GUILTY, 39s.

*To be tranſported for ſeven years.*

THOMAS PORTER, NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

---

421. JOHN SPENCER, THOMAS PEARCE, ELIZABETH LEE, and ANN DUTTON, were indicted for feloniouſly ſtealing, on the 8th of April laſt, one looking-glaſs, in a wooden frame, value 10s. one clock, value 40s. and four braſs locks, value 2s. the property of Robert Groom.

ROBERT GROOM *ſworn.*

I live in Clerkenwell; I loſt ſome things from an apartment that I had lived in prior to Chriſtmas laſt; I was informed that ſome of my property was found; I went to Bow-ſtreet, and there I ſaw a clock, which was my property; it was laſt Thurſday was three weeks; there was a mark on the looking-glaſs as I had marked.

MOSES MORANT *ſworn.*

On Thurſday morning, the 6th of April laſt, about eight, I received information of all the four priſoners being at No. 8, George-court, Field-lane; we took them all into cuſtody; we found the clock, and looking-glaſs, and theſe things there; the men were ſtanding behind the women at the fire-place; the priſoners ſaid they did not live in the room, nor belong to it; that the room belonged to one Jack; the clock was upon the bed, and the looking-glaſs at the ſide of the room.

*Court to Proſecutor.* When did you miſs the property?——About an hour before I heard of it; Townſhend informed me of it; I ſaw the things the day before.

JOHN TOWNSHEND *ſworn.*

I belong to Bow-ſtreet; I gave information that morning to Mr. Groom; I met Morant and Jealous, when I was going to have them apprehended.

*Priſoner.* Before the magiſtrate the proſecutor ſaid, he ſaw the things on the Tueſday.

*Proſecutor.* I might have ſaid ſo in the multiplicity of buſineſs.

Will you undertake to ſay with certainty now, whether it was the Tueſday or Wedneſday?—Upon my word I will not.

How far is Field-lane from the place where theſe things were loſt?——I ſhould ſuppoſe not above half a mile.

Was your houſe broke open with any violence?——No.

How was it opened?——I cannot ſay, unleſs it was by a picklock key; I have not lived in it for ſix weeks.

It is uninhabited?——Yes.

JOHN SPENCER's DEFENCE.

I met this young man the priſoner Pearce; I knew him before; he took me in this room and theſe people came and took me.

PRISONER PEARCE's DEFENCE.

I met the other priſoner, and aſked him to ſtep along with me to this room, and theſe people came and took me.

PRISONER LEE's DEFENCE.

I went to ſee a young woman in the two pair of ſtairs room that was ſick.

PRISONER DUTTON's DEFENCE.

I went to ſee a young woman that was ſick.

*To Proſecutor.* Did you lock the door or not?——I locked it when I left the houſe; but my ſon was there ſince I was there.

ALL FOUR GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

422. JAMES FIELD and WILLIAM VALENTINE were indicted for feloniouſly ſtealing, on the 13th day of February laſt, thirteen penny weights of gold, value 2l. 7s. the property of James Morriſon, Robert Lukin, and Charles Lukin.

*A ſecond count,* For feloniouſly ſtealing, on the 2d day of February, one ounce three grains of gold, value 3l. 16s.

*A third count,* For feloniouſly ſtealing, on the 15th day of March, one ounce two penny weights and three grains of gold value 4l. 1s.

*A fourth count,* For feloniouſly ſtealing, on the 13th day of April, one ounce two penny weights and three grains of gold, value 3l. 16s. 6d.

*A fifth count,* For feloniouſly ſtealing, on the 18th day of April, five penny weights of gold, value 20s. their property.

ROBERT LUKIN *ſworn.*

I am in partnerſhip with Mr. James Morriſon, and Charles Lukin; I am a jeweller; Valentine is our apprentice, Field works at ſo much a week; on Eaſter Monday, I ſuſpected Valentine, judging I had loſt property by the ſtate of our gold book; on Eaſter Tueſday we called Field down into the counting houſe; I went up ſtairs firſt to ſend down his father-in-law who works at the ſhop, I remained there, that in caſe Field ſhould have any thing about him he might have no opportunity to get rid of it; as ſoon as the father-in-law was made acquainted with it, my brother-in-law came and fetched me; I followed down ſtairs as ſoon as Field was ordered down; and obſerved him put his hand under his apron, and I then obſerved him draw his hand out ſhut; I ſaid to my brother, as we croſſed the yard, he has ſomething in his hand which he ſeemed to wiſh to get rid of; as ſoon as he was in the counting houſe, my brother laid hold of his hand, and aſked him what was in it; upon opening his hand, there was a paper in it, with gold chips, as we term them, or cuttings; as ſoon as he found he was detected with them; we aſked him how he came by them, his anſwer was, that Jack had given them to him.

Who was Jack?——When William Valentine came into our family, we had another boy of the ſame name, for which reaſon, he was called Jack, he has ever ſince gone by that name, though his name is William; he then upon being queſtioned further about the matter, ſaid, that Valentine had put this paper in a ſecret place, with the gold in it, for him to carry away, that he had repeatedly done ſo, and that there was ſome of it concealed under the ſtairs in the kitchen, in Field's father-in-law's houſe; we deſired then to go and ſearch his father-in-law's lodgings; which we did, with another perſon; Field went with us; we found ſome of it under the ſtairs as he deſcribed it; he does not lodge there; we then went to the priſoner Field's lodgings, and there we found other pieces of paper full of the ſame kind of chips, which quantity is I ſuppoſe about the quantity or rather more than ſtated in the indictment; in the whole of the chips about five penny weights; he continued to tell the ſame ſtory, that Valentine had ſecreted theſe papers for him to carry away; in conſequence of which we took an officer and ſearched for Valentine, and we found him at his father's; we brought him home that night, it was then eleven or near upon it; we locked him up in a room in the houſe.

Did he underſtand that he was in cuſtody of the conſtable?——I cannot ſay; the next morning they were both examined at the office in Litchfield-ſtreet.

Had you any converſation with him the morning before he went to Litchfield-ſtreet?——None at all; the next morning at the Juſtice's, Field told the ſame ſtory he told us, and upon my aſking Valentine, whether he had not at times put up the ſmall pieces of gold in three pieces of paper, and put in a ſecret place for this man to carry away, he ſaid, he had; he was then queſtioned as to the quantity that had been ſold; he ſaid, at one time he had received ſo much, and at another time ſo much; the magiſtrate deſired they might be kept in cuſtody, and that Mr. Cox might attend; the day following they were examined again, and repeated the ſame ſtory, they ſaid they were ſold at Mr. Albion Cox's; we ſuſpected he had no opportunity of getting rid of the gold out of the paper, and ſome of it was on the matt in particular at the counting houſe door, and that was the only part of the gold I ſaw.

*(Produced and depoſed to.)*

*Mr. Garrow.* That ſtair caſe was the only ſtaircaſe for all the work folks?——Yes.

Have not you told this boy that you would not proceed againſt him, or give him ſome hopes of mercy?——Yes, Sir, it amounted to that, he begged we would forgive him; I anſwered him, that the only hope he could have for any lenity, was that he would make an open and candid confeſſion of all he knew.

In conſequence he went with you, and did as you have ſtated, under the impreſſion of that promiſe of your's?—Undoubtedly.

Did not you ſend a letter to Valentine's father when he was out on Eaſter Monday that you would not receive him again?——Yes; he did not abſent himſelf that day from any conſciouſneſs of this ſubject; the father told me he had found him; there was no promiſe made him to induce him to confeſs.

How old is Valentine?——Nineteen, he ſaid he was; Field is twenty three.

With reſpect to Valentine, did you make him any promiſes?——No.

*Mr. Garrow.* Was there any thing ſaid either by you or your brother to Field, in the preſence of Valentine, which could induce him to expect the ſame?——No, nothing.

**THOMAS PARSONS** *ſworn.*

I am clerk to Mr. Cox and Mould, in Little Britain, refiners; I know Field; he lived with a jeweller; I have ſeen him a great many times at our houſe; he came there to ſell gold.

*(The account produced.)*

*Mr. Garrow.* Did I hear you right,

that you knew this boy to live with a jeweller?——Yes.

Was this brought to you in the uſual ſtate in which jewellers ſell commodities to you?——Oh, yes; in the ſame way; the jewellers and goldſmiths, they truſt their boys with gold, to the amount of three or four hundred pounds.

Whoſe name was this ſold in?——It was ſold in the name of Appleman, who I underſtood to be this lad's father-in-law.

Did you believe this was a fair tranſaction?——Yes.

I believe you bought Sir Robert Ladbrooke's chain?——I did not.

### Prisoner Field's Defence.

This is my own my maſter took.

### Prisoner Valentine's Defence.

When my maſter came to my father, and found me there, he took me to the Globe, in the Strand; I went in, and there was one Mannell; Mr. Charles Lukin brought a blanket to cover me; at the ſame time they ſearched me; I knew not for what; and all the *profeſſion* I made at the Juſtice's was, that James Field had ſaid ſo and ſo, and if I did not ſay the ſame, I ſhould be hanged; and therefore I ſaid as he did.

*The priſoner Field called ſix witneſſes who gave him an exceeding good character.*

*The priſoner Valentine called ſeven witneſſes, who gave him an exceeding good character.*

Both Guilty.

*Each tranſported for ſeven years.*

*Both recommended by the Jury.*

*Tried by the ſecond Middleſex Jury, before Mr. Baron* Eyre.

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423. BENJAMIN GODHARD was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of William Laycock, between four and five, on the 30th of March laſt, Mary his wife, George Jones, George Young; and Mary his wife, and George Sakiſton being therein, and feloniouſly ſtealing therein two cotton gowns, value 30s. two cotton coats, value 10s. one crape gown, value 15s. a ditto, value 10s. an apron, value 4s. a handkerchief, value 3s. two ſilk handkerchiefs, value 7s. four teaſpoons, value 4s. one cotton cradle quilt, value 1s. one Marſeilles petticoat, value 10s. ſeven clouts, value 5s. two ſkirts, value 12d. two pair of worſted ſtockings, value 12d. two flannel petticoats, value 6d. two yards and a half of linen cloth, value 3s. a black ſattin cloak, value 10s. ſeventeen caps, value 10s. one ditto, value 12d. three ſhirts, value 2s. and one frock, value 3s. his property.

*(The witneſſes examined apart.)*

MARY LAYCOCK *ſworn.*

I am wife of William Laycock; on the 30th of March, I was at work in the three pair of ſtairs room, about half after four in the afternoon; about a quarter paſt four, my ſervant girl, (whoſe name is Sarah Collier) ſent up to me for ſome money for butter, and about half paſt four I heard a hue and cry of ſtop thief in the ſtreet, I immediately looked out of the window, and I ſaw a large bundle laying out in the middle of the ſtreet; but I did not then know they were my things; the priſoner paſſed my window, that was the firſt time I ever ſaw him to my knowledge, the perſon that took him, brought him to our houſe, and ſaid, this is the houſe you have robbed; I ran down ſtairs and found the parlour door was broke open, I keep a ſhop, and there are lodgers in the houſe, very honeſt people; the drawers which were not locked, were thrown about the room.

Had you left your door locked when you went up ſtairs?—The girl locked the door, I ran into the ſtreet, as ſoon as I found my place was robbed, and I owned the things; an officer was ſent for, and the priſoner was committed. I was not in the room when the priſoner was ſearched, the bundle is in the hand of the officer, and the priſoner owned to the handkerchief in which the things were tied, and ſaid it was his, and wanted to have it all dirty; another fellow made off with all the reſt of my clothes, they did not leave me a gown to put on; I ſaw the officer take the bundle, and carry it to the juſtice's, his name is Bamford; the things that were in it were mine.

Who has had the care of the bundle ſince that time?—It has been in the care of the officer.

*Mr. Garrow, priſoner's counſel.* Is your ſervant girl here?——Yes.

What did your family conſiſt of?——Two children, her and me.

Who were the perſons at home at the time you loſt theſe things?—One Mr. George Jones, George Sackiſton, George Young, and Mary Young.

Nobody elſe at home?—Only me.

That you are ſure of?—That I am ſure of.

Your drawers were all thrown about, and the place was all in confuſion?—Yes.

That muſt have taken ſome minutes?—Yes.

You are a married woman, Mrs. Laycock?——Yes.

What is your huſband's chriſtian name?—William.

Where does he live?—He is abroad.

When did he leave you?--He left me in June laſt.

Do you know a man of the name of Pickering?—I never knew him, I have ſince heard he was the man that took the reſt of my things.

Was Pickering acquainted with you?—No, Sir, I never ſaw him with my eyes to my knowledge.

### SARAH COLLIER *ſworn.*

I am ſure I locked the door of the room on the ground floor when I went out for the butter; when I came back, two of the ſcrews were out, the ſtreet door was open.

*Mr. Garrow.* The ſtreet door is always upon the latch for the lodgers?——Yes.

*Court.* Did you leave the ſtreet door open, or upon the latch?—Upon the latch.

### THOMAS MARTIN *ſworn.*

On the 30th of March laſt, I was coming along Bloſſom-ſtreet, and I ſaw the priſoner and another come out of Mary Laycock's houſe with a bundle under his arm, and the other had property in his blue apron; the priſoner came towards me, and I laid hold of him, and accuſed him of the robbery, he made no anſwer; he had a bundle on his left ſhoulder, he threw the bundle out of his hand, he clapped both his hands to my breaſt and broke from me; I never loſt ſight of him, and he was taken directly.

*Priſoner.* I aſked him to go back with me to the houſe to lay hold of the man.

*Martin.* The other man turned down Magpie-alley to go to Shoreditch, and the priſoner came towards me.

What became of the bundle?—I ſaw the officer pick it up.

### ROBERT GOODWIN *ſworn.*

On Thurſday the 30th of March, I heard a noiſe of ſtop thief; I came from the back part of the houſe, and I ſaw the priſoner running, and Mr. Martin following him, crying out, ſtop thief; I then went out from the door into the road, and Martin cried ſtop him, that is him; I immediately ſeized the priſoner till Martin came up.

*Court to Martin.* Was the man that this witneſs laid hold of the ſame man?—Yes.

### HENRY BAMFORD *ſworn.*

*(Produces the bundle.)*

I received theſe things from Mr. Martin; he had the priſoner in cuſtody, and the bundle was near them, ſome perſon had it in their hand, I had it in the preſence of Martin; this is the ſame bundle, it contains the ſame things; the priſoner begged I would be ſilent; I ſearched him directly, he had an apron on, and upon the back part of his apron I found this falſe key.

*Priſoner.* That was the key I had of my landlord, it is not a falſe key.

*Bamford.* He owned the handkerchief before the juſtice's being his own, and aſked for it.

*Priſoner.* I loſt my handkerchief in a ſcuffle; that is not my handkerchief.

(*The things depoſed to.*)

*Mrs. Laycock.* This petticoat I ſwear to by a darn, and this apron I ſtained with ſome rabbit's blood, and my child's ſtay has three ſtreaks of ink, and I believe all the reſt of the things to be mine, by their general wear, and I had ſuch things in my drawers.

Have you recovered all your things?—No; theſe are all I have ſeen ſince; here is a cotton petticoat, a cloth apron, a child's frock, ſeven clouts, and a number of little articles, and a quantity of new cloth, which I can ſwear to; they are all worth two guineas.

*Mr. Garrow to Bamford.* Do you know this Pickering?——Yes, I have ſeen him, I was preſent in about ten minutes, or a quarter of an hour, I believe the account this boy gave, was, that Pickering told him he was acquainted with Mrs. Laycock, and that he aſked him to carry ſome things.

What is become of Pickering?——I do not know, I could not find him.

## PRISONER's DEFENCE.

I was going to the Black Dog to have a pint of beer yeſterday was a month, and one Pickering came in to aſk for a porter; I aſked him what for? he ſaid to carry a bundle into Criſpin-ſtreet, No. 13, up two pair of ſtairs: I ſaid, can I do? he ſaid, if you will go with me, you may do as well as another; I went with him to Bloſſom-ſtreet, and he bid me to go on till the man took me.

*The priſoner called four witneſſes, who gave him a good character.*

GUILTY 36s.

*But not of breaking the houſe.*

*Tranſportation for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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424. MARY BENFIELD was indicted for feloniouſly putting off, on the 19th day of April, ſeven ſhillings and nineteen ſixpences to Thomas King, againſt the ſtatute.

*The caſe opened by Mr. Silveſter.*

(*The witneſſes examined apart.*)

## RICHARD KING *ſworn.*

*Court.* This man ſtands in the nature of an accomplice; the act ſays, ſhall *take, receive, pay* or *put off.*

*Court to King.* If you have taken any money from this woman, for leſs than its nominal value, you are guilty of a felony; therefore, you are not bound to anſwer any queſtions that are put to you that may criminate yourſelf?——I never had any but this.

*Mr. Silveſter.* Do you know the priſoner?——Yes, for ſome time; I met her laſt Saturday, ſhe aſked me if I would go with her to paſs off ſome bad money, which I refuſed to do; then ſhe aſked me if I would buy ſome, I then took two guineas-worth; I ſhewed them to a friend of mine, and he adviſed me to take them to Mr. Clarke. I bought ſome of her, and gave her ten ſhillings and ſixpence for them, they are in this paper.

How much is there in that?——Seven ſhillings and nineteen ſixpences. Mr. Clarke adviſed me to take half a guinea's-worth, when he would ſend ſomebody to take her *in poſſeſſion*; I did ſo, and the woman was taken into cuſtody, this is the ſame woman.

## JOHN TOWNSEND *ſworn.*

I took the priſoner on Sunday the 23d inſtant, we waited ſome time, and went to the Roſe and Crown, juſt at the back of the Fountain, at Shoreditch; I met the priſoner, I did not know her, but I rather ſuſpected ſhe was the perſon we were going after, I ſtopped her, and we took her to the Fountain, and in the little back parlour I ſaid we muſt ſearch you; I ſaw ſhe wanted to conceal ſomething, I pulled this little bag out of her left hand, in which there was eight ſhillings and ſixteen bad ſixpences; I put my hand into her right hand pocket, and there I found two bad ſhillings; I marked them, as being taken in a ſeparate place, I kept them in a ſeparate place ever ſince; I believed them all to be bad; but I am not a ſufficient judge.

*Court.* Was Richard King with you when you apprehended this woman?—He was waiting at the public-houſe.

Did you ever ſee King and the priſoner together?—After ſhe was taken, I went to the public-houſe and fetched him.

What did ſhe ſay?—Nothing.

Did you tell her what ſhe was taken up for?——No.

THOMAS TING *ſworn.*

I went with Townſend, I ſearched the priſoner, and I took this box and theſe four ſixpences from her pocket.

JOHN CLARKE *ſworn.*

I do not know King, I never ſaw him till the morning before the apprehenſion, he gave me information, and I ſent an officer to apprehend her.

*Court.* Look at theſe ſixpences?——They are all bad.

*Court.* How do you know them?——By their thickneſs and heavineſs, I have no doubt of their being bad.

*Priſoner.* I have no witneſſes but myſelf; the proſecutor came to me, and ſaid he muſt pawn his coat for 3s. for he had been out of work ſeven months. He came to me the next day; and ſaid, what do you ſay now? I ſaid, I will ſay nothing of the matter; he ſaid then, he muſt go ſome where elſe. I never ſaw him but once after, then I met him in the ſtreet, and he is a falſe man, I never ſaw his money in my life, he owes me three ſhillings now, which I lent him.

GUILTY.

*Fined 1s. and impriſoned twelve months in Newgate.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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425. THOMAS BASSETT was indicted for felonioufly putting off to one John Bevan, on the 27th day of March laſt, 360 counterfeit halfpence for ten ſhillings and ſixpence, againſt the ſtatute.

JOHN BEVAN *ſworn.*

I am a tallow-chandler, I live in Red-croſs-ſtreet, I have known the priſoner about three years; On the 21ſt of March, I met the priſoner near the end of Ayleſbury-ſtreet, Clerkenwell-green, he aſked me if I did not buy a good deal of ſtuff, meaning kitchen ſtuff and dripping; I told him I had, but markets was down; he ſaid he had a friend that had ſome halfpence, and put his hand in his pocket and pulled out two or three; he ſaid they went undeniable at Wapping, and if I would buy any of him, he would ſell me 30s. for a guinea. I told him I was going to Wapping, and would enquire whether or no they went there, if they did, I would buy ſome: this I told him, in order that I might bring him to juſtice, I thought it a duty incumbent on me, if poſſible, to bring him to juſtice. I went once or twice to Clerkenwell-green to tell the affair the next day, on the 23d I went again, Juſtice Girdler was there, and a young gentleman his ſon; I related the ſtory to them, and young Mr. Girdler directed me to the Solicitor of the Mint, Mr. Vernon, and he directed me to Mr. Clarke at Bow-ſtreet; I told Mr. Clarke the ſtory, and the priſoner's name, and he knew him by the name of the Cheap Butcher; Mr. Clarke told me to buy half a guinea's-worth of halfpence; on the 27th I met the priſoner, I did not ſee him till then, I told him I would take half a guinea's-worth of halfpence, if he would bring them at four o'clock; he appointed the Robinhood in Holborn, as I was going there, I met the priſoner, and he told me he could not poſſibly come till five, I waited there, and the priſoner made it eight, when he came, there was another perſon waiting for him, he went out with the other man, and returned in two or three minutes; he then came to me, and ſaid, how many do you want? I ſaid half a guinea's-worth, he brought ſome halfpence from the other man, and laid them on the table, and received ſilver for them; the priſoner then came and ſat down by me; he gave me a paper that was done up ſquare; this has been open ſince, which I gave him half a guinea for; there were three five-ſhilling papers of halfpence; there were three hundred and ſixty in the whole, I counted them the next morning.

Did you know they were bad?——No, Sir, I do not know, of my own knowledge; Mr. Clarke has ſeen them; I carried them to Mr. Clarke directly, when I received the halfpence, he pulled out a ſhilling out of his pocket, and ſaid he was *queered*; I likewiſe aſked if he had any ſilver to ſell; I met him again at the Robinhood, in Holborn; Ting and another attended there to apprehend him, but he was taken at the Magpye in Middle-row, with two ſeparate half guinea's worth of halfpence, and ſome ſilver, which I was to buy.

*Mr. Garrow, Priſoner's Counſel.* So, you bought one lot at half a guinea?——Yes.

Who gave you the money to pay for them?—Mr. Clarke, of Bow-ſtreet.

He deſired you to buy them, did he?—He did.

So you had the misfortune of having the trouble of going to the Rotation-office three or four times, and nobody was there?——No, Sir, I did not ſay three or four times; I ſaid, twice; it happened to be out of office hours.

Mr. Clarke deſired you to buy theſe half guinea's worth?—He did.

Did he tell you, you was committing a felony when you was doing it?—He did.

Did he tell you, you ſhould be indemnified?—Yes; he ſaid it was done, in order to bring a perſon to juſtice; he did not ſay that I ſhould be indemnified; I did it for the good of the public at large.

That is to ſay, you committed a felony for the good of the public?——I did commit a felony.

You knew it at the time?——Moſt certainly.

You continued this negociation with this man, and dealt with him for ſome ſilver and more halfpence?—He was to bring more halfpence; I did not deal with him for more halfpence; he was to bring me more, by order of Mr. Clarke.

You did deal with him for more halfpence?—He brought me more halfpence.

Did you deſire him to bring you more halfpence?——Yes.

Did you ſettle the price?—No; I was to have them the ſame as the others.

Did he agree to bring them for the ſame price?——Yes; ſome more halfpence, and ſilver.

Did you know, that after committing one act of felony yourſelf, you were to deſire him to commit a new act of felony?—I aſked him to bring them, that he might be taken with them upon him.

Did you know you was deſiring him to commit a new act of felony?——I do not know that I thought any thing about it.

Did you know it?——Moſt certainly; I knew the firſt was a felony, therefore the ſecond was.

You knew you were repeating an act of felony?——Yes, in order to bring him to juſtice.

You was deſiring him to commit an act of felony, that you were repeating yourſelf?——I did not think any thing of it myſelf.

Having been ſold ſo, as to the firſt parcel, upon your oath, did not you know that you were deſiring him to give you an opportunity of committing a new act of felony?——I can ſay no more than I have ſaid already.

Did you know you was inducing him to commit a new act of felony?——I did not think about it.

Then, had you ſo totally got rid of all impreſſion about it?—What I was doing, was to bring the man to juſtice; moſt certainly I muſt have known it.

Did you know, then, you were inviting him to give you a new opportunity?—To be ſure I did.

You ſaid, he was to be taken with ſome bad halfpence, or ſilver, about him?——Yes.

Who was that ſettled by?——By Mr. Clarke.

Do you keep a houſe?—No.

What ſort of tallow-chandler are you, have you a licence?——No; I work day-work; journeymen are not obliged to have licences.

For whom have you worked lately?—Mr. Morris, on Holborn-hill; I lived with him, and with Mr. Bedford, in Short's Gardens; about half a year ago he left off buſineſs.

Who may you have been employed for ſince?——Now, I deal in kitchen-ſtuff; there is very little to do in the tallow-chandlery way now; I can buy candles much cheaper than I can make them.

Where do you keep your warehouſe?—I have none; I carry them on my ſhoulders.

Then, that is your whole ſtock in trade?—Yes.

That is your only way of getting your living for ſix months?——Yes.

*Court.* What day of the week was it you purchaſed this money?—It was Tueſday the 21ſt I met him, and I purchaſed it on the 27th; I had the money from Mr. Clarke to purchaſe it; I bought it for the purpoſe of detection; then I deſired him to bring ſome more; I was to purchaſe half a guinea's worth of ſilver, and the reſt was taken upon him; the half guinea's worth of halfpence I ſaw taken from him.

### THOMAS TING *ſworn.*

*Mr. Garrow.* How long have you known Bevan?——I never ſaw him before.

### JOHN SHALLARD *ſworn.*

I was in company with Mr. Ting, and apprehended the priſoner in Middle-row, Holborn, at the Horſeſhoe and Magpye; I found a great quantity of halfpence.

How many?——I do not know; there are theſe papers full, and a great many more looſe ones; I found theſe in his waiſt-coat-pocket, and theſe in his coat, on the 29th.

### JOHN CLARKE *ſworn.*

I had an information from Mr. Bevan, of ſome money being for ſale; I deſired him to go to buy ſome; Bevan told me that it was a man named Baſſet, whom I knew; I deſired him to buy half a guinea's worth, and bring them to me; after he came there, I deſired him to order more, and I ſent the officer to apprehend him.

Look at theſe halfpence, did you deſire him to purchaſe any more?——Yes, I did, another half guinea's worth, in order to get him into cuſtody.

What more paſſed between you?—He told me, in the firſt inſtance, he had been with a Magiſtrate, and the Magiſtrate ſent him to the Solicitor of the Mint, and the Solicitor of the Mint ſent him to me; he brought half a guinea's worth to me, and I deſired him to get another half guinea's worth of halfpence; I ſent an officer, and he was apprehended.

Look at theſe halfpence?——These are bad; theſe in the bag were found upon him; they are all bad; here are ſix papers, five ſhillings in a paper; this is the uſual way of doing them up; ſix of theſe papers, which is thirty ſhillings, they call a piece.

### PRISONER's DEFENCE.

Mr. Bevan met me on Clerkenwell-green, and aſked me if I would go into the tallow chandlery line; I aſked him what benefit ſhould ariſe from that; he ſaid he did not mean to pay any duty; from that, I think, he has owed me a ſpight; I never bought any thing of him in my life.

*The priſoner called two witneſſes, who gave him a very good character.*

GUILTY.

*Fined 1s. and impriſoned one year in Newgate.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

426. **THOMAS PATRICK** and **MARGARET BUNN** were indicted for feloniouſly aſſaulting Thomas Croſsby, in the dwelling-houſe of Samuel Hornby, on the 25th day of February laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one linen handkerchief, value 6d. one cotton handkerchief, value 2s. and twelve halfpence, value 6d. and one ſhilling, his money.

**THOMAS CROSSBY** *ſworn.*

On the 23d of February I was here, on the trial of Le Groſs; I ſtaid in town all night; I live at Enfield; I went to ſee an acquaintance; they live in Darby-ſtreet, near Roſemary-lane; it might be half after eleven; in coming back, I loſt my way; I met Margaret Bunn, the priſoner, and aſked my way into Biſhopſgate-ſtreet; ſhe ſaid ſhe would ſhew me, if I would give her a ſhilling; I told her I would give her ſixpence, and the other ſixpence when ſhe came to the place; ſhe took me up to a houſe, under a pretence of getting a candle and lanthorn; I never was in London but twice before in my life.

Was you in liquor?—No; I was ſober.

Did you take any particular notice of the houſe, ſo as to know it again?——Yes, particular notice of the door; when I got out, ſhe took a bit of candle in her hand, under pretence to light it; and ſhe aſked me to ſtop; and ſhe went juſt within the door, and then ſhe told me I had better ſleep with her; I told her I would do no ſuch thing, and the ſixpence was no object to me; ſo, if ſhe did not chuſe to go, and ſhew me the place, I ſhould depart; ſhe told me there was a door oppoſite to this door, and there was a bed there, and I might ſleep with her; I told her I would not; then ſhe took me by the collar, and I went to reſiſt her; and at the door where the bed was, as ſhe ſaid, the priſoner Patrick came in at that door; he ſet his back againſt the ſtreet-door, to keep me from going out; ſhe then demanded fifteen ſhillings of me to pay this man for coming into his houſe; I refuſed, and the priſoner Patrick ſaid he would let me off for ſeven ſhillings and ſixpence, and then he would let me out; and I refuſed to pay that; with that, ſhe began to pull my hat off, and throw it down; then ſhe turned my breeches pockets inſide out; the man ſtood all this time cloſe within the door, within ſix inches, or thereabouts; I might have ſix or ſeven ſhillings in my pocket, I cannot ſay, but I am ſure there was four ſhillings and ſixpence; I refuſed her taking it out, and ſhe tore my breeches all to pieces, and my pocket out too; then, after the woman did that, ſhe turned my waiſtcoat pockets out; then I had a great coat over this that I have on now, and they turned the pockets of the great coat out, and there were two handkerchiefs, one in each pocket; only one handkerchief was found; then the woman took a white cambrick handkerchief from my neck, and threw that down likewiſe where my hat lay; then the woman ordered me to ſtop, and I refuſed to ſtop; then, my Lord, ſhe tied this cambrick handkerchief round my neck, in a nooſe, to throttle me, becauſe I ſhould not follow her out; then I began to halloo; then I heard the watch crying the hour; with that, the priſoner at the bar got from the door, and I caught my hat up, and got away.

When you began to cry out, were they both ſtanding by you?——Yes; this man juſt as he was at firſt.

What did you cry?——I cried, murder! as loud as I could; then I heard the watch, and the priſoners got from the door, and let me get out; I made the beſt of my way, I came to the watch-houſe in this condition.

While the woman was taking the things out of your pocket, did the man ſay any thing to you?—Only repeated that I ſhould pay ſeven ſhillings and ſixpence before I went out; he never laid a hand upon me.

Had you ever been in that houſe before?——Never in that part before.

Had you ever ſeen that man and woman before?——No.

Did you owe this man any money?—

No; when I got out I went to the watchman in that condition; he went with me, and ſhewed him the houſe; the watchman was coming along the ſtreet within a hundred yards of me; I was ſo frightened, I cannot ſay exactly; he aſked me whether I knew the door; he ſaw I was ſober; we went to the door and heard a woman and a man talking in the ſame houſe; and we went to the officer of the night, and tried to open the door, and the man from the inſide ſaid he would ſhoot through the door; the man and woman were not the people.

When you came back to this houſe, was the back door open or ſhut?——Open, we heard them clatter out as ſoon as ever we went to break the door open.

Where does that back door go to?——It went out into a brewers yard, where ſhe wanted me to go and ſleep; then we went back again, and I ſtaid with the officer all night; then I was obliged to attend here on Le Groſs's trial, and we went the next morning about nine, and we heard a talking again, and they were gone in an inſtant; the lad came and looked up, and before that we ſaw this priſoner peeping out of a houſe that was not furniſhed; we purſued and took him; that houſe where he was looking out of window looked into this yard; the ſtreet door of that houſe was bolted, and the window was pretty high, we were obliged to get in there; when we came to the top of the ſtairs to look for him, he was below and we took him; I am poſitive he was the man.

What time of the day was this when you took him?—Between eight and nine.

Did you find the woman?—No, I did not.

Is that the woman?—Yes; I am poſitive that is the woman; it was pretty dark when I firſt met her.

Where was the candle, when ſhe was taking your things from you?—That I do not know; it was not light when they robbed me; I was robbed in the dark; there was a fire made of boards, and that flamed, you might ſee a pin; it was made of old paling, and bits of old tubs.

Did ſhe never light a candle?——Yes; and I am now ſure ſhe is the woman.

Had there any familiarities paſſed between you and her?——No, my Lord.

*Priſoner Bunn.* Did not you give me one of theſe handkerchiefs, and eighteen pence?—No; only ſixpence to ſhew me the way.

## THOMAS TAYLOR *ſworn.*

I am an officer; on the 23d of February, I had the charge of the priſoner Patrick; Croſby deſcribed the woman to me; the priſoner was in cuſtody, ſhe told me ſhe had left one handkerchief at a chandler's ſhop juſt by; I took her there with me.

*(The handkerchief produced and depoſed to.)*

## JOSEPH MILLWOOD *ſworn.*

This man, as I judge by his voice, anſwered he would not open the door; I ſaid, then I will break it open; the man ſaid, then the firſt that breaks open the door, he would ſhoot him; the officer drew back; I and another watchman puſhed at the door, and one of our watchmen ſaid, here they are; and they jumped over into the rope-walk, and eſcaped for that night; I did not ſee them that night; the next morning the proſecutor and me went to the ſame houſe again; and he ſaid, they are in the houſe; I heard the voices of two perſons, and they were talking as they did before; we went and got aſſiſtance; there was another door that prevented us from getting in, but I puſhed the door, and I heard a ruſtle, and we went and looked all about, and at the window of a one pair of ſtairs, and at an adjoining houſe we ſaw the priſoner Patrick; we thought they got out of that door; the door was bolted at this houſe, we could not get in; I puſhed up the window, and aſked the proſecutor to come in after me; then I went up ſtairs, and he was not there; I looked through the window, and ſaw him running through the cooperage; we purſued him, and took him in Church-lane; that may be three or four hundred yards from the cooper's yard.

Who took him?——The young man, he never was out of our ſight; he was running, we did not ſearch him.

### JOSEPH RIDER *ſworn.*

The priſoner Bunn brought me this handkerchief the day ſhe was taken, between eight and nine in the morning; I keep a chandler's ſhop in Cable-ſtreet, ſhe ſaid, ſhe would leave it for eight pennyworth of ſhop goods; ſhe went away; I never ſaw her again till Mr. Taylor came with her.

### PRISONER PATRICK's DEFENCE.

I had no hand at all in it, I know nothing at all about it, I was not concerned in it.

How came you to threaten the officer when he came to open the door?——It was not me.

Can you ſatisfy the Jury, that you do not live in that houſe?——I never was in the houſe before.

Where do you live?——I was lately come home from ſea; I was not paid off from the ſhip; I had no lodging; I came home in the Vigil, Captain Gildard, laying at Limehouſe-ſtairs, the man of the houſe gave me leave to ſleep there; I did not like to go on board ſo late; I ſlept up one pair of ſtairs, and ſaw the proſecutor bring this woman into the houſe, but nothing improper happened; no violence.

How got you out of the houſe, when they got in at the window?—I ſtaid there till the buſtle was over.

### PRISONER BUNN's DEFENCE.

I was coming along, and this young man aſked me to drink ſomething; we went to the Coach and Horſes, and drank ſome brandy, he aſked me to take him to a houſe to ſleep, and I took him to this houſe, and this young man gave me a ſhilling, and a pocket handkerchief; and ſaid, he would come and give me another ſhilling; the next day I was at my ſiſter's, and my ſiſter went out and faſtened me in.

*Court to Taylor.* Whoſe houſe is this?—Samuel Hornby's.

How do you know?—I know the man that keeps the houſe well.

THOMAS PATRICK, GUILTY

*Of ſtealing, but not violently.*

*Tranſported for ſeven years to Africa.*

MARGARET BUNN, GUILTY

*Of ſtealing, but not violently.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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428. JOHN DISNEY was indicted for feloniouſly forging, on the 1ſt day of May laſt, a certain acquittance and receipt for money; to wit, for the ſum of 3l. 9s. $1\frac{1}{2}$d. upon, and under a certain bill for goods, ſold and delivered by one Thomas Ruſt, to one John Brown, purporting to be an acquittance of Thomas Ruſt, the younger, ſon of the firſt named Thomas Ruſt, for the ſum of 3l. 9s. $1\frac{1}{2}$d. being the amount of the ſaid bill, which acquittance is in the words and figures following, that is to ſay, "Received ſame time the contents of the above, Thomas Rpſt," with intention to defraud the firſt named Thomas Ruſt.

*A ſecond count,* For uttering the ſame, with the like intention.

*A third and fourth counts,* For uttering and publiſhing the ſame receipt, with intention to defraud John Brown.

*(The caſe opened by Mr. Fielding.)*

*(The reſt of the witneſſes ordered to withdraw by Mr. Garrow, priſoner's counſel.)*

### JOHN BROWN *ſworn.*

I live in Bell-yard.

Had you any dealings with Mr. Ruſt, the ſhoemaker?—Yes, for ſome years.

Do you know that young man at the bar?——Yes.

Where, and when did he apply to you for the payment of any money due to Mr. Ruſt?—At my houſe, in 1784, but I cannot be poſitive to the month; I look upon it to be ſome where in the ſpring of 1784; I went in the beginning of a week, and ordered one or two pair of ſhoes, I cannot tell which; and told him if he would bring them that week, I would pay the bill for the laſt year; it is likely I might leave the meſſage with the priſoner, or ſome other perſon, I cannot ſay; he came punctually on the Saturday afternoon; the priſoner was the perſon that came; but I did not then underſtand his name to be Diſney; I conceived him to be Mr. Ruſt's ſon, from my own ideas only.

What paſſed at the time he came to your houſe?——I paid the bill.

Tell all that paſſed when he came to your houſe?——I cannot recollect any particular converſation, more than the delivery of one or two pair of ſhoes, and the payment of the money.

Did you pay him the money?——I did.

How much?——If you aſked me that queſtion, till I ſaw the bill the other day, I could not have told; I paid him the money; I cannot ſay to the three halfpence; he gave me a receipt; he wrote that receipt in my preſence.

What name was there wrote to that receipt?——Thomas Ruſt.

*To Ruſt.* What is that that you have in your hand?——It is a bill, and a forged name to it.

How did you come by it?——By Mrs. Brown, I had it from her.

You had it you ſay from Mrs Brown? ——I had, and her huſband I believe was preſent; Mr. Brown ſaw it; he ſaid, he ſaw it; he ſaid, he thought the priſoner was my ſon; it was delivered into my cuſtody, and I have had it in my cuſtody almoſt ever ſince; I believe I had it about January laſt.

*Mr. Garrow, to Ruſt.* You have had it almoſt ever ſince?——Yes, till that young gentleman had it from me.

How long?——Why, for about an hour or two.

You had that from Mrs. Brown?——I had it from both.

*Brown.* That is the paper that I received from the priſoner; it lay about, as a piece of paper, it was a chance it was not loſt; there are ſome memorandums of my writing.

How came your wife by it?——My wife conſtantly attends in the buſineſs the ſame as me. *(The paper read.)* Mr. Brown to Thomas Ruſt debtor, 1783, March the 10th, to the amount of 3l. 9s. $1\frac{1}{2}$d.

What is the date of the laſt article?——The 29th of November, 1783; received ſame time, the contents of the above, Thomas Ruſt.

*Mr. Garrow.* Any date to the receipt? ——*Mr. Shelton.* The corner where the date ſhould be put, is torn off.

*To Brown.* Did any more converſation paſs between you?——I did not hear any.

Did you aſk him any queſtions at all? ——No, I did not, I looked upon him from my own idea as Mr. Ruſt's ſon, from his generally leading the buſineſs.

Did any converſation paſs between you on that ſubject, whether he was or was not Mr. Ruſt's ſon?——No, not at that time.

Did any at any other time.

*Mr. Garrow.* I object to that; this was for a bill in the year 1783?——Yes.

And as you recollect paid by you in the year 1784; when for the firſt time did you hear any complaint of payment from Mr. Ruſt?——Never.

Have you dealt with him?——Yes.

Have you paid him the laſt bill?——No; there was a diſpute about it, and Mr. Diſney had that bill of me to ſet to rights.

When was that?——I think it was the beginning of this year.

Then ſince ſpring 1784 have you not paid Mr. Ruſt any money?——No, Sir; none at all.

He was pretty univerſally taken for Mr. Ruſt's ſon?——It is likely he might.

He uſed Mr. Ruſt's name?——I never heard him call himſelf ſo.

You have ſeen him ſign himſelf ſo?——Yes.

He is generally called by the name of young Ruſt?——I cannot ſay, only by my own family; I did imagine that was his name; I have called him Ruſt.

Should you have called him ſo if other people had not?——I imagine not.

Do you know of any ſon that the old man had, of the name of Thomas Ruſt? ——No, Sir, I do not know.

Have you ever heard of any?——No.

As you did not know of any other who called himſelf Thomas Ruſt but this young man, did this purport to be the receipt of any other young man whoſe name was Thomas Ruſt?——No, I took it to be his receipt.

You never heard any complaint of this receipt?—I was never called on by Mr. Ruſt; Mr. Ruſt called upon me, not to pay the money, but to aſk me if I had paid the bill; it was about the beginning of this year.

You never heard this young man while he conducted the buſineſs of Mr. Ruſt's, called by the name of Diſney?——No, never, he afterwards informed me that his name was not Ruſt, but Diſney.

When was that?—It was in converſation at Mr. Ruſt's ſhop, I ſhould rather ſuppoſe it to be at the latter end of the year 1784.—

At that time I believe the young man at the bar had left Mr. Ruſt?—No, Sir, not at the time he told me.

How ſoon after did he leave him, and enter into partnerſhip with another perſon?——I cannot tell.

Is it two or three months ſince he left Mr. Ruſt?——I do not know, I think it was in the beginning of this year.

Then during the time he continued in this employment, he continued in the name of Ruſt?——I think it was before he left Mr. Ruſt that he told me his name.

Did you know, when he told you that, that he intended to leave Mr. Ruſt, upon your oath; what is your name, is it not Brownrigg?——Yes, Sir, and I am ſorry for it.

I do not blame you, nay I will add to it that you was very honourably acquitted from that bar by that name, however that is your name, and you was very honourably acquitted by that name.

*Court to witneſs.* Have you in buſineſs been known, and paſſed by the name of Brown?——Yes, theſe ten years.

*Mr. Fielding.* That is the name that you have conſtantly given up and paſſed to the publick as your name?——Yes, and I am well received by my friends.

*Mr. Garrow.* Do you recollect any converſation between the priſoner and you at the time you paid it, about the date?—No, I do not.

Did not you deſire the priſoner to antedate it in order to avoid the payment of the ſtamp duty, and that is the reaſon it is torn off?—No, Sir, I do not; there never was a ſtamp to it.

Have you ever had any converſation with old Ruſt about it?—No, Sir, never.

*Mr. Fielding.* Then you had no converſation with him about this?—No, Sir, never.

Then you do not recollect having any converſation at all about his name?—No.

Did not you know him by the name of Ruſt at any other time than when he ſigned this paper?——He told me in his ſhop that his name was Ruſt, I always conſidered him as a ſon.

*Court.* Did the priſoner at the time he gave you the receipt tell you any thing about what his name was, or that he was Thomas Ruſt the younger?——No, he did not at that time.

You are pretty ſure he did not at that time?—I am very ſure.

*Court.* If you had laid it to be in the name of Thomas Ruſt the elder, you cannot go a ſtep further.

**NOT GUILTY.**

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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429. The ſaid JOHN DISNEY was again indicted for feloniouſly forging, on the 17th day of February laſt, a certain promiſſory note for the payment of money, with the name Thomas Ruſt thereto ſubſcribed, purporting to be a promiſſory note for payment of the ſum of 350l. dated the 14th of February 1785, with lawful intereſt at twelve months to him the ſaid John Diſney, by the name and deſcription of Mr. John Diſney, or his order, for value received by him the ſaid Thomas Ruſt; and which ſaid falſe, feigned, and counterfeit note is in the words and figures following, that is to ſay; "London, 14th February,

"1785, twelve months after date, I "promiſe to pay to Mr. John Diſney, or "his order, 350l. value received, Thomas "Ruſt, No. 35, Butcher-row," with intention to defraud the ſaid Thomas Ruſt.

*A ſecond count for uttering the ſame with the like intention.*

WILLIAM HERNE *ſworn.*

My Lord, on the 17th of February laſt, the day that this note appears to be due, between four and five in the afternoon, the priſoner in company with another young fellow, came into my office, he ſaid it was due on that day, and he wanted me immediately to proceed againſt Mr. Ruſt, the perſon who was to pay it; I told him, it was only due that day, and that he muſt wait till the morrow before I took ſteps with it, that it would be ſent for payment, if he choſe it; the young fellow that was with him, ſaid, you had had better leave it with Mr. Herne, and let him ſend one of his clerks with it.

*Here Mr. Fielding, counſellor for the proſecution, juſt entered and opened the caſe as follows.*

Gentlemen, I am to beg your pardon as well as my Lord's, for being rather later than my time; you have heard the indictment read, and you all very well know how extremely important to public juſtice it is, to be as active as poſſible in the ſuppreſſion of the crime of forgery, and how neceſſary that puniſhment ſhould follow on ſuch convictions. This young man at the bar had for ſome time lived as an apprentice with the proſecutor, he had an opportunity of knowing his maſter's affairs; the maſter, who will appear before you probably, (though I know not that he may, from a circumſtance that will perhaps impede his attendance) he is extremely infirm, and a very likely ſubject of impoſition; this young man had an accident of a fortunate kind happened to him; after which, inſtead of the induſtrious apprentice, he became an extravagant young man, conceived ſome objection to the behaviour of his maſter, and had taken ſuch a diſlike as to threaten him with vengeance of a a particular kind, I ſhall not open that to you, if the witneſs tells the ſtory, I make no doubt but it will have its proper, and only its proper impreſſion upon you. This young man living in the character of a journeyman, carried a draft, ſuppoſed to be drawn by his maſter, a promiſſory note to him for 350l. to Mr. Herne to procure payment; now to be ſure upon the very outlines of the caſe, it muſt appear ſtrongly impoſſible, that the maſter ſhould be indebted to him in that ſum; what could induce the maſter to give him ſuch a promiſſory note, I cannot ſay; he carried to Mr. Herne, an attorney, this promiſſory note, purporting to be a note from Mr. Ruſt to him, promiſing to pay him 350l. he gave Mr. Herne very ſingular directions upon it, deſiring him to go on to recover the money; Mr. Herne being a gentleman of very conſiderable reputation, told him, there was no room for all that acceleration of the buſineſs, that he might wait; that he ſhould firſt of all appriſe him of the buſineſs; and when Mr. Herne came to Mr. Ruſt, telling him of the note, he was perfectly aſtoniſhed, declared at that time, that he never had given ſuch a note as this, but that it was a forgery; the young man came a ſecond time to Mr. Herne, who told him he muſt go to Sir Sampſon Wright's; but an acquaintance of the priſoner's thought it better to go to my learned friend here, Mr. Garrow, and to him they went. Gentlemen, the caſe is very particularly circumſtanced, and it will require a very ſerious conſideration from you; for as the law ſtands, this being Mr. Ruſt's note, purporting to be drawn by him, and bearing his ſignature, he is a man intereſted in the event of that ſuit, and cannot be a witneſs; then, how is it poſſible that he ſhould eſtabliſh the criminality of this young man, Mr. Ruſt cannot be a witneſs; you will then have to go another degree of proof, for whereever there is a criminality exiſting, it behoves the laws of the country to ſift out the criminality, and if one degree of teſtimony is cut off, you muſt reſort to another; remembering, however, that unleſs the matter in iſſue ſhould at the laſt convince an honeſt and intelligent jury of the guilt of the priſoner, the man will go acquitted. In moſt common tranſactions we are obliged to reſort to probability, and it will be for you to put all theſe circumſtances together, to weigh them well, and conſider whether they furniſh that reſult in your minds, as ſhall honeſtly and fairly convince you of the guilt of the priſoner; if there be any doubt, you will let him go acquitted. This being the caſe, and as I am free to confeſs, I ſhall be cut out of the advantage, and the public alſo of receiving the evidence of Mr. Ruſt; I muſt truſt to the circumſtances of this caſe: the firſt circumſtance is the ſituation of this young man, in the employ of Mr. Ruſt, a journeyman, not having it in his power to advance money, not requiring any particular act of bounty, whether it be probable his maſter ſhould give him this note, is for you to determine. I ſhall lay before you this ſort of evidence from thoſe people that have frequently ſeen Mr. Ruſt write, and are confident of his writing, that it is not his hand; I ſhall prove that this young man one day, a little before the execution of this inſtrument, had bought a couple of ſtamps, and was writing on one of them, and manifeſted confuſion, on being diſcovered of what he was writing; but I wiſh not to catch your paſſions, nor to inflame them; I wiſh that the evidence may come ſeriouſly before you, that your minds may be as free from paſſion and prejudice as poſſible; if you ſhould be of opinion that the probability of the circumſtance furniſhes a degree of teſtimony, which ſhall in your breaſts, and as you think to all others, furniſh the evidence of demonſtration, it will be your duty under the conſideration of what you owe to your country, to find the priſoner guilty.

*Mr. Herne.* He left the note with me at that time, but on my turning to the back of it, I ſaw it was not indorſed; I told him nobody could recover it; he did not ſeem to underſtand what indorſing was; I did not enquire that young man's name, I ſhould not know him again; the young fellow ſaid he was a ſhoemaker in St. Martin's-lane; I aſked him who recommended him to me; he ſaid, a Mr. Mell.

*Court.* He did not ſeem to be well acquainted with the nature of notes or bills?——He did not ſeem to know the nature of indorſements; but at the deſire of the young fellow, he wrote his name very well on the back.

Did you hold any converſation with him at this preſentment of the bill?——I was going out in a great hurry at that time, therefore nothing paſſed; he deſired I would ſend one of my clerks; I went up to Iſlington, and it ſtruck me it was a very extraordinary circumſtance, a young fellow coming ſo ſoon after it was due, to arreſt him; I went the ſame day into Butcher-row, I called upon an oppoſite neighbour, and went over to Mr. Ruſt, and preſented it to Mr. Ruſt, and he refuſed payment.

Did, at any future time, any converſation paſs between you and the priſoner?——The priſoner ſaid he would come at eight that evening, but he did not; he called ſeveral times at my houſe, and I did not ſee him; he called on me one morning, in company with another young fellow, not the ſame that came before; that was after the warrant had been iſſued for his apprehenſion; I believe it was five or ſix days; he ſaid, have you got me the money? I ſaid, Mr. Diſney, you have got me into a fine ſcrape, you muſt go with me to Sir Sampſon's; why, ſays he, where is my note; what, will he not pay me my money? No, ſays I, he ſays it is a forgery; he ſaid he would go directly; he appeared no more confuſed than I was; the perſon that was with him ſaid, you had better not go to Sir Sampſon's; do not let us go into the lion's mouth, ſays he, we will conſult Mr. Garrow; and the priſoner afterwards ſaid, why then, we will go to Mr. Garrow, and call on you, Mr. Herne, in the evening; and away they went, and I never ſaw him any more.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of APRIL, 1786, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

**And Publiſhed by Authority.**

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of John Diſney.*

*Mr. Garrow.* I believe you never heard from any body, till Mr. Fielding told you, that he had been to Mr. Garrow?—No, Sir.

Did the gentlemen in your office know there was a warrant againſt the priſoner?—They did know it; and they told me, ſays they, he is to be here at four o'clock this afternoon, and I ordered the conſtable to attend.

Do you know whether any of your young gentlemen told him that there was a warrant againſt him?—I do not know.

Was he known to you?—I thought I knew him; he told me he lived at No. 9, or 11, in St. Martin's-lane, and was a ſhoemaker; I do not know that of my own knowledge, but I have no doubt about it.

He left the note, without any caution on the buſineſs, but to get the money as faſt as you could?——Yes; he wanted to have him arreſted that night; I have no concern whatever in this proſecution, I attend merely as being bound over; he wrote his name on the back of the note, John Diſney.

What day was this?—The 17th of February; this is the ſame note, I have had it in my poſſeſſion ever ſince.

*(The note read.)*

"London, 14th of February, 1785.
"Twelve months after date, I promiſe to pay to Mr. John Diſney, or his order, £.350, value received, with lawful intereſt.
"£350 0 0 THOMAS RUST."

*Mr. Fielding.* I now proceed to call ſome evidences to ſpeak to the hand-writing, being precluded from calling Mr. Ruſt.

JOHN SMITH *ſworn.*

Do you know Mr. Ruſt, a ſhoemaker, in Butcher-row?——Yes.

Have you ſeen him write?—I have, many different times.

Do you think you have ſeen him write ſo frequently, as to enable you to ſay, upon your oath, whether ſuch a writing, bearing his name, is Mr. Ruſt's hand-writing?—I have many a time ſeen him write, and the priſoner at the bar. *(Looks at the note.)* I do not believe this is Mr. Ruſt's hand-writing; for he writes in a more full hand than this; I have ſeen the priſoner at the bar write, and he writes a more light hand than this.

Fix your eye upon the ſignature, Thomas Ruſt, and tell me if you think that is his hand-writing?——I do not think it is.

You have ſeen him write many times?——I have; I do not think it is his hand-writing.

*Mr. Garrow.* What are you, Mr. Smith?——A leather-factor.

Have you ſeen much of his hand-writing?——A good deal of it.

Have you at this time a promiſſory note of the priſoner's?——I have.

And from your knowledge, you do not think this is the priſoner's hand-writing?——I do not, really.

How long have you known the priſoner?——About fourteen years; he lived with Mr. Ruſt, he was his apprentice, and afterwards his managing man; I never ſaw Mr. Ruſt before yeſterday; I never went to the Juſtice of Peace, nor the Grand Jury.

What time of night was it yeſterday, when he applied to you?——I ſaw him in the early part of the day.

Was you here yeſterday, when we had Mr. Browarigg?——I was not in court.

Mr. Ruſt ſhewed you this, did not he?——I ſaw it at Mr. Herne's.

Mr. Ruſt told you it was a forgery?——Yes.

He told you it was a forgery, and wanted you to prove it?——I would have truſted the priſoner at the bar with any property.

I aſk you, becauſe I know you are an honeſt man, and have a good opinion of the priſoner, he told you that it was not his hand-writing, and that it was a forgery?——He did ſo.

And then Mr. Herne ſhewed it to you in the preſence of Mr. Ruſt?—Yes.

What marks did he point out to you, by which you might know it was not his hand-writing?—I am not ſure of it.

By which you might think about it?——I am not at a certainty about it.

What mark did Mr. Ruſt deſcribe to you by which you knew it was not his hand-writing?——I do not ſay that it is not his hand-writing; Mr. Ruſt aſked me if I thought that was his R.

I knew it was the R he had fixed upon?——I do not ſwear neither one way or the other.

He told you at firſt it was a forgery, and that it was not his hand-writing; what ſtroke of the R was it that he pointed out directly?——I think juſt the ſame as I ſaid before; Mr. Ruſt writes much larger.

What ſtate of health was your neighbour Mr. Ruſt in about a twelvemonth ago?——I believe he was in the country, as near as I can recollect, about that time; I do not recollect his being very ill; he went into the country for his health.

Is not he a very infirm old gentleman?——I look upon him a very hearty man of his age.

Not an infirm man?——No.

What was that he told you at Mr. Herne's, about the blemiſhes at the top of the T?——There was not a word mentioned about the T; there never was any thing mentioned, but about the R.

What was the particular obſervation that he mentioned to you?——That it was too light for his hand-writing; I have known this young man for fourteen years, and if he was to come to my ſhop to-morrow, I would truſt him with fifty pounds; he had the management of the buſineſs.

He was called his ſon?——I never heard that before yeſterday.

Did you look to him as the young man that was likely to ſucceed to the buſineſs?——I did look upon him ſo.

How long was it ſince Mr. Ruſt's wife died?——I do not know.

Do you know that this young man had the fortunate accident to get ſomething in the lottery?——I do not know that.

Have you had much dealings with Mr. Ruſt?——He always paid me ready money.

Does Mr. Ruſt deal in country-made ſhoes?——I believe he does.

We all know that the country ſhoemakers

makers very often bring up very good bargains to town?——Certainly they do.

I believe Mr. Ruſt was in the luck of buying a good many bargains?——Not to my knowledge; I have ſeen country made ſhoes in his ſhop.

JOHN PRING *ſworn.*

Do you know the hand writing of Mr. Ruſt?——Not well enough to ſwear to it.

Have you ſeen him write?—I have often ſeen him write.

Can you ſay, when you ſee his name to any inſtrument to which Mr. Ruſt's name ſhould be wrote, that it is hand writing?—I think it is not his hand writing, but I cannot ſwear it, nor do not pretend to ſwear it.

According to the beſt of your belief, is it, or is it not his hand writing?—It is not.

*Court.* You believe from your recollection of his hand writing that it is not his hand writing?—Yes.

*Mr. Garrow.* What are you?——I am a butcher in Clare-market.

Then you have had once a year, or once in every half year a receipt from Mr. Ruſt for ſhoes?——Once a month.

Is your knowledge of his writing, or is it not, formed from a compariſon with thoſe receipts?—I thought it was not his hand writing when I firſt ſaw it.

How did you firſt ſee this note?—I ſaw it at Guildhall; I went with Mr. Ruſt; Mr. Ruſt had told me of this forgery, and that it was not his hand writing; Mr. Ruſt never pointed out any thing particular of the letters; he put the note into my hand, and aſked me to look at it, and to give my opinion of it.

Wherein does it differ?——I think the R. and the Thomas is not ſo like.

In what do they differ?——I think he writes a lighter hand, not ſo heavy a hand at the word Thomas in particular.

I take it for granted you can write?——A little.

I dare ſay it has happened with you to begin with a new pen, and at firſt it writes ill, you never taught writing?——No. I teach writing!

*Court.* Suppoſe this note now had been for five pounds inſtead of three hundred and fifty, and it had been brought to you to diſcount it, was it ſo unlike that you ſhould have refuſed it?——I do not know that I ſhould, but I ſhould not think Mr. Ruſt ever had a note out; I ſhould have thought it was not his hand writing, becauſe I ſhould have thought he had no note out.

That is quite a different thing, if you can ſeparate in your own mind the impreſſion under which you firſt ſaw this note, which was the impreſſion of its being forged; now ſuppoſing you had ſeen it without that, if you had ſeen theſe words Thomas Ruſt, without having heard any thing of it before, ſhould you have thought it was not Mr. Ruſt's hand writing?—I rather think I ſhould.

*Priſoner.* Mr. Pring is a relation of Mr. Ruſt's.

*Mr. Garrow.* What relation are you to Mr. Ruſt?—I married his niece.

Has he any children of his own?—Not to my knowledge.

How long have you known the young man at the bar?——Ever ſince he came there, he has been with him all the time, from his firſt going there till lately; he was a great favourite, I always looked upon him ſo; a very good ſervant.

I believe it was pretty generally underſtood, that this young man would ſucceed to the buſineſs?—It was.

I believe he was ſo great a favourite, that it was underſtood if there was any fortune he would get that too; you hoped not, I know?—Mr. Ruſt told me he had left him ſixty pounds; I never heard this young man called by the name of Ruſt; I viſited there many times.

I believe this young man had the good or ill fortune to hit upon the expedient of making boots without a ſeam?—Yes, I believe he had.

Now you have heard this, that for that ſame boot of his without a ſeam, he ſhould have a ſeam round his neck, that he would hang him if he had twenty lives?—I never heard any expreſſion from Mr. Ruſt of that ſort; I heard him ſay if he had continued with him till Chriſtmas, that he would have given him his buſineſs; but he would not ſtay any longer than Michaelmas.

You heard ſo from Mr. Ruſt?—Yes.

That was very ungrateful in Mr. Ruſt's opinion?—I do not know.

Has he never ſaid it was a very ſhabby and ſcandalous thing?—Never.

He praiſed him for it may be?—Not to me, I had no converſation with Mr. Ruſt about it.

Yes, you had; was that all he ſaid, did he not accompany it with any bleſſing or benedictions on the young man?—I heard nothing at all of it.

*Priſoner.* He has taken his ſon ſince apprentice.

*Mr. Garrow.* What age is your ſon?—Between fourteen and fifteen; he went apprentice juſt about the time of his leaving him; he was with me before.

What buſineſs did you intend to put him to?—No particular buſineſs; when this young man was gone, I applied to Mr. Ruſt to take my ſon.

*Mr. Fielding.* Did you know any thing of his intentions to this young man more than his ſuceeding to the buſineſs?——I heard him ſay he had left him ſixty pounds in his will, and letting him ſucceed to the buſineſs.

### ROBERT MARM *ſworn.*

I know Mr. Thomas Ruſt.

Have you ſeen him write?——I have.

Have you ſeen him write frequently?—I lived with him eight years ago.

Have you a memory of his hand writing?——I cannot ſay I have ſo ſtrong a memory of his hand.

Look at the name on that, do you believe that to be his hand writing or not?—I do not believe it to be Mr. Ruſt's hand writing.

*Mr. Garrow.* When did you ſee him write laſt?—Once, or twice in the courſe of the laſt half year I might have ſeen him write.

Have you ſeen him write at all during the laſt eight years?——I will not take upon myſelf to ſay that I have ſeen him write his name to any thing.

What are you?—A ſhoemaker; I live now in Mitre court.

You was before the Grand Jury Mr. Marm, when this bill was found againſt the defendant?—I know nothing of that.

When was you applied to about this?——It might be a week.

Will you ſwear it was not ſince laſt Sunday?——No, I believe it was before laſt Sunday; Mr. Ruſt called upon me, and aſked me if I would attend in reſpect of a note that was drawn on him for three hundred and fifty pounds; that it was not his hand writing, and he would be very much obliged to me to attend; I ſaw it at the attorney's about Tueſday.

Was Mr. Ruſt there at that time?—He was there.

What was it in the capital R. that he pointed out to you that was not his hand writing?——It is rather not done ſtrong enough.

It therefore appeared to you to be done twice, that the principal thing, he marked it out to you, you thought it very ſingular he ſhould give a note for three hundred and fifty pounds?——Yes.

*Mr. Fielding.* What are the uſual wages you give to journeymen?—Generally two ſhillings a pair, we do not pay any man by the week; Mr. Ruſt gave me twelve ſhillings; I have had ſixteen ſhillings; I have had one guinea a week.

That is to the perſon who cuts out, I want to know the higheſt wages given to the foreman?—One guinea and a half per week.

*Priſoner.* This very man came to me the day before the ſeſſion, ſays he, I would adviſe you to ſend to your friends to ſpeak for your character, ſend to me.

### EDWARD MASON *ſworn.*

I know the priſoner; I have lived with Mr. Ruſt, and I left Mr. Ruſt when he did.

Did it happen that you lived with the priſoner any time after this?—Yes.

Where and when?——In St. Martin's-lane; he carried on buſineſs there; I lived with him as errand boy; this was in October; it was that day week I went to him after he left Mr. Ruſt.

Did he at any time in October ſend you to a ſtationer for any thing?——About a month before he left St. Martin's-lane, to the beſt of my knowledge, that day week that the warrants were out, he left St. Martin's-lane; about a month before he left St. Martin's-lane, he ſent me to the ſtationer's in St. Martin's-court for a ſhilling ſtamp, and a two-penny ſtamp, I took them in to him, and came out of the parlour again; about ten minutes or a quarter of an hour after that, I went to go into the parlour again; as I had juſt opened the door Mr. Diſney put his hand upon the door and would not let me come in, and on one of theſe ſtamps he was writing, but I cannot ſay which; to the beſt of my knowledge, it was between ſeven and eight in the evening; then when he left St. Martin's-lane, I uſed to go backwards and forwards to him when he was at hide and ſeek; I went to him at Mr. Lord's in Gracechurch-ſtreet, and he ſaid to me one morning, when I ſaw him at Mr. Lord's, ſays he, the lawyers have been here, and I only wiſh I could get a man to ſwear that he had ſeen Mr. Ruſt put his name to this note, then he ſaid, you can ſwear that you ſaw Mr. Ruſt put his name to it.

Was it in anſwer to any thing that you ſaid?——No, I ſaid nothing.

What anſwer did you make?—I told him I did not like to do any ſuch thing.

Did any thing more paſs between you before you left him at that time?—No, Sir, not at that time.

When did you ſee him again after this?——I do not know that I ſaw him again after this at that houſe.

Well then at any other place?—About a fortnight after he ſent a young man up to me.

In conſequence of that meſſage did you ſee him at any other place and where?——I went to an empty houſe, Clerkenwell-green, Alyeſbury-ſtreet; that night he ſent me for ſome bread and cheeſe; and then he ſaid, the only way to do Mr. Ruſt over is to ſet his houſe on fire, and burn him in it; ſays he, I will tell you how it is to be done; there is a hole juſt where the ſcraper is at the ſhop door, and by putting ſome links in there it may be done; there was nothing more paſſed that night, we went to bed together; I was with him all day on Sunday; he was there unknown to any body.

What did he ſay on the Sunday?——I do not know, for we ſlept all the day away almoſt; I left him on the Monday morning, I went to him again towards dinner time to the ſame place, I fetched him two rolls and treacle.

Did any converſation paſs between you about the note?—He told me he would be d--d if the ſigning the note was his writing, meaning himſelf; I had told him if he was taken that the Judge and Jury would think within themſelves that Mr. Ruſt being a man of property would never go to be indebted in ſuch a ſum to a ſervant; then I told him again, ſays I, the Judge will aſk you how you came by this money; then he made anſwer to me, and ſaid, what is that to them; then I left him.

Did you ſee him any more after this time of parting, before he was apprehended?—I ſaw him the next day, and he was talking about a young fellow he was very well acquainted with; I was ſaying what a fearful man he was, and he ſaid, yes, he was very fearful; and I think to the beſt of my knowledge he was one of them that was concerned; I do not know any thing more that paſſed.

Did you ſee any more before he was taken up?——He went away from that houſe on the Saturday, and he went down to his ſiſter's, and he told me to come on Sunday to his ſiſter's, in Church-lane, Roſemary-lane, and he ſaid, do you know a man that is very much like me, ſays he, I wiſh I could get a man to go and ſurrender er himſelf for me, and take a trial for me, and then, ſays he, after he has had his trial, he can ſay he is not the man, and I will give him fifty guineas, or fifty pounds, I am not ſure which he ſaid; then I left him, and he ſaid, there are two or three brothers of the name of Withers, and he ſaid, that is the hair-dreſſer, that is very much like me, I wiſh you could go and ſee if you can find him, I am told, ſays he, he lives in Leather-lane, or ſomewhere thereabouts.

Did you know this young man when he lived at Mr. Ruſt's, before he left him?—Yes, I lived twice at Mr. Ruſt's.

What appearance had he of property?—No appearance at all of property but wages.

*Court to Mr. Fielding.* You forget your own opening, you ſtated that he had property, and became very extravagant.

*Mr. Garrow.* You was in Tothill-fields Bridewell, what was the name of that woman you robbed?——I do not know her name, ſhe accuſed me wrongfully.

How long is that ago?—Fifteen months ago.

Therefore you would have us believe that ſince that robbery you have been an honeſt lad?—No, Sir, nobody has found me out.

How long did you lay in gaol on that occaſion?—Till ſeſſions, and when ſeſſions came I was turned out.

When was it that Mr. Ruſt ſaid, that you was a loitering, lurking, half hanged raſcal, and ſhould never come into his houſe, you was his apprentice?——No, I went of errands.

So this Mr. Diſney, who is ſuppoſed to conſult ſome counſel, conſulted you as his counſel?——There was no counſel nor attorney.

So you ſtood in place of counſel, and attorney, and judge?—No, I do not put myſelf upon a footing with that.

Mr. Lord was preſent at this converſation?—Mr. Lord never knew to my knowledge what Mr. Diſney and I was talking about.

You never had any converſation with Mr. Lord upon the ſubject?—No, nothing in particular as I recollect.

Cannot you recollect whether you had any converſation at all with Mr. Lord upon the ſubject of this buſineſs?—I will tell you the converſation in a minute.

Give an anſwer?—He was uſed to aſk me if I ſaw Mr. Ruſt, or the like of that.

What might you anſwer?—I told him, whether I had ſeen him or not.

Had you any converſation with Mr. Lord about that?—Mr. Lord was talking to me once about the note, and he ſaid, did you ever know Mr. Diſney lend Mr. Ruſt any money, and I told him, yes, two and three guineas at a time; but to my knowledge always paid him again very ſoon.

Now that was exactly what you ſaid?—Yes, to the beſt of my knowledge.

I ſhall bruſh up your memory before I have done with you; was not there a little converſation about Mr. Ruſt's ſigning a note in the ſhop ha! look at this gentleman and give your anſwer?—Yes, I believe I have.

Now let us hear what that converſation was?—Upon my word I cannot recollect to my knowledge what it was.

Why could not you recollect what you ſaid yourſelf, as well as the ſtory of the links and the ſcraper?—I am very dull of apprehenſion.

Upon your oath, did you never tell Mr. Lord that you ſaw Ruſt ſign a note in the ſhop, to the priſoner Diſney?——I might ſay ſo, or I might not.

You may or you may not be hanged, but I aſk you what you did ſay; I apprize you that Mr. Lord is here, and I ſhall call him?

*Court.* Did you ſay ſo, or did you not?—Yes, my Lord, I did.

Now as you had ſome talk about Mr. Ruſt's ſigning a note to the priſoner, upon your oath did you ſay what that note was given for?—It might be two hundred, it might be three hundred, I cannot poſſibly ſay.

Upon your oath, did not you tell him

it was three hundred and fifty?—Upon my word I do not know.

Upon your oath, did you, or did you not ſay ſo?—I do not know to my knowledge, whether I did, or did not.

Upon your oath, did not you ſay at the time that it was for three hundred and fifty pounds?——No, Sir, I cannot ſwear that I did not, nor I cannot ſwear that I did.

What ſum did you name?—I do not know that I mentioned any ſum in particular, I might ſay two or three hundred.

Do you mean to ſwear, that to the beſt of your knowledge and recollection you did not name any ſum?—I do not know.

Did not you ſay, that you heard Ruſt ſay, it was for 350l. do you believe you did ſay ſo?——I might ſay ſo; but upon my word I can't ſay.

Did you ſay ſo, or did you not?——I cannot ſay whether I did, or did not, upon my word.

Upon your oath, Sir, did you, or did you not tell him that you heard it was 350l.?——Upon my word, I cannot particularly ſay, whether I did or did not.

Come, try once more, you know what you ſaid yourſelf, as well as what the priſoner ſaid; did you tell Mr. Lord, that you heard Ruſt ſay that it was for 350l. did you ſay ſo?——I do not know upon my word.

Did you you tell Mr. Lord when the note was ſigned?——I told him it was ſigned in February; but for what ſum I cannot tell.

February, in what year?——It was either in 1783, or 1784.

When did you go the ſecond time to Mr. Ruſt?——In January, 1785.

Upon your oath, did not you tell Mr. Lord, that you knew this note was ſigned in February 1785; becauſe it was a fortnight after you came back to Mr. Ruſt's?—I do not know upon my word; but had I known what would have happened ſince, I ſhould have remembered.

Did you, or did you not ſay that?——Yes, I did.

*Mr. Fielding.* It is of no uſe to go further; I think it is impoſſible that ſuch a young villainous teſtimony can have any weight.

*Mr. Garrow.* I will go on with it.

Did not you tell him over and over again, that you knew the time when you ſaw the note ſigned; becauſe it was a fortnight after you went to Mr. Ruſt's the ſecond time?——Yes, I did.

Did not you offer to make an affidavit of it before any magiſtrate?——Yes, my Lord, I did.

With whom did you live theſe laſt three or four weeks?——Theſe three or four weeks paſt.

*Mr. Garrow.* Aye?——I work for Mr. Ruſt.

Have you lived with his family? have you eat at his table?——Yes.

Have you ſlept in his houſe?——Yes.

How much money have you received from him?—I never received but one guinea of him, and then he paid me for what work I had done.

Upon your oath, for what did you receive that one guinea; come, I know it, and I ſhall ſtate it if you do not, and I will make you ſtate it too; what did you receive that one guinea for?—Becauſe Mr. Diſney was taken.

At the time you have ſtated that you ſaw Mr. Diſney; did, or did not Mr. Ruſt know that you was going to ſee him?—I do not know that he did know it.

You mean to ſtate that anſwer?—I do.

Where was he taken?—He was taken in a court in Church-lane, Roſemary-lane, at his ſiſter's.

Who ſhewed the officer where to find him?——I ſhewed the officer.

Upon your oath, did not you go to him by the deſire of Mr. Ruſt?—I told Mr. Ruſt ſo far as this, that I knew where he was.

Upon your oath, did not you tell him that you was with him frequently?—Since he has been taken, I did.

How often have you held converſation with Mr. Ruſt about him?——I cannot ſay I ever did.

Did not Mr. Ruſt aſk you every night whether you had ſeen Diſney?——I did not ſee Mr. Ruſt every night, I never was in Mr. Ruſt's houſe to board and lodge before Diſney was taken, I went backwards and forwards there for work.

Upon your oath, did not you at all theſe times converſe with Ruſt about Diſney?——In fact, I never did go backwards and forwards to Mr. Ruſt's till Diſney was taken, to the beſt of my knowledge.

With whom did you make the bargain, that you ſhould receive the guinea from Mr. Ruſt?——I did not make any bargain with him.

How long before Diſney was taken, did Ruſt promiſe you the guinea?—It might be a week or ten days before he was taken.

Now, in that time, how often have you ſeen him?——I might have ſeen him three or four times.

Was it not ten or a dozen times?—It might be ten or a dozen times.

When was it you told Mr. Ruſt about the links?——Not till Diſney was apprehended.

Speak out, till ſome judgment ſtrikes you dumb, you have kept it ſnug, perhaps you intended to do it yourſelf, you thought it would be a ſnug thing?—No.

Was Mr. Lord preſent, when Diſney told you he wiſhed ſomebody to prove Mr. Ruſt's ſigning?——He never ſhewed it me.

Did not he at that time ſhew you the note, in this way, holding the paper; here is the note of the old rogue's writing, if I could get ſome perſon to prove his hand writing; why, you could prove it?——He did not ſhew me the paper.

When did you tell the priſoner, you ſhould not like to go before the court?—I cannot ſay, whether it was before or after; I was not a witneſs to Mr. Brownrig's proſecution.

How much money has Ruſt promiſed you, in caſe Mr. Diſney ſhould be hanged?——He promiſed me no money, he only promiſed me work.

Have you dined at his houſe?——Yes.

*Court*, From the time Diſney left St. Martin's-lane, who did you work with?——I did not work for Mr. Ruſt then.

Who did you work with?——I did not work with any body then, I was expecting to get a place.

Who did you apply to for work?——I ſpoke to ſeveral people, to people that I knew.

What people; name any one, except Mr. Ruſt, that you applied to for work, and that perſon ſhall be ſent to?——I uſed to go backwards and forwards to Mr. Lord's, after Diſney left Saint Martin's-lane, Mr. Diſney told me he ſhould ſpeak to Mr. Lord about a place for me.

When did he tell you that?——After he left Saint Martin's-lane.

How long after?—It might be a week after, I did not get any work from Mr. Ruſt till Diſney was taken, I do not know to my knowledge.

Now, that you may not be caught, I will read you what you have ſaid already; you have ſaid, Mr. Ruſt has paid you a guinea, beſides paying you for your work, and that was a week or ten days before the priſoner was taken. Now do you mean to ſay, that you had done no work for Mr. Ruſt then?——Yes, Sir, I had worked for him then a little.

Before that time, before he promiſed you a guinea, how long was it after he left Saint Martin's-lane before he was taken?——It might be ſix weeks, or two months, I cannot ſay.

Now, how long of that time had you worked at Mr. Ruſt's?——I might have worked for him two or three days, or a week.

You had better ſpeak the truth?——I ſaid, he promiſed me a guinea when Diſney was taken, I could not ſay that.

You have ſaid it, and you may contradict it now?——It was about ten days; becauſe I remember meeting Mr. Ruſt.

*Court*. You may go down, but not out of court.

### JOHN MOORE *ſworn.*

I know Thomas Ruſt, I live with him now, I know the priſoner.

Do you remember his calling at Mr. Ruſt's houſe on the evening of the 17th of February laſt, tell my Lord and the Jury what he ſaid?—He called between ſix and ſeven in the evening, and aſked if Mr. Ruſt was at home, I ſaid he was gone to the veſtry; he ſtopped ſome little time in the ſhop, and on his going away, he deſired me to tell Mr. Ruſt, he had ſent a gentleman to him that evening for ſome money he had lent him a twelvemonth ago, he opened the door, and upon opening the door, he deſired I would tell Mr. Ruſt; he went out, and returned in about a minute, and aſked if there was any letter left for him? I told him no, none to my knowledge; he then mentioned it again, that I ſhould tell Mr. Ruſt, and I made anſwer and ſaid, I ſuppoſe Mr. Ruſt knows what money you mean, and John Diſney replied yes, he knows, it is only 350l. Diſney ſaid nothing more, as ſoon as my maſter came in, I told him; I did not live there at the time that Diſney did.

*Court to Mr. Akerman.* How long has Mr. Diſney been in cuſtody?——Since the 31ſt of March.

*Court.* Do you know that lad Maſon?—No, my Lord, I never knew him before.

How long have you worked with Ruſt?——Almoſt ſeven months.

Do you continue to work with him?—Yes.

How long has Maſon worked for him this laſt time?—About a fortnight or three weeks, he did not work long for him before Diſney was taken up, from that time he lived in the family, he has been in the houſe this fortnight paſt, or thereabouts; I ſleep in the houſe, I do not board there.

This lad does?——To the beſt of my knowledge he does.

*Mr. Garrow.* I have a great many witneſſes to prove the fact, that this is Mr. Thomas Ruſt's hand writing.

*Court.* Thus far I may venture to ſay, without even prejudicing the jury, or either of the parties, it is a very obſcure caſe; now, if you can make it a little more clear upon which ſide it is ſo, you will do a deal of good.

*Mr. Fielding.* I certainly agree with your lordſhip, that it is a very wicked piece of buſineſs, either on one ſide or the other.

*Court.* Late as it is in the ſeſſion, I ſhall not grudge my time to ſit as many hours as are neceſſary, to ſift this matter to the bottom.

### WALTER LORD *ſworn.*

I live at No. 38, Gracechurch-ſtreet, I am maſter of an academy, I have been acquainted with Mr. Diſney four or five years; I knew him, while he was in Mr. Ruſt's ſervice.

You have had an intimate acquaintance with him?——I was introduced to him four or five years ago, I made an intimate acquaintance with him, I always believed him to be exceedingly honeſt, ſober, diligent and prudent. I have been with him in company ſeveral times, when there have been friends met together, he never was perſuaded to drink above two glaſſes of wine; about a month, or ſome time before he left Mr. Ruſt, he applied to me for a little money I owed him, and to lend him ſome more, in conſequence of which I did at that time, I did not take ſecurity for ſome time afterwards.

He came to your houſe about ſome heſitation in paying a note of Mr. Ruſt's?—Yes.

Did you ever ſee Maſon?—Frequently, after Diſney at my houſe; two, three, or four days; not leſs than two, or more than four; as I knew Maſon had lived with Ruſt, I thought he might know ſomething about the affair, I called him up into a room, where there was nobody but him and me; I queſtioned him if he knew any thing about it, he ſaid yes, I do; I replied, what? he ſaid, I know that in February, 1785, Mr. Diſney called Mr. Ruſt into the ſhop, ſays he, will you ſign this note, (Maſon told me that

Diſney ſaid ſo to Mr. Ruſt) Mr. Ruſt ſeemed rather angry, but went to the board, what they called the cutting-board I underſtood, and ſigned it. I aſked Maſon if he knew what the ſum was, or how much the note was; he told me he had heard Mr. Ruſt mention the words 350l.; I aſked him how he knew it was in February, as it was ſo long ſince; he told me it was a fortnight or three weeks, or ſuch a time after he came to Mr. Ruſt's ſervice; the laſt time, I ſaid, are you ſure of that? becauſe if you are ſure of it, I will be Diſney's friend; he replied, he was ſure, and that he would take his oath of it; I told him not to deceive me, for if he was not right, I ſhould be very ſorry to be engaged in it; he inſiſted upon it, that it was; I ſaid, you may deceive me perhaps; but if you are taken before the Magiſtrate, or before a Court, you will be ſo croſs-examined, that you cannot deceive them; ſays he, I will take my affidavit of it before any Magiſtrate, or before any Court in England; I queſtioned him two or three times on the following days on the ſame ſubject, he ſtill perſevered in the ſame words, or very near them, that he would take his affidavit before any Magiſtrate, or any Court.

After Mr. Diſney left your houſe, you ſtill ſaw Maſon?—I ſtill ſaw Maſon, and he told me he did not know where Diſney was, ſeveral times he told me he could get no place, in conſequence of having nobody to give him a character, for that Mr. Ruſt would not, for Mr. Ruſt had told him in Diſney's ſhop a few days before, that he would be hanged, and that he deſerved to be hanged; that was not long after the affair was firſt known, not long after the warrants were iſſued, it might be a week ſince Mr. Diſney was apprehended, and before he was apprehended after the warrants were iſſued, Mr. Ruſt was at my houſe many times, and I at his houſe, and many times he told me that Maſon was a villain, a d—n'd rogue, that he would be hanged; he called him by the name of Ned, the uſual name he went by; he ſaid, he deſerved to be hanged long ago, that he would come to the gallows; this he repeated many times, and I repeated many times: Mr. Ruſt and I were talking at my houſe about the affair after Diſney was apprehended, I believe it will be a fortnight to morrow Mr. Ruſt called on me, and we were talking about Diſney, Mr. Ruſt ſaid, (Diſney has robbed me of what he cannot give me, for he has told of my cheating the king of his taxes; Ruſt was collector of the king's taxes, I underſtood ſo, that he would not have proſecuted him, if he had not told about that, if he had robbed him of five hundred pounds: Ruſt told me before Mr. Greenwood and ſome others, that when Ned (meaning Maſon) came back from diſcovering where Diſney was, Maſon did offer to come into Mr. Ruſt's houſe, that he told him to go away and be hanged like a d—n'd raſcal as he was, for he would come to the gallows.

*Court*. I cannot aſk you any thing that the priſoner Diſney ſaid to you, conſiſtent with the rules of evidence, but I will aſk you this; did you by any means know where Diſney was before he was taken?—I did not for ſome time; but I did know where he was before he was taken.

*Mr. Fielding*. You keep an academy?—Yes.

Of what ſort, pray Sir, how many ſcholars have you?—Near 130, which I raiſed in three years from four; I have ſome uſhers. I have known Diſney four or five years.

Did you know him when he ſerved as a journeyman ſhoemaker to the proſecutor?—I did.

Was he an intimate of your's at the time?—He was.

In what line of intimacy at that time?—I was introduced to him at a ball, at a dance I was at with a friend of mine; in conſequence of this I ſaw him ſeveral times.

Did he dreſs in the ſtyle at that time in which he is now, at that time when he was a journeyman ſhoemaker?—He did, and he was introduced to me at a ball; at firſt, I did not know his buſineſs; but I underſtood afterwards he was a relation of Mr. Ruſt's; I imagine he might be dreſſed as he is now; I was firſt told he was a ſhoemaker; I thought he was in buſineſs for himſelf; I underſtood he was a relation of Mr. Ruſt's.

Did your curioſity lead you to enquire what degree of relationſhip he ſtood in to Mr. Ruſt?——No, I did not; I aſked him, he told me Mr. Ruſt was not a gentleman; he continued to dreſs in the ſame way; but when I ſaw him, at Mr. Ruſt's houſe, I have ſeen him very dirty.

When did he make his application to you to borrow ſome money?——I believe it was in Auguſt; I believe it was fifty pounds that he had lent to me; I always underſtood that he was a man of property, and that he had ſeveral hundred pounds of his own; I did not conceive him to be a common journeyman ſhoe-maker.

Did not you know when the buſineſs of the note was firſt put in agitation?——I did not; I know, when he brought the note to me after Chriſtmas, he was to have paid me back ſome money I had lent him; in conſequence of which, I thought he uſed me ill, and was rather diſpleaſed; I had written a letter to him; I had called at his houſe, but did not ſee him; after a few days, I cannot ſay how long, he called at my houſe, and there was a young man with him; he ſays to me, I cannot pay you the money; I am very ſorry for it; but here is a depoſit, I will put this into your hands as a ſecurity; the note was, I believe, for three hundred and fifty pounds.

Then, at that time, he was not able to make good his payment to you, and you had requeſted payment?—It might be about the beginning of February, I told him the note was a great deal above my demand, which then, I believe, was ſixty, or between ſixty and ſeventy pounds; I ſaid, I did not want ſecurity, that I wanted the money, as I was to pay ſome; and I ſhould be glad of a part of the money; I lent him money after the firſt time; I made him up the ſum of fifty pounds; I lent him at one time, I believe, twenty-five pounds; I have his note of hand, payable ſo many days after date; I did not negotiate it; I afterwards had another note for another twenty pounds.

Did he give you a note for twenty pounds?—I had a note for twenty pounds.

At what time was it that this note for three hundred and fifty pounds became due?——In February; this was in February, he and the other perſon that was with him, which I underſtood to be White, took up this note; and he told me when this note became due, this note of three hundred and fifty pounds; Mr. Diſney then came to me, I believe it was the 17th of February; he ſaid the note was not paid; he ſaid that the note was not paid, that I am ſure he ſaid; that in conſequence, he had depoſited it in the hands of a Mr. Herne, of Paternoſter-*row*, who is an Attorney; I am ſure he ſaid that the note was not paid.

And in conſequence of that, you ſaw Maſon after you knew of this young man being purſued by Mr. Ruſt?——I had that converſation with him.

Did you ever tell Maſon that Diſney had offered the note to *you*?——I had told Mr. Ruſt that Mr. Diſney had offered the note to me ſeveral times.

*Mr. Garrow.* How long had the note to run when it was offered to you?—It was in the month of February he offered it, to ſhew me there would be money to pay me ſoon.

*Mr. Garrow to Maſon.* Whoſe buckles are thoſe that you have got on?——Mr. Diſney's.

Did Diſney give them to you?—I will ſwear he gave them to me; it was ſoon after I went to Mr. Ruſt's; I aſked him two or three times to lend them to me to put in my ſhoes; he ſaid, I will, after two or three times wearing them; I ſwear that poſitively; I uſed to wear them on a Sunday now and then, before he left Mr. Ruſt's ſervice.

Now, Sir, did you ever wear theſe, before

fore he was in cuſtody ?——Yes, Sir, at the time he was in St. Martin's-lane I wore them.

Then upon your oath, Ruſt did not give theſe buckles to you ?——No, he did not give me the buckles I now have in my ſhoes, I can ſwear the priſoner did.

Was any body preſent ?——Nobody.

How long was it after you went into Mr. Ruſt's ſervice?——It might be half ay ear or ſeven months.

*Court.* What buckles did Mr. Ruſt give you ?——I do not know that he ever gave me a pair of buckles, I have only got this one pair of buckles, I have no other.

What buckles did you think the gentleman meant, or was aſking you after ?——I could not ſay what buckles he meant.

What buckles did Ruſt give you ?——He gave me no buckles to my knowledge.

Will you poſitively ſwear that Ruſt never gave you a pair of buckles in your life, will you ſwear it ?——No, my Lord, he never gave me a pair of buckles. I have one queſtion to aſk if you will hear me: Mr. Lord ſaid that I aſked Mr. Ruſt to take me into his houſe; now I never did aſk Mr. Ruſt that, Mr. Ruſt ſent for me.

Then what Ruſt told Lord was not true ?——No, Sir.

Then Ruſt ſent for you ?——Yes, I did not apply to him.

*Mr. Garrow.* How much money did Mr. Ruſt give you to take the clothes out of pawn ?——He gave his apprentice the money; they were Mr. Diſney's, I pawned them, Mr. Diſney told me to pawn them.

Then when you took them out of pawn, you carried them to Mr. Diſney ?——I gave Diſney part of the money and ſome money I got on part of the things he told me to keep.

How much money did you give him ?——I cannot ſay.

Whoſe name did you pawn then in ?——In my own name.

Where did you pawn them ?——I pawned ſome of them by Clerkenwell Church.

Was this after Diſney had left St. Martin's-lane ?——Yes.

Now when did you tell Mr. Ruſt that you had pawned them, was it after Diſney was taken ?——Yes.

When did you redeem them ?——It was when Mr. Lord came for them.

Did you tell Mr. Lord you had pawned them ?——No, I did not.

Did not Lord come from Diſney for his clothes after he was taken ?—Yes, he did.

How much money did Mr. Ruſt advance to get them out of pawn ?——He ſent his lad to go with me, and he gave the money to the lad, he gave him a guinea.

How much of that money have you given Mr. Diſney ?——I cannot ſay.

Upon your oath did you give him one ſhilling of that guinea ?——I did, Sir.

How much ?—I cannot ſay how much.

Did you give him one, two, of three ſhillings ?——It might be one, two, or three ſhillings; it might be three, four, or five ſhillings, I cannot juſtly ſay.

*Lord.* At the ſame time that Ruſt was aſking me about Maſon, he was ſecreted in his houſe; Diſney appeared to me in a worſe ſituation than I had obſerved him, he ſaid his clothes were pawned; in conſequence of this I went to No. 62, in Clement's-lane, I enquired of Mr. Ruſt if he knew where Maſon was; he ſaid no, that he had ſeen him a day or two before, and that he might ſee him in a day or two again; and if he did, he would aſk him for theſe things; in a day or two after Ruſt came to my houſe, and brought me the duplicate of theſe things; he ſaid he had met Maſon, or met with Maſon, and that Maſon had given him theſe duplicates. I ſaid it was not in my power to know where they were pawned, Ruſt left them with me, then I called upon him in the evening with a friend, to know if he had enquired of Maſon for a direction where theſe things were pawned, he deſired me to leave the duplicates, in conſequence of that, Mr. Ruſt ſent the things to me the next day.

*Mr. Fielding.* How much does that young man owe you now?——I ſhould ſuppoſe near thirty pounds.

Can you recollect nearly about what time it was that Ruſt ſent you the priſoner's clothes?——It was after the priſoner was taken up, of courſe it was not above a fortnight or three weeks ago.

*Court to Maſon.* Who was it that Ruſt ſent with you to redeem the clothes?——Thomas Pring.

## JOHN WILLIS *ſworn.*

I live in Eſſex-ſtreet, I am a glazier.

Have you had occaſion to ſee Mr. Ruſt write?——Yes, Sir, I have ſeen him write ſeveral times, but not to take particular notice of his hand-writing, I have ſeen him write at the veſtry, ſigning the church-wardens books.

Look at that?—There is ſomething, I think, reſembling it, but to ſay poſitively I will not.

From the knowledge you have little or great of his hand-writing, do you believe that is his hand-writing?—I cannot ſay, but if a note came to me ſigned like this, for any ſmall ſum, I ſhould not have rejected it.

From looking at ſuch a note ſhould you have thought it a forgery?——No, Sir, not if it had come from any body I knew.

Now look at it, ſuppoſing you had known nothing of it?——I think there is ſomething in the R, and a little of the T, becauſe he makes his T turn up a little.

## JOHN WINGROVE *ſworn.*

I live at the Lamb inn behind Saint Clement's Church, I have frequently ſeen Mr. Ruſt write his name.

If that paper had been offered to you any where elſe, ſhould you have believed it to be his hand-writing?——It is a very great likeneſs indeed.

If that had been offered to you as his ſignature to any veſtry act, would you have thought it to have been his hand-writing or a forgery?——Upon my word I ſhould have thought it to have been his hand-writing.

Should you have had any doubt about it at all?——No, I ſhould not.

*Mr. Fielding.* Have you ever taken notice of him when he was writing?—I have ſeen him in the act of writing.

Did you look at it at that time?—I cannot ſay particularly I did.

Have you a perſon in your Veſtry of the name of Mibourn, or Coates, or Jefferys, or Dodſwell, or James, or Johnſon, or Wallis?——Certainly Wallis.

Do you think you could tell Wallis's writing?——I do not know whether I could or not, I partly think I could.

## WILLIAM CROYDON *ſworn.*

I live at No. 3, Great Ruſſel-ſtreet, Covent-Garden, I am a ſhoemaker, I have frequently ſeen him write his name, he has wrote me many a receipt.

He was a collector of the King's tax, I believe?——Yes.

From your knowledge of his writing do you believe and do you think that is his hand-writing; would you take that as his receipt for land-tax?——It is very much like it.

Is it ſo much like it as it would have paſſed upon you as his hand-writing?—Oh, yes, Sir.

Have you any doubt of it?——No, Sir, I ſhould have had no doubt about it, it would have paſſed with me. I came by the ſhop one day, and Mr. Ruſt called me into his ſhop, it was before Diſney was taken; the very next day after this was mentioned, I went in to enquire of Mr. Ruſt after Diſney, and he ſaid, that he had forged ſo and ſo for 350l. I ſaid, dear me, could it be ſo? ſays I, if I knew where he was, I would ſend him fifty miles further from you ſooner than you ſhould take him; that is really truth, for I could not think his ſtory was true; ſays he, he has certainly done ſo. Then he was taken up; I came by the door, and he caught me by the hand and pulled me up the ſteps, he ſaid he certainly was a bad fellow, for he had ſeveral receipts of his that he had forged upon him for different things, and he would hang him if he had twenty necks.

*Mr. Garrow.* One of his ſtrings broke yeſterday, and the other is going to ſnap in two minutes, by which he was going to hang this young man.

*Mr. Fielding.* So he perſiſted in the guilt of this young man?——Yes.

### JOSEPH MARSHAL *ſworn.*

I am a bookſeller and ſtationer, I have very often ſeen him write his name.

I do not aſk you to ſwear whether this inſtrument is or is not Mr. Ruſt's hand-writing, I only aſk you what your opinion is of it?——My opinion and belief is that it is his hand-writing; I have ſeen him write a hundred times. It is like his hand-writing by that remarkable S. I know.

*Mr. Garrow.* I will not call another witneſs.

NOT GUILTY.

*The witneſs Maſon ordered to be committed to one of the Compters.*

*Tried by the London Jury before Mr.* RECORDER.

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430. EDWARD HAYCOCK was indicted for feloniouſly ſtealing on the 11th day of April, a ſilver table ſpoon, value 8s. the property of Thomas Munday.

### THOMAS MUNDAY *ſworn.*

I keep the Turk's-Head coffee-houſe in the Strand, I believe I loſt this ſpoon on the 11th of April on Tueſday; I ſaw the priſoner in the coffee-room, it was I believe between twelve and one; I had information that there was ſuch a perſon, and that his method was to call for a baſon of ſoup, to take a ſilver ſpoon and leave a pewter one; he called for the ſoup, he eat it, and when I came down ſtairs the ſilver ſpoon was gone, and the pewter one left in its ſtead; I went and took the pewter ſpoon out of the baſon, and purſued him.

### JOHN SAYRE *ſworn.*

I went after the priſoner in leſs than three minutes, he was got acroſs the way, I followed him, and overtook him near the New Church in the Strand, I brought him back to the coffee-houſe by the collar, I ſaw him throw away the ſpoon juſt by the New Church, when he ſaw the people cloſe upon him he dropped it out of his hand, I ſaw the ſpoon in his hand before he dropped it; he tried to drop it between the rails at the ſtone maſon's, but it would not go through, that was the ſpoon that was afterwards brought back.

### WILLIAM AUSTIN *ſworn.*

I took the ſpoon from a little boy who picked it up in the ſtreet, I ſaw the boy pick it up, I put it in my pocket and followed the people that were running after the man; I ſaw the priſoner running with the ſpoon in his hand, and he tried to drop it in a gutter.

### WILLIAM WILTSHIRE *ſworn.*

I remember ſerving this priſoner with ſoup, I gave him a ſilver ſpoon.

Look at that ſpoon, was it a ſpoon of that pattern?——Yes, I believe this is the ſpoon, there was a pewter ſpoon left in the ſtead.

*Priſoner.* I have nothing to ſay.

What are you?——I am a mariner.

*Mr. Munday.* My Lord, he ſaid at the time we took him that he had been a ſeafaring man, that he had been in the Emperor's ſervice; he is not of the name he goes by, he is related to a very worthy man, a man of fortune.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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431. JOHN CONYERS was indicted for feloniouſly ſtealing, on the 26th day of April, one blue and white printed curtain, value 26s. the property of Richard Denou and George Squibb.

### GEORGE SQUIBB *ſworn.*

I am an auctioneer, I am in partnerſhip with Mr. Denou, our rooms are in Charles-ſtreet, Berkeley-ſquare, I loſt the cotton

from

[illegible] a houſe we were ſelling at in Grafton-ſtreet, Fitzroy Chapel; on the firſt day of the ſale, I found the priſoner in cuſtody, and the conſtable who had taken him produced a window curtain which he found upon him, which I know.

Whoſe curtain was that?——It was the property of the perſon for whom we were ſelling, it was loſt from the back drawing-room; I am confident it was in the houſe, becauſe there is a letter upon it in my hand-writing.

LYDIA DUNCAN *ſworn.*

I was in the paſſage at the time the priſoner came down ſtairs, I ſaw him with ſomething wrapped round him under his coat, ſome part of it rather hung below his coat, I took it to be a counterpane, as the curtain was lined with white, and it was wrong ſide out; I gave the alarm, I am ſure the priſoner is the man that I ſaw coming down, I never ſaw him before, he was brought back in ten minutes or a quarter of an hour.

HENRY CROKER *ſworn.*

I was there attending the ſale as a broker, I am a conſtable belonging to the pariſh of St. Pancraſs; I heard an alarm below ſtairs, I ran down immediately and followed the priſoner into the Bull inn, Tottenham-Court-road, I immediately taxed him with ſtealing ſome pictures as I thought it was; he got up and aſked me what I meant, and I ſaw this cotton by the ſide of him; I directly ſaid to him, is this your's? yes, ſays he; then, ſays I, you muſt go along with me to the ſale-room; I brought him back, and the maid met me, and ſaid, this is him. I took him in and ſearched him, and in his pocket I found a catalogue of this ſale, this article is No. 14. lot 3.

PRISONER's DEFENCE.

A man gave me this cotton, and deſired me to call for three pennyworth of brandy and water, the man came into the houſe along with me.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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432. WILLIAM BROWN was indicted for feloniouſly ſtealing, on the 7th of November laſt, ſix pieces of printed cotton, containing one hundred and ſixty-eight yards, value 20l. the property of Henry Thwaites.

WILLIAM BRADLEY *ſworn.*

I am an apprentice to Mr. Thwaites, No. 106, High-Holborn. On Monday the 7th of November, in the evening, between five and ſix, Mr. Thwaites ſent me with his cart to deliver ſome goods at Mr. Gibſon's, Barbican; I had alſo ſix pieces of cotton belonging to Mr. Thwaites, to deliver in Cheapſide; I ſaw them put into the cart in a box, tied round with a ſtring, for Meſſrs. Leith and Watts, Sadlers-hall, Cheapſide; the cart was at Mr. Gibſon's door; the goods were all taken out; this box and another remained; I was ſtanding by the cart, and ſaw ſomebody go up Prince's-ſtreet with the contents, without the box; I found him on the oppoſite ſide of the cart; I followed the man without looking in the cart, but before I overtook him, a man met me in the ſtreet and puſhed me down, and aſked me, if it was me that eat part of a turkey; he took me, and laid me down, not with any force; I immediately went back to Mr. Gibſon's houſe; I did not continue to follow the man with the prints.

Why did you not cry out for help when you firſt ſaw the man?——There was nobody near; I told Mr. Gibſon, and he followed them, and cried ſtop thief; that is all I know; the carter's name is Edward Jones.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO
## The Gaol Delivery for the County of *Middleſex*,
HELD AT
## JUSTICE HALL *in the* OLD BAILEY,

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On Wedneſday the 26th of APRIL, 1786, and the following Days;
Being the FOURTH SESSION in the Mayoralty of
**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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NUMBER IV. PART X.

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LONDON:
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MDCCLXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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## *Continuation of the Trial of William Brown.*

**EDWARD NICHOLSON** *ſworn.*

I was ſervant at that time with Mr. Gibſon; on the 7th of November, between five and ſix; I was informed by William Bradley that a man had ſtole ſome printed cotton; I inſtantly ran very faſt, and enquired of a perſon which way he was gone; I followed him very quick, and then I ſaw the contents laying in the ſtreet, near the corner; I brought them back and laid them on the counter; they continued in the ſhop till the Wedneſday, then I took them back to Lieſſe and Welch's; I delivered them to one of the ſervants; the priſoner was reſcued out of the coach, therefore the contents are not here.

Did you look at them or examine them at all?—No, they were tied round with a ſtrong cord, and put into a box.

**EDWARD GIBSON** *ſworn.*

On Monday the 7th of November, between five and ſix in the evening, and Mr. Thwaites cart was at the door, I heard Bradley cry out, there are ſix pieces of prints gone; Mr. Nicholſon ran after him; I ran into Golden-lane, expected him to come that way, and there I ſaw the two boys ſcuffling with the priſoner, when I got within fifteen or twenty yards of him, I ſaw the boy fall down; he was making his eſcape; I ran after him, and laid hold of him as faſt as I could; he ſaid, I will ſhoot you; he put a piſtol to my face, and the fire came into my face; I called for aſſiſtance; the two boys ſaid to me, that is him; I ſaw him drop the goods; the priſoner was on the ſpot; it was juſt as I had laid hold of him that the piſtol ſnapped in my face; I tried to ſecure his arms, and cried out, for God's ſake aſſiſt me, he has more; he gave a plunge, and threw the piſtol away; there were two or three came up, and he was taken to the conſtable and ſecured; I deſired the conſtable to take care of him, I expected he would be reſcued, he looked about for his cutlaſs, but could not find it; I was near half an hour in the houſe with him; I went out through the croud and called the patrol, and deſired the patrol to come and bring his cutlaſs with him; the patrol came; my wife was very much frightened, and I ſtepped in to let her know I was not hurt; and I heard a ſhout that he had acted the part of harlequin.

*Court.* Do you know his perſon to a certainty?——Yes, my Lord, I ſhould know him from five thouſand; I looked at his face, and pulled off his hat once or twice, and I looked at his hands, and ſaid, how do you get your living my friend, he ſaid, he was a watchmaker; I ſaid, you work very hard, you have a nice ſoft hand; the prints were brought to my houſe, either Tueſday or Wedneſday; I ſent Mr. Nicholſon, to deliver them to Mr. Lieſſe.

Did any of Mr. Thwaite's people ſee the prints?——Nobody but but Bradley; I had ſeen the prints at Mr. Thwaite's and I knew them to be Mr. Thwaite's; they were not untied at all; I have ſeen them looſe at Mr. Thwaite's, but they are eaſily diſtinguiſhed; I could ſee them very plain; they were only tied round with a cord; I am ſure they were Mr. Thwaite's property.

*Bradley.* Theſe are the ſame prints that I put into Mr. Thwaite's cart.

*Priſoner.* I beg that the witneſſes that have not been examined, ſhould be examined ſeparate.

### JOHN JOSEPH *ſworn.*

I had been getting a bit of victuals; I heard a noiſe; I live in Golden-lane; I went to the door, there was a cry of ſtop thief; and two men came runing down the lane, and one of them threw down the bundle.

Which was the man that threw down the bundle?——I cannot ſay.

What became of the man afterwards?—Mr. Gibſon ſtopped him.

Did the man get out of your ſight after he threw down the bundle, before he was ſtopped?——No; I cannot ſay with a ſafe oath whether that was the man that Mr. Gibſon ſtopped.

*Mr. Knowlys, Priſoner's counſel.* Was you examined before any Magiſtrate about this?—Yes, before Mr. Wilmot.

*Mr. Gibſon.* This is the man that came up to my aſſiſtance; if the piſtol had gone off, I muſthave been a dead man.

*Court to Joſeph.* Has any body been talking with you ſince, to make you leſs ſure now, than you was before?—No, nobody has ſpoke to me ſince.

*Jury.* What was the diſtance between the place where the priſoner was taken, and the place where the things were dropped?——More than twenty yards.

Relate over again, what you ſaw?——I ſaw the priſoner, and this man came running down the ſtreet as hard as they could run.

Who was foremoſt?——Upon my word I cannot ſay; I was in the dark; I was on the other ſide of the ſtreet; I was further off than I am to you; I ſaw ſomething drop.

Did you ſee who it dropped from?——No, I cannot be upon my oath.

### WILLIAM EWEN *ſworn.*

I am fifteen. On the 7th of November; on the Monday night, between five and ſix after I came from work, I was going along and heard the cry of ſtop thief; and the priſoner had a piece of goods under his arm; he tried to run into a houſe, but the door was ſhut; and then he dropped the linen; then I purſued him, and he dodged me round a court; and another boy came up, and he tripped the other boy, then I jumped atop of his ſhoulders, and I hung by him with my hands round his neck.

Was he down?——No, he was ſtanding up; he d——d me, and told me he would ſhoot me; upon which I was frightened, and I let him go; he had not got above fifteen yards, before Mr. Gibſon and a brewer's ſervant got hold of him.

Was the man you laid hold of, the ſame man that dropped the goods?—Yes, I am ſure he is the man.

When Mr. Gibſon laid hold of him, did any thing happen?—No, I heard a piſtol ſnap, but I did not ſee it.

### JOHN PROSSER *ſworn.*

I heard the cry of ſtop thief; I run, and ſaw a man running with ſome things in his arms; he tried to get into a houſe, and he could not get in, and he dropped the things; I tried to lay hold of him, and he threw me down.

Did you ſee him afterwards ſtopped?—Yes; Mr. Gibſon ſtopped him.

Are you ſure that the man that Mr. Gibſon ſtopped, was the man that dropped the goods?——Yes, Sir, I am.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Court to Priſoner.* You have been convicted by the Jury, on the cleareſt and moſt ſatisfactory evidence, of the offence charged in the indictment, that offence is not ſo deſcribed in point of law, as to make it capital to affect your life; but as you endeavoured to take away the life of a perſon, I think no ſentence, that the law authoriſes the Court to paſs upon you, is too ſevere; which is that you be tranſported to Africa, for the term of ſeven years.

*Court.* In the firſt place, Mr. Gibſon's ſituation put him out of the neceſſity of receiving any other recompence for his very meritorious conduct, than the thanks and approbation of the Court and the publick.

*Mr. Gibſon.* I do not deſire any other, my Lord.

*Court.* Let theſe two boys have forty ſhillings apiece, and the other witneſſes the common allowances.

*Tried by the London Jury before* Mr. RECORDER.

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433. JOSEPH FENTON was indicted for feloniouſly aſſaulting on the king's highway, one John Beard, on the 15th day of April, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one woollen quilt, value 5s. the property of Suſannah Rawlins.

JOHN BEARD *ſworn.*

I am twelve years old the 23d day of October; I live at Iſlington, with Mr. Cooper the broker; on the 14th of April, I loſt a quilt about nine at night; I was in Crooked-lane, going home to Iſlington; I had been to fetch a quilt from the Borough from Mrs. Suſannah Rawlins; I was to carry it to my maſter.

Was he to buy it?——Yes.

Was you by yourſelf?——No, there was another with me, John Milward, he lives at Iſlington; I do not know him again; I ſtopped to reſt, and the priſoner came up to me, and put his hand and his hat before my eyes, and he took and ſnatched the quilt away from me; and he gave it to another man.

Could you ſee who it was that ſnatched the quilt away from you?——I could, I ſaw it was him, he gave it to another man, and the other man ran away; I hallooed, ſtop thief, and the people came round and ſtopped the priſoner.

Are you ſure the priſoner was the man that put his hand and his hat before your eyes?——Yes.

And are you ſure the priſoner ſnatched the quilt?—Yes.

*Priſoner.* Aſk him whether he did not put it on a pitching block?——Part of it.

SUSANNAH RAWLINS *ſworn.*

I delivered the quilt to this boy, the 14th of April, on Good Friday, about nine in the evening or a quarter before.

What was to be done with it?——He was to carry it to his maſter, his miſtreſs ſent him for it; I keep a pawnbroker's ſhop.

The quilt is yours at this time?——It was mine.

STEPHEN GIMBER *ſworn.*

On the 14th of April, which was Good Friday, a little before nine, I was in my ſhop; I live in Crooked-lane; and the boy ſcreamed out moſt dreadfully, I opened the door, and the boy had the priſoner faſt by the coat, and he never quitted him till he had him in the conſtable's hands; that is all I know.

DANIEL WILDAIR *ſworn.*

On the 14th of April, I was ſent for to take charge of a man, I immediately came and found the priſoner in the poſſeſſion of this boy, and a number of the neighbours;

I took charge of him, and took him to the Compter; this quilt was brought back by one of the men that was in company with him, and he ſaid, he found it in the kennel, in order, I ſuppoſe, to get him liberated.

*(The quilt depoſed to.)*

### PRISONER's DEFENCE.

I live in the Borough; I was coming to Snow-hill to buy me ſome leather, and as I was coming up Crooked-lane, I heard the boy make a great noiſe; I went up to him and aſked him what was the matter, and he ſaid I took the quilt, and they came and took me.

GUILTY

*Of ſtealing, but not violently.*

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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434. **RICHARD STEWART** was indicted for feloniouſly ſtealing on the 15th day of February laſt, one ſilk gown, value 15s. one bombazeen ſack, value 10s. and various other things, the property of Mary Hatfield.

The priſoner was employed as a porter to carry theſe things in a ſea cheſt, and went off with them.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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435. **ANN THOMAS** was indicted for feloniouſly ſtealing, on the 27th day of March, four muſlin handkerchiefs, value 20s. the property of Charles Williams, privily in his ſhop.

*(The witneſſes examined apart.)*

### GEORGE DAWSON *ſworn.*

I am ſhopman to Mr. Charles Williams; the priſoner came into our ſhop about five in the afternoon, ſhe came and aſked to ſee ſome remnants of cloth, I ſhewed her ſeveral pieces; I could not find any that would pleaſe her, at laſt I found a remnant that ſuited her, and ſhe bought it; when I went to look for ſome more, there was ſome muſlin lay near where the cloths were, and ſhe took up four of them, ſays ſhe, this is not cloth, this is callico; ſhe carried them to the light, where the cloths were, and ſhe laid them amongſt the cloths; they laid there a quarter of an hour amongſt the cloths, and I ſold her a remnant of cloth; ſhe went out; I went to ſee if I could find the muſlin handkerchiefs, and I could not find four; then I purſued her, I overtook her about half a dozen yards from the ſhop, and ſhe came with me back to the ſhop, I aſked her to let me ſee what ſhe had in her apron, and I found the handkerchiefs there with the cloth; ſhe begged I would not ſend for a conſtable, and ſhe would pay me for it; ſo I immediately ſent for a conſtable.

Did ſhe take that article ſhe bought?—Yes.

How long did ſhe ſtay after ſhe bought the cloth?—Ten minutes or thereabouts.

When you found this in her apron, were they folded up, or ſeparate?——They were ſeparate; I put a paper about the cloth, and it was taken off, I am ſure I put a paper on; it was not tied, it was only a ſmall remnant.

Was the muſlin handkerchief rolled up in paper in the ſhop?——No.

### DAVID DAVIS *ſworn.*

I ſaw the muſlin handkerchiefs taken from the priſoner, ſhe ſaid, ſhe knew nothing about it, nor how ſhe had them, or any thing.

*Dawſon.* I ſaw ſome handkerchiefs taken from her; they are my maſter's property.

*Mr. Knowlys.* Had ſhe any hat or cloak on when ſhe came into the ſhop?——I believe not.

Did you think her perfectly ſober at the time?——Yes, I did; I am ſure ſhe was ſober.

*The priſoner called ſix witneſſes who gave her a very good character.*

*Jury.* The Jury wiſh to hear the priſoner's defence.

*Priſoner.* I went to look at ſome cloth; I ſaid, I was not particular in the price, any kind of a remnant would ſuit me; we agreed for a remnant, and I gave him two ſhillings; he wrapped it up in a piece of paper; and I took it; and as I was turning round, he pulled me back, and ſaid, I muſt ſtop, and ſaid, I had ſomething more than my own; I had a ſhift of my own and this piece of cloth; and I immediately laid them down on the counter; there was nobody in the ſhop but himſelf; he immediately called the boy to fetch a conſtable, or a runner; and I ſaid, what have I done, I have neither hat nor cloak on; I was frightened; and the lad took me away; I bought two yards and a quarter of cloth; I was ill uſed as I could be.

*To Proſecutor.* How far did ſhe go from the ſhop, before you took her up?—Five or ſix yards.

Did you ſee the handkerchiefs upon the counter after you wrapped up the cloth?—I did.

GUILTY.

*Of ſtealing, but not privately.*

*To be privately whipped, and confined ſix months.*

*Tried by the London Jury before Mr. Baron* EYRE.

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436. JOHN QUARTERMAN and WILLIAM FREDERICK otherwiſe PARDON were indicted for feloniouſly ſtealing, on the 4th day of April laſt, eight iron bars, value 4s. belonging to George Scrivenor, and fixed to his dwelling houſe.

The priſoner Frederick was ſtopped offering the bars for ſale; and the watchman had previouſly ſtopped both the priſoners near the place, and taken them into cuſtody; but the conſtable took their words for appearing the next morning.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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437. MARIA UTCHIN was indicted for feloniouſly ſtealing, on the 2d day of April, one ſilver watch, value 30s. the property of Richard Martin.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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438. JOHN MARTIN was indicted for feloniouſly ſtealing, on the 1ſt day of March, nine bars of ſteel, value 9s. the property of Catharine Sharp.

*Thomas Beckwith* ſaw the priſoner take the bars, and brought him back directly.

*Priſoner.* I did in diſtreſs.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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439. WILLIAM WILSON was indicted for feloniouſly ſtealing, on the 20th day of March laſt, forty four pounds weight of lead, value 5s. the property of Richard Thompſon and others.

*Edward Ryland* ſtopped the priſoner with the lead, and he confeſſed ſtealing it from the proſecutor.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

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440. ANN the wife of WILLIAM DAVIS was indicted for feloniouſly ſtealing, on the 27th day of April, eight pair of ſilk ſtockings, value 8s. the property of James Atkinſon.

The priſoner was taken cloſe to the houſe with the ſtockings upon her.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

441. **JOHN GLOV** [illegible] was indicted for feloniouſly ſtealing, on the 6th day of March laſt, ſix canvaſs bags, value 9s. three tin boxes, value 3s. a quarter of a pound of nutmegs, value 1s. and other things, the property of James Keene.

The priſoner had been porter to the proſecutor for two years, and much intruſted by him; and he had recommended him to live rent-free to a friend of his, with his wife and children; and he found in his apartments the things mentioned in the indictment, and other things, ſome of which were depoſed to.

GUILTY,

*Of ſtealing the bags, to the value of 4s.*

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr. Baron* EYRE.

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442. **ROBERT BROUGHTON** was indicted for feloniouſly ſtealing, on the 2d day of April, one linen handkerchief, value 6d. the property of a perſon unknown.

The priſoner was ſeen by the patrol picking a ſtranger's pocket; he took him directly.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr. Baron* EYRE.

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443. **ROBERT CARTER** and **JOSEPH MADERICK** were indicted for feloniouſly ſtealing, on the 9th day of April, eleven quarts of oil, value 11s. the property of Morrice Thomas.

The priſoners were ſtopped; they dropped the oil, which was in two ſkins.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* ROSE.

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444. **MARGARET RIDDLE** was indicted for feloniouſly ſtealing, on the 17th day of March laſt, two ſilk waiſtcoats, value 2s. one velveret waiſtcoat, value 1s. the property of John Clarke.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* RECORDER.

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445. **JAMES BRACE** was indicted for feloniouſly ſtealing, on the 28th day of February, one piece of leaden pipe, value 2s. belonging to James Slade, and fixed to his dwelling-houſe.

*Samuel Wilſon*, the watchman, took the priſoner with the property.

GUILTY

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* RECORDER.

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446. **MARY HUNTSMAN** was indicted for feloniouſly ſtealing, on the 11th day of April, one box-iron, and iron heater, value 18d. and one cotton waiſtcoat, value 6d. the property of Elizabeth Young.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* RECORDER.

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447. **ROBERT DUKE** was indicted for feloniouſly ſtealing, on the 8th day of March, one wicker baſket, value 1s. and a buſhel of apples, the property of John Gaſt.

The priſoner was ſtopped with the apples.

*(The baſket depoſed to.)*

*Priſoner*. A man hired me to carry it.

GUILTY.

*To be whipped, and confined ſix months in Newgate.*

*Tried by the London Jury before*
*Mr.* RECORDER.

448. JOHN SOUTH was indicted for feloniouſly ſtealing, on the 14th day of March laſt, ſeventy-two claſp knives, value 20s. the property of Edward Bailley.

The priſoner was ſtopped, and dropped the knives, and the bill of parcels was found upon him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* Mr. RECORDER.

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449. THOMAS GREEN and WILLIAM FLETCHER were indicted for feloniouſly ſtealing, on the 7th day of March laſt, ſeven pounds weight of coffee, value 1l. 10s. the property of Robert Gladwin.

*Joſeph Hillett* ſaw the priſoners, one take out the parcel and give to the other, and immediately ſtopped them with the parcel.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before* Mr. RECORDER.

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450. WILLIAM SMITH was indicted for feloniouſly ſtealing, on the 19th day of April, one linen ſheet, value 18d. the property of Edward Weſt, being in his lodging-room.

*Elizabeth Evans* took the ſheet from the priſoner, wrapped round his waiſt.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* Mr. RECORDER.

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451. JAMES ROBERTS was indicted for feloniouſly ſtealing, on the 23d day of February, two bay geldings, price twenty pounds, the property of Thomas Collier.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

452. JONATHAN SHERWOOD and WILLIAM SHERWOOD were indicted for feloniouſly ſtealing, on the 16th day of March, two ripping chiſſels, value 6d. and one ax, value 2s. the property of John Thomas.

BOTH NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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453. PATRICK DUFFEY was indicted for feloniouſly aſſaulting Chriſtopher Bradgin on the King's highway, on the 4th day of April, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 40s. a ſteel chain, value 12d. a key, value 1d. his property.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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454. HYAM MOSES was indicted for feloniouſly ſtealing, on the 18th day of March laſt, one ſalmon, value 5l. and one turbot, value 24s. the property of Joſeph Manlove.

NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

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455. SARAH NOTSOP was indicted for feloniouſly ſtealing, on the 24th day of April laſt, a braſs pocket-piece, value 1d. and two guineas, value 2l. 2s. and ſix ſhillings in monies numbered, the property of James Marſton, privily from his perſon.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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456. THOMAS HILL, alias PRICE, and GEORGE GUIRE were indicted for feloniouſly coining, on the 21ſt day of

March, one piece of falſe, feigned, and counterfeit money, called a halfpenny, againſt the ſtatute.

*The Indictment opened by Mr. Reeve; and the Caſe by Mr. Silveſter.*

### JOHN CLARKE *ſworn.*

I am one of the marſhal-men of the city of London; on the 21ſt of March laſt, I went with Mr. Stephen Clark, and Mr. Gates, and ſome other officers; and each of us took a view of a houſe, which we had information of, No. 4, New-ſtreet, Cloth-fair; we ſtood upon a ladder, and looked through a hole of a board into the work ſhop, where they were at work; I ſaw the priſoner Hill, and the evidence John Lard; we looked through a board in a ſkettle ground behind the houſe; the ſkettle ground belongs to the Roſe and Crown in Cloth-fair; it is partly a wall, and the reſt is carried up with boards, and there was a knot in one of theſe boards, which was cut; I ſaw Hill at work at the fire, with a crucible heating the metal; I ſaw Lard, who is an evidence, at work; and there was mould and ſand, I ſaw him throw ſand and duſt over it: Guire came down as I was upon the ladder, he came through the ſhed, and came up the wall, and came out of a trap door, I was then upon the ladder; Guire came up to this trap door and came out; there were ſacks at that time over the windows, which is a ſky-light, he moved the ſacks, and I thought we were perceived, and I pointed to the top of the place immediately, and the other officers went to the door of the ſtreet, and broke it open; I went in at the trap door, and that brought me into the room where theſe people were at work; Hill and Lard made their eſcape up ſtairs, it was a ſhed on the ground floor adjoining to the houſe, I found only Guire there.

How came he to ſtay for you there?—I cannot ſay, I was down very ſoon after him, he let himſelf down very eaſy, and I dropped down after him, I cannot ſay where he was going.

You did not ſee Guire doing any thing in the ſhed?—I did not myſelf, I was the laſt that looked through the board, and I ſuppoſe there was an alarm; I ſearched Guire, and found two halfpence upon him, which I ſuppoſe to be like them that were making, and ſome others that were very good, the others were in his pockets; many other things were found there, which the other witneſſes have; I was the firſt perſon that was in the room, I found the crucible in the furnace at that very time, there was boiling hot metal in it, there were ſcales and weights, and a pair of tongs, and things of different kinds, and this ladle, and this is what they hand the crucible out with; I ſaw the priſoner Hill uſing theſe things, as I was on the ladder looking through the hole; this ladle was laying on the furnace, here is the mould, it was then open, but it was put together ſince to keep it, as it was then ſet; there were ſome old buckles for melting, and ſome ſmall ſheets of copper.

*Mr. Garrow, priſoner's counſel.* I ſuppoſe you know as little about caſting, as you do about coining?—I know nothing at all about it, I never ſaw a thing of this kind before.

### STEPHEN CLARKE *ſworn.*

When I went there, I was ſhewn a hole at the end of the work ſhop, by looking through which, I could diſcover the ſhop, when I firſt looked through the hole, the priſoners were going in a room next the ſhop; I thought they were going to dinner; I ſaw them very buſy, I was intirely unacquainted with the mode of their proceedings, and I deſired Gates and Clarke to attend to their motions; I only ſaw them buſy about the place, I ſaw no particular thing that they did, I went round, and directed them to go round; I went and ſaw Guire brought out, and one Lard; I went in and ſaw this flaſk laying in ſand, the bottom of this had thirty-nine or forty halfpence in it.

*Court.* Are they good halfpence?—Halfpence of all deſcriptions.

Are they good halfpence?——There are ſome very indifferent I believe; there is one of the men can give an account what uſe they were to be made of; all theſe things were found, a crucible and tongs, and a large quantity of cecil; I took no care of any thing but the mould; I found in the work-ſhop, a large quantity of halfpence, which appear to be caſt from the halfpence in the mould.

### JOSEPH GATES *ſworn.*

I was at this houſe, I went in at the front door; I firſt went into the public-houſe, then into the ſkettle-ground; I looked through, and ſaw Guire turning round this thing in the place, I could ſee the flaſk partly ſet; ſays I, this is not halfpenny coining, do not be in a hurry; I took Hill up ſtairs in the firſt room, and the evidence; I found ſome halfpence.

Are theſe halfpence finiſhed?—They are common halfpence, there is only two that Mr. Clarke pitched upon.

*Mr. Garrow.* You have been at the taking coiners before?——Yes, I was Sir; this was not halfpenny coining; becauſe I never ſaw any fly going.

### JOHN LARD *ſworn.*

I was at this houſe in company with the two priſoners; I know Thomas Hill, by coming and buying ſand, and lime, and crucibles, and ſeveral other things, when he lived in Chick-lane, and uſed to work there, and afterwards at Mr. Gibb's; and I went home to my father's, and this man told me they had ſome ſmall work to do.

What did you underſtand by ſmall work?—Such as watch ſeals and that.

How do you mean to *do*, lad?—To caſt it; I went to Hill's houſe, No. 4, Cloth-fair, on the 21ſt of March, and there was about ten pound of metal run in a ſquare piece, and afterwards Hill ſaid he had a little job to do, and this mould had thirty-nine halfpence in one part, I made one ſide by the help of Hill and Guire, we made it between us.

What is it for?—They told me it was do ſome caſt-iron halfpence.

Did you make any?—There was ſome made in metal.

In what metal?—I do not know.

When were theſe made in metal?—The 21ſt of March, about twenty-three, that was the day I was taken.

Where were thoſe twenty-three halfpence?—I do not know.

*Court.* There is a good deal more to be done to them than cutting off, is not there?—Yes.

Then how do you finiſh them?——I do not know.

How far had you gone towards finiſhing theſe twenty-three?——No further than caſting them.

### JOHN CLARKE *of Bow-ſtreet, ſworn.*

Look at theſe halfpence that were found on the priſoners, are they caſt?—Yes Sir, they are.

Open that mould, and ſee if you can find the patern of theſe two?—It is impoſſible.

Are theſe any of this pattern that is ſhewn you?—I ſuppoſe there may, I will not pretend to ſay.

BOTH NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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457. **WILLIAM MINTON** was indicted for feloniouſly ſtealing, on the 21ſt of March, one quart pewter pot, value 16d. the property of Thomas Furmage.

And **CHARLES FLETCHER** was indicted for feloniouſly receiving the ſame, knowing it to be ſtolen.

*The witneſſes examined ſeparate.*

### THOMAS FURMAGE *ſworn.*

I keep a public-houſe in Glanville-ſtreet, I loſt a quart pot the 21ſt of March.

### EDWARD LUCAS *ſworn.*

I am a conſtable of St. Giles's, I ſtopped Minton with a pewter pot under his coat, on the 21ſt of March, I think it was on a Tueſday; I marked the pot at the bottom, the priſoner Minton told me where he was going to ſell it, the Magiſtrate ſent us with the priſoner Minton to ſee where he ſold it, I was at the door, I ſtopped him as he came out; he ſaid he ſold it for ſixpenny-worth of halfpence, there are the halfpence that he ſold it for.

Into whoſe houſe did he go?—Into the houſe of the priſoner Fletcher; and as ſoon as he came out, I went in; he carried in the pot, and brought out ſixpennyworth of halfpence, and ſaid he had ſold it for them; Fletcher keeps an old iron ſhop.

*Proſecutor.* The value is ſixteen-pence.

*Lucas.* I went to Fletcher, and told him I believed he had got the pewter pot that the boy had brought in juſt now; he ſaid he had not; I ſaid, I am afraid you have; and looking to the fire, I found this ſhovel on the fire; not ſeeing the pewter pot, I ſearched the wife, and found this pint pot; there was a kind of a forge, and I found the quart pot in the fire; I took him to the Magiſtrate, and left him there, and came back to ſearch the houſe further, and found theſe pieces of pewter; I left a man that aſſiſted me, till I returned; the Magiſtrate ſaid to Minton, that he would ſhew him all the favour he could, if he would find the receiver.

*Priſoner Fletcher.* Whether he did not aſk me what money I would give him to make up this affair?——No ſuch thing; no converſation of that kind.

Who was the Magiſtrate?—Mr. Walker, in Hyde-ſtreet, Bloomſbury.

### GEORGE MEECHAM *ſworn.*

I belong to Mr. Walker's; I was with Lucas, and we met Minton, and took this quart pot from under his coat; we took him to the office, and Mr. Walker ſaid he ſhould like to find out the people that bought theſe things; and the priſoner Minton ſaid, I will tell you where; and we went with him to the priſoner Fletcher, in Newtoner's-lane; he went to Fletcher's, and was in about a couple of minutes, and came out with ſixpennyworth of halfpence in his hand; he ſhewed them to me, and I gave them to Lucas; Mr. Walker promiſed the priſoner Minton ſome favour, on account of diſcovering the receiver; I ſaw him take in the pot under his coat; we watched at ſome diſtance; then Lucas and I went into the back yard, and there I ſaw a forge, and a frying-pan atop of it; I did not find any thing in the fire; I ſtaid in the ſhop, while Lucas ſearched in the back-yard, and I ſaw Lucas take a pint pot out of the woman's pocket; I believe this is the ſame; then Lucas called out to me, I have found a quart pot; I looked, and I ſaw it was the ſame pot that the boy had in his hand before; and in a baſket in the ſhop was this melted pewter; and I took Fletcher up to the Magiſtrate.

Do you know any thing of the value of this pewter pot?—I cannot ſay that I do.

*Priſoner Fletcher.* Aſk him what paſſed when Mr. Lucas took me into the parlour.

Did you, or Lucas, offer to make it up for a ſum of money?——God bleſs you, it is totally falſe; nothing of the kind; Mr. Lucas called him in, and told him the Juſtice was going to take it up on a particular act of parliament, and the penalty was twenty ſhillings.

*(The pot depoſed to.)*

What do you give for ſuch a pot, when it is new?—Seventeen-pence.

Is that the ſame value as a new pot?—It is as good as a new one.

What do you value it at?——At ſixteen pence.

*Court.* Now, upon the oath you have taken, what is the value of that, to be ſold?——It is worth that to me.

*Priſoner Fletcher.* What did you firſt value it at?——At ten-pence; but the Juſtice told me I muſt value it at more.

### PRISONER MINTON'S DEFENCE.

I found the pot in the ſtreet, on the ſide of the pavement; nobody was by.

### PRISONER FLETCHER'S DEFENCE.

This young man will tell you, how they promiſed him; this other priſoner came into my houſe; I was going up ſtairs to work; I did not know any thing about it; Lucas promiſed him his liberty, provided he would ſell this pot to me; ſo the men went backwards, unknown to me; I never bought it, nor ſaw it, nor any thing of the kind; they promiſed the priſoner Minton his pardon, and a reward, or he would not have done it; he will tell you ſo.

### HENRY VINCENT *ſworn.*

I am a houſe-keeper, I live at No. 117 in Swallow-ſtreet; I am ſilver ſpur-maker to his Royal Highneſs the Prince of Wales, and ſeveral others; I have lived there ſix years; I have known the priſoner Fletcher I may ſay twenty years, but for theſe laſt ſix or ſeven years in particular, he has done a great deal of buſineſs for me; he makes ſpur-rowels for me; he is of that buſineſs; he was apprentice to it; he can work at ſmith's work, but that is his real buſineſs; he keeps an old iron ſhop in Newtoner's-lane.

Did he live there in March laſt?—— Yes.

You know he keeps that ſhop?—Yes.

Is he a married man?——Yes; and has three or four children.

Does his wife live with him?——Yes.

Did ſhe live with him in March laſt?— Yes; he is an honeſt, hard-working man.

*(The priſoner Fletcher called another witneſs, who gave him a very good character.)*

*Priſoner Minton.* Juſtice Walker's men offered me my liberty, if I would go down to Fletcher's.

WILLIAM MINTON, GUILTY.

*Fined 1s. and diſcharged.*

CHARLES FLETCHER, GUILTY.

*To be tranſported for fourteen years.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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458. THOMAS PETERS was indicted for that he, well knowing that Thomas Banks did duly ſerve our Lord the King, on board the Stirling Caſtle, from the 4th of December till the 19th of October following, and that afterwards, on the ſaid 19th day of October, he departed this life, and was intitled to certain wages and pay, then due to him from our ſaid Lord the King; and that afterwards, a certain will and teſtament of the ſaid Thomas Banks, by the name and deſcription of Thomas Banks, of Portſmouth, mariner, was duly proved by John Murphy, the executor therein named, and probate duly granted, did, on the 4th day of April laſt, unlawfully, wilfully, knowingly, and feloniouſly, perſonate the ſaid Thomas Banks, to receive his wages, againſt the ſtatute.

*A ſecond count,* only with the allegation of the death of the ſaid Thomas Banks.

*(The caſe opened by Mr. Silveſter.)*

### HENRY HUNTER WILLIAMS *ſworn.*

I am clerk in the Navy-office; I have the pay-books of the Stirling Caſtle; I have an entry of Thomas Banks, on the 4th of December, 1778; he ſerved as able ſeaman, and is ſuppoſed to be loſt in the Stirling Caſtle, on or about the 19th of October, 1780; there never was any further account from any of thoſe ſhips; ſhe was loſt in the year 1780, in the Weſt Indies, at the time the Thunderer was loſt, and divers others.

Were any wages due to him at that time? ——Yes.

*Mr. Garrow.* You are a clerk in the Navy-office, and produce that book from the Navy-office?——Yes.

Do you know any thing more than that book informs you?—No.

Is it the practice to pay wages up to the time the ſhip is ſuppoſed to be loſt?—Yes.

You know nothing of this man being brought on board the Stirling Caſtle ſubſequent to 1778?——I do not.

### THOMAS FLETCHER *ſworn.*

I am clerk in the Prerogative-office; I produce this will from the office where they are originally kept.

*Mr. Garrow.* Who delivered it to you? —The Record-keeper, Mr. Watts.

Is he here?——No.

When did he deliver it to you?——I have had it this fortnight or three weeks; I got it from the regiſter's ſeat, where it belongs, I know by the probate act, which was wrote by the clerk.

Do you know of your own knowledge at all where Mr. Watts got it?——From that ſeat; it comes to that ſeat from the Proctor's; I did not ſee it go to that ſeat, but know it could not go to any other ſeat.

Do you at all know from what place, or from what perſon, Mr. Watts got that paper?——From that ſeat.

How do you know it?——I have told you as plain as I can.

*Mr. Baldwin.* You belong to the Commons?——Yes.

And you brought that from the proper office?——Yes.

*Court.* You got it from him in the office?——Yes.

WILLIAM HARRIS *ſworn.*

Look at the priſoner, do you know him?——Yes; that is the man that brought me the probate; he came to my houſe, in the name of John Murphy; we board and lodge ſailors, and lodge them without boarding; he came to us on the Tueſday night, and on the Wedneſday night he ſtaid out late, and ſaid he had been about a piece of buſineſs; and he turned out a piece of paper, and a certificate for an adminiſtration; he did not ſay to whoſe will; he went up to get a probate again on Wedneſday following; he came to my houſe the 29th of March.

Did he deſire you to go?——Yes, for the probate for an adminiſtration; we got the adminiſtration at Mr. Mackintoſh's, and went down to Crutched Friars; he gave it to Peters, and Peters gave it to me.

(*The probate produced.*)

In what name did he go to Mr. Mackintoſh?——In the name of Murphy, when he went to the Navy Office, he aſked them to look in the book of the Stirling Caſtle, and he aſked him if it was proved in the Commons, and he ſaid yes, and he aſked him if he ſhould put it down for Monday, and we went accordingly to the Pay-Office for the money, and there was a ſtop put, and this was put off till Tueſday, and the Stirling Caſtle books were called, and he anſwered and went in, what he ſaid there I cannot ſay, when he came out he ſaid he was ordered to go to Mr. Dyſon, he ſaid there was a perſon belonging to this will, and it was lodged in the Commons, and he ſaid it was ſigned by the Mayor of Portſmouth, and we went to Mr. Knight the agent to Mr. Dyſon; he came to us in the name of John Murphy, his real name is Peters, by his own account.

You was not called in to the Navy Office when he was called in?——I was at the door.

Then you do not know what he ſaid then?——No.

Did he tell you what he went in for?——He ſaid it was twenty-ſeven pounds of the Stirling-Caſtle, that he was the ſole executor of Thomas Banks, and that he had been to demand that money, and when he came out he was deſired to go to Mr. Dyſon.

*Mr. Garrow.* Mr. Harris, this man owed you ſome money?——Yes.

You watched him pretty cloſe, and kept the probate in your pocket?——Yes.

You went the firſt time, and was told the buſineſs could not be done, then you went again?——Yes.

He ſaw nobody the firſt time, and the ſecond what paſſed you cannot tell?——No.

Did you know Thomas Banks?——No, never at all.

Can you read?——Yes.

When was it the priſoner told you what he was going to demand, and what night?——On Wedneſday night.

Did he tell you where Mr. Banks died?——No, he ſaid it was made at Portſmouth, and the two witneſſes, one of them was a ſaleſman, and the other was a publican.

(*The will and probate read.*)

He told me he went in for twenty-ſeven pounds upon this probate, due for T. Banks's wages, when he came out he told me had demanded the wages.

*Court.* Was what you have ſaid now all he told you when he came out?—Yes.

Then he did not tell you the particulars of what had paſſed?—No, only that he had demanded the money, and he was ordered to go to Mr. Dyſon's, and that they thought it was a falſe will.

### PETER MAYNE *ſworn.*

How long have you known this young man?—Not any conſiderable time, it may be two or three months.

What is his name?——Thomas Peters.

How do you know that is his name?—By hearing him called ſo in different companies.

*Mr. Garrow.* Do you belong to the Commons?——No, Sir, you know that very well.

To the Navy-Office?——No.

Clerk to the Solicitor of the Admiralty perhaps?—No.

What are you?——I attend a publick office.

A runner to the Eaſt Smithfield office?——Yes.

### WILLIAM YOUNG KNIGHT *ſworn.*

Are you the Mr. Knight that this man went to?——I am.

Have you the probate?——Yes, it was on the 4th of April.

Did the priſoner produce that probate to you?——He did.

Did he tell you why he came to you, who ſent him?——He came to me with one Henry Moſes, a Jew, he ſaid that he had been to the Pay-Office with this will for the wages, that there was an objection to paying the money, and that he was referred to Mr. Dyſon; I queſtioned him as to the execution of the will and the proof of it, and I firſt aſked him where he lived, he ſaid on Green-Bank, Wapping, and had come home three months ago from Newfoundland; I aſked him how long he had been abſent, he told me he went out the beginning of ſummer; I repeatedly aſked whether it was before June, he ſaid it was the beginning of the ſummer, early in the ſummer; this converſation paſſed on the 4th of April, he came over from the Pay-Office to my houſe, he ſaid that this will was executed by Sir John Carter, who is the mayor of Portſmouth; I ſaw by the will that the ſignature was a mark, and I aſked him if the deceaſed could write, he ſaid yes, he could, and he ſaw him write his name to the will, he came to me in the name of John Murphy.

*Mr. Garrow.* I believe neither Mr. Dyſon or you had any authority to pay theſe wages?——No.

Then the only reaſon of coming to you was to remove any objection to his being paid?——Yes.

In the courſe of the converſation that you have had with the priſoner at the bar, did he at that time acknowledge to you that the will, of which this was a probate, was a forgery?——No.

Did you know Banks?——No.

Did you know whether he wrote?—No.

Have you inſpected the books of the Navy Office of the Stirling?——I have not.

Do you know from theſe books or any other document that is authentick, whether he could write his name?——I do not.

Do you know whether this is the true will of that Thomas Banks?——I do not.

Do you know the ſubſcribing witneſs?——No.

Do you know theſe are the ſignatures of the perſons who are the witneſſes?——The priſoner informed me that one of the witneſſes was a publican, and the other was a ſaleſman at Portſmouth, I wrote to them.

Do you know at all whether the ſignatures are the ſignatures of the perſons they import to be?——I do not know.

Then I aſk you whether from any circumſtance you know whether that is a true will or a forged will?——I do not.

*Court.* He did not come to you for the purpoſe of receiving the wages of courſe?—No.

What was the objection he came to you to remove?——He ſaid there was an objection at the Pay-office.

Did he ſay what that objection was?—I do not remember that he did, he came to me to clear up the execution of the will.

Then did he ſtate to you that the objection was, that it was not a genuine will?—No, he did not.

How did you know that that was the objection to their paying this man?——I looked into my liſt of wills, of which I had given intimation at the office, and found this will to be among the number.

Why, had this will ever come into your conſideration before?——I had ſeen the will.

Where?——At the Commons.

How had you ſeen it there?—I had inſpected it, I go regularly once a week to ſearch the whole bundle of ſeamens wills?

The ground of your objection was the doubt of this being genuine?——Yes.

You had given notice of this as one that you had doubted?——Yes.

Upon what fact had you grounded your ſuſpicion of the authenticity of the will?—On the face of the will.

Do you call nobody from the office whoſe buſineſs it is to pay theſe wills.

*Mr. Baldwin.* The fact is, that Mr. Slade was ill at that time, and the buſineſs was done by ſomebody who ſays there was ſo many people came, and he was ſo unuſed to buſineſs, that he cannot recollect.

*Court.* I ſhall be glad to hear the Counſel for the Crown: it ſeems to me that this charge is for perſonating John Murphy, the executor of the will of Banks, in order to obtain the wages; I think you have given ſufficient evidence that there was a man of the name of Banks that was entitled to wages, and I think the probate is *prima facia*, though not concluſive evidence that there was ſuch a will, but the git of the charge, the ſubſtance of the indictment is, that the priſoner perſonated that executor in order to obtain the wages; now that is a fact capable of direct proof, it is not a fact, like others, that muſt neceſſarily be collected from circumſtances and inferences; the direct and proper proof is to call ſome of the parties, whoſe buſineſs it was to pay the wages, to prore that he had ſo done; it therefore ſeems to me that the circumſtance, the accident of not being proved by that evidence which is the beſt, from the forgetfulneſs of witneſſes, is no reaſon why the Court ſhould receive evidence, which is not the beſt; therefore the inclination of my opinion is, that this fact is not ſufficiently proved to put the priſoner on his defence.

*Mr. Baldwin.* I do not conſider this is a matter of law, but as a matter of fact, whether this man did or did not perſonate John Murphy, the executor; I ſubmit, that the fact may be proved as inconteſtibly as if the man himſelf had been here to ſay ſo. My Lord, I ſay this is the beſt evidence; when a man robs another, the man that is robbed may prove the fact; but, ſays he, I do not recollect, and I will not poſitively ſwear that is the man; but, my Lord, is not the confeſſion of that man every day made evidence againſt him; now, here the man produces a probate of this will, wherein John Murphy is made executor; he ſays, my name is John Murphy; hs takes Mr. Harris to the office with him; Mr. Harris does not go in with him, but he comes out and tells him: is not that juſt as good evidence as if the man was preſent? But it does not reſt here: when he goes to Mr. Knight, in conſequence of the order from the Board, he ſtates to Mr. Knight the buſineſs that he had been to the Board upon; he ſtates the purpoſe of demanding theſe wages, and that before theſe wages could be paid, he was deſired to go to Mr. Knight.

*Court.* I think you have put a caſe that is like it; but in that caſe it is always uſual to call him to prove the fact of the robbery; now, you muſt prove that ſome perſon or other demanded, in the name of Mr. Murphy; I ſhall not admit circumſtantial evidence to ſhew that a man was guilty of robbing another; but I am of opinion, that there is not evidence enough, unleſs you prove that ſomebody or other did come to demand the wages.

*Mr. Baldwin.* Now, ſuppoſe a man was to go to ſomebody, and ſay, I will go into that room.

*Court.* If you have the man here, call him; if not, I have given my opinion.

GEORGE FENNELL *ſworn.*

I am clerk in the Pay-office.

Do you remember any man coming to your pay-office, to demand the wages of the Stirling Caſtle?——No, Sir; all that I remember, is, one day, while I officiated for Mr. Slade, there was a man that came for ſome buſineſs of a ſhip; it was on or about the 4th of April; but what ſhip, or what man it was, I cannot ſay; and on referring to the book, there was an obſervation that the will was ſuppoſed to be forged; upon which, I told the man, whoever he was, he muſt go to Mr. Knight, or Mr. Dyſon.

*Court.* Was there any more than one perſon that applied to you at that time?—There was a woman.

Was there any other man?——I do not undertake to ſay that there was.

In what character did that man apply to you?—As the repreſentative of the ſeaman.

Are you clear in that fact?——I did not attend ſo very particularly to that fact.

Can you recollect, whether the perſon at that time applied to you as being a repreſentative of the executor to the will, or as coming from him in any other character?—He applied as executor; becauſe there was no power of attorney, only the probate of the will.

*Mr. Garrow.* You have but a very imperfect recollection of this?—Yes.

For inſtance, could you tell, at this diſtance of time, whether it was a probate, or letters of adminiſtration to the ſeaman?—I cannot.

Can you tell whether there was an objection to the adminiſtration, or the probate, which it was you do not recollect?——No.

Might it not be, then, quite conſiſtent with all your recollection of the ſubject, that that perſon might come as his attorney to enquire whether the objection was removed?—They certainly came for payment.

It was on or about the 4th of April?—Yes.

How many days might you officiate for Mr. Slade?——Four days in that week.

Might there not be other men in the four days?——There might; but I do not recollect that there were; I am not ſo perfect in my recollection, as to ſay that they were not.

*Mr. Baldwin.* Did any other man apply to you, beſides this man, from the Navy-board; not on that day, but about that day?—I cannot ſay.

*Priſoner.* I know nothing further of it, than that I got it from my brother at ſea.

*The Jury retired for ſome time, and returned with a verdict*

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

MISDE-

# MISDEMEANORS.

459. **ELIZABETH WELLS** was indicted for endeavouring to obtain two gallons of red Port wine, the property of Murphy Bates and others, by falſe pretences.

**NOT GUILTY.**

*Tried by the London Jury before* Mr. RECORDER.

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460. **FRANCIS POOL SHEPHERD** was indicted for endeavouring to obtain a great coat, the property of Henry Flower Freeman, by falſe pretences.

The proſecutor declaring he did not believe the priſoner, and did not intend to let him have the coat, on the repreſentation he made, the indictment could not be ſupported.

**NOT GUILTY.**

*Tried by the London Jury before* Mr. RECORDER.

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*The Seſſion being ended, the Court proceeded to paſs Sentence as follows.*

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*Received ſentence of Death*, 9, viz.

Hannah, alias Hanna Mullins, William Smith, alias Storer, Edward Griffiths, James May, George Woodward, Daniel Keith, Jonathan Harwood, William Watts, and Phebe Harris.

This laſt priſoner to be burnt.

*To be tranſported to Africa for ſeven years*, 3, viz.

Thomas Hobbs, Thomas Patrick, and William Brown.

*To be tranſported to parts beyond the ſeas for fourteen years*, 3, viz.

John Davis, David Davy, and Charles Fletcher.

*To be tranſported to parts beyond the ſeas for ſeven years*, 61, viz.

Henry Giles, Mary Parker, Peter Ogier, John Green, Joſeph Halford, Mary Dykes. John Hunſley, William Bullock, John Frank, Simon Price, John Perry, James Watkins, Benjamin Godhard, James Thompſon, John Smith, Elizabeth Cole, Mary Johnſon, John Kirby, James Carr, Thomas Marſhall, John Booty, Henry Gray, John Clemenſon, John Kentiſh, James Godfrey, David Joſiah Jones, David Jones, Thomas Trout, William Lions, John Eccles, Thomas Glover, George Embleton, Richard Eades, William Smith, John Spencer, Thomas Pearce, Elizabeth Lee, Ann Dutton, John Grubb, Margaret Bunn, James Field, William Valentine,

tine, Edward Haycock, John Conyers, Joſeph Fenton, Richard Steward, John Quarterman, William Frederick, John Martin, William Wilton, Ann Davis, Robert Broughton, John Glover, Robert Carter, Joſeph Maydrick, Thomas Smith, otherwiſe Bellafield, James Brace, Richard Louth, Thomas Green, William Fletcher, and William Smith.

*To be impriſoned twelve months in the Houſe of Correction*, 12, viz.

Elizabeth Anderſon, Mary Jones, Elizabeth Stanley, Mary Benfield, Thomas Baſſett, Eſther Noble, Catharine Brown, Joſeph Robinſon, alias Goſling, Elizabeth Jackſon, Ann Johnſon, William Kute, and John Fletcher.

*To be impriſoned ſix months in the Houſe of Correction*, 16, viz.

James Hatter, Jane Cawdry, alias Ewen, William Screw, William Croſton, Charles Broomfield, Elizabeth Tavenor, Samuel Roberts, Richard M'Donald, Elizabeth White, Edward Bailey, Peter Geach, Maria Gardiner, Richard Merchant, Ann Thomas, William Porch, and Robert Duke.

*To be impriſoned three months in Newgate*, 1, viz.

Iſabella Dowdell.

*To be impriſoned one month in Newgate*, 2, viz.

Thomas Roberts, and Benjamin Hardy, alias Harty.

*To be publicly whipped*, 9, viz.

William Screw, Wm. Croſton, Charles Broomfield, Samuel Roberts, Richard M'Donald, Edward Bailey, William Kute, John Fletcher, Robert Duke.

*To be fined* 1s. 4, viz.

Mary Benfield, Thomas Baſſett, Joſeph Robinſon, alias Goſling, and William Minton.

*Branded*, 1, viz.

Frances Lewis.

*Caſe reſerved of* William Wynn.

The next Seſſions will begin on Wedneſday the 31ſt of May, at the Old Bailey.

**Mr. HODGSON**

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THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 31ſt of MAY, 1786, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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M DCC LXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; the Honourable EDWARD WILLES, one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

*London Jury.*

John Plaſkett
Thomas Lee
William Ludlam
John Harrington
William Brookes
Thomas Winkworth
James Whitefield
*Richard Hare
Joſeph May
George Morriſon
William Kinnerſley
William Smart

*Firſt Middleſex Jury.*

John Aſhmore
Robert Aſkey
Edward Glanville
John Morriſon
James Phipps
Robert Minns
William Booth
Thomas Green
William Cartwright
Henry Read
Samuel Ray
Richard Maſon

*Second Middleſex Jury.*

Henry Wright
William Fryer
Robert Squire
Joſeph Naſh
Henry Remnant
Samuel Beazley
James Brown
Michael Griffin
George Spurret
†Henry Naſh
John Maund
George Grant

* John Jennings *ſerved ſome time in the room of* Richard Hare, *and* Thomas Dowding *ſerved the laſt day in the room of* John Jennings.

† Charles Whitcomb *ſerved ſome time in the room of* Henry Naſh.

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461. JOHN WILKINSON was indicted for feloniouſly ſtealing, on the 15th day of May, one ſilver watch, value [illegible]0s. one ſteel watch-chain, value 6d. one ſeal, ſet in baſe metal, value 1d. one gold mourning ring, value 20s. one other gold ring, with two diamonds ſet therein, value 40s. twenty-two guineas, value 23l. 2s. ſe-

venteen half-guineas, value 8l. 18s. 6d. and 2400 halfpence, value 5l. 6720 farthings, value 7l. and 2l. 12s. 6d. in monies numbered, the property of Owen Connelly, in his dwelling-houſe.

### OWEN CONNELLY *ſworn.*

I keep the Greyhound in New Compton-ſtreet. On the 15th of May, I loſt the things mentioned in the indictment; the priſoner was my ſervant; the watch I loſt has two letters on the back, W. K. it was a ſilver watch; I loſt a mourning ring, the fellow of this, with the name William Falkner, who is dead, and was my wife's brother; I loſt a gold ring with two diamonds, with a purple ſtone in the middle; they were all with the money in the drawer. At about half paſt two that morning that we were robbed, my wife and I went to our drawer to reckon this money; there were twenty-two guineas, ſeventeen half-guineas, and two guineas and a half I reckoned in ſilver; there were five pounds worth of halfpence in two China baſons, and about ſeven pounds in farthings; we put by the farthings, we had not vent for them, ſo we put them by for ſome time; theſe things were loſt at the ſame time, on the Sunday morning.

Do you know any thing, of your own knowledge, to affect the priſoner at the bar?——Yes; in the morning, a quarter before five, I awaked; the priſoner was my ſervant five days; I had a character from an acquaintance of his, that he was a very honeſt man; and when I awaked, I ſaw the window open of our room where the money was; I called my wife; this money was in a cheſt of drawers; my wife and me reckoned the money, and ſhe locked the drawer, and put the key under her head in her pocket, and in the morning the key was taken from under her head, and the drawer unlocked, and the money gone; I got up, and went to the man that gave him a character; his name was Pritchard; he appeared to be a gentleman; I told him he had robbed me of all the money I had to pay the brewer; well, ſays he, go along with me, I will find him for you; he went to get himſelf ſhaved, and we went to Charing Croſs, to the gentleman where his mother lived at Blackheath; we did not find him; we returned home, and ſearched every public houſe in all the neighbourhood, but could not find him; on Monday, there was a man that gave information, and he was taken at Lewiſham, and he was brought before Sir Sampſon Wright; he owned to the things that were found upon him; they are in the hands of the conſtable, named Beyer; the priſoner has ſent me ſeveral letters, begging for mercy; but I told him I would make no promiſes, after being robbed by my own ſervant.

*Priſoner.* I came out of the houſe, and went into the country, and my maſter ſent word by two or three people, that if he had his property, he would not hurt me; did not you ſend me a new ſhilling, Sir, the other day?——No; I would not ſend you a ſhilling, if you never had one; my wife's ſiſter ſent it.

*Priſoner.* Did not you ſay you would forgive me, if you got the property again; but the traps had it.

*Proſecutor.* No. The priſoner charged another man as an accomplice, and that he hid him under the bed for ſome time, from twelve till we got to ſleep, and that he handed this property out of the window to him; but that man was diſcharged; we both went to bed at half after two, after we reckoned our money, we were tired, we fell aſleep directly.

### JOHN TAINTON *ſworn.*

I keep the Golden Lion, Sydenham; I know the priſoner; on Sunday morning, the 14th, the priſoner came into my houſe about nine in the morning; he called for a pint of beer, and ſat down in the tap-room, and leaned his head on the tap-room table; then he got up, and had another pint of beer, and went towards the fire; he had a paper of tobacco; he ſat down, and dozed in the corner; he aſked the way to Dulwich; he ſaid he had buſineſs there; then he aſked me, if he could ſleep in my houſe that night; I ſaid he might; then he went out, and joined company with two labouring men, and they had ſixpennyworth of gin and water; then he ordered tea and coffee for them three; he ſaid, do not be in a hurry, I am a publican myſelf; then they ſat talking together; this was about one in the day; they ſeemed to have ſome words together, and the priſoner put his hand in his pocket, and pulled out a handful of gold; the priſoner ſeemed to be a little intoxicated; then, after ſitting a little while, he put his hand into his white waiſtcoat-pocket, and pulled out a handful of ſilver, half crowns and ſhillings; he had paid Brooks, the ſtage-coachman, two ſhillings for the paſſage back to London, and juſt as the ſtage was coming, he took his bundle, and going out, he dropped it; I perceived there was money in it; I did not know how to act; the conſtable lived three miles off; I had one ſerjeant Biggins quartered upon me; I ſaid to him, that he ought to be ſtopped, and we perſuaded him to return, and lay down till he was freſh; then we felt his bundle, and found it was halfpence; then he ran away, and we brought him back to my houſe, and ſearched him; the firſt time, there were ſeventeen guineas, and two gold rings, and two pounds twelve ſhillings and ſixpence in ſilver; there were found upon his perſon, a ſilver watch, two tea-ſpoons, and a piece of a ſpoon; he then cried very much, and begged of the ſerjeant and me not to hurt him; I ſaid I did not want to hurt him, let the law hurt him; and going down the ſtreet, he abuſed his companions very much, and we ſearched him again, and there was found ten guineas and a half in the pocket of the priſoner; in the bundle was found a quantity of halfpence and farthings, and a pair of garters and a waiſtcoat; the priſoner mentioned two or three people that never ſaw him before; he ſaid they met him at Lewiſham, and gave him the money; the things that were found upon him were delivered into the hands of Jonathan Beyer.

### JONATHAN BEYER *ſworn.*

I am the conſtable; I have here twenty-two guineas in gold, eleven half guineas, and a ſilver watch; the money I received from a butcher at Sydenham, belonging to our pariſh, which they had put into his care; the butcher is not here; the ſerjeant was preſent at the time; here are two rings.

(*The watch depoſed to by the proſecutor.*)

*Proſecutor.* My wife ſays, ſhe knows ſome of the money; ſhe is very curious in money; there is an halfpenny we all know.

(*The rings depoſed to.*)

*Proſecutor.* Before the Juſtice, the priſoner owned this was my money; there was not the leaſt promiſe made him; I hardly ſpoke to him.

*Beyer.* I produce the halfpence and farthings which were delivered to me in the preſence of the priſoner, and taken from him.

*Proſecutor.* This is a remarkable halfpenny; we have had it a great while; and this cloth was laid under the farthings; this is my cloth; it was in the cheſt of drawers where he took the money from.

### PRISONER's DEFENCE.

I found the property; the proſecutor ſaid, he would ſhew mercy upon me, if I would tell him where the property was; and he ſent me a ſhilling down.

### THOMAS BIGGINS *ſworn.*

I am quartered at Tainton's houſe; on Sunday evening about five, I went to my quarters, and aſked for a penny-worth of beer, which my landlord drew me, and called me to his bar, and ſaid, that man has got more about him than his own; I brought him back to the ſtable; he threw down the money; ſays I, is this money your property? he ſaid, no; I took it to the landlord; the landlord ſaid, I might ſtop him on ſuſpicion; I went into the ſtable to the priſoner, and ſaid, this money you have been robbing ſomebody of; he made no anſwer, but ran out of the ſtable immediately; I followed him, and brought him back, but as ſoon as ever I laid hold of him, he ſaid, do not hurt me, I have robbed nobody, and fell a crying; I brought him into the parlour; he put his hand into his left hand pocket, and was crying all the time; I ſaid, what have you there, he ſaid, nothing at all, I ſaid, pull it out, do not be afraid, he pulled out ſeventeen guineas in gold, and the two gold rings; he made a ſnatch at the two rings, one is a large ring, but you cannot diſcern the mark, the other has Falkner upon it; then he began to fumble about; I ſaid, come get up; I put my hand into his right hand pocket, and pulled out two pounds, twelve ſhillings and ſixpence; I then felt in his waiſtband pocket and pulled out the watch; I ſent one of my own men for a conſtable; I got one of my own men to go to the Juſtice, and getting him down the ſtreet, he ſaid, where are you going to take me, I am a better man than you; I have more money about me than you have; ſays I, I have but very little; ſays he, I have two piſtols about me; have you, ſays I, then you ſhall not go an inch further, till I have ſearched you; I ſearched him, and found ten guineas more in his pocket; I was three hours taking him three miles, and at laſt, I delivered him up to Mr. Beyer the conſtable.

*Court.* You behaved with great propriety on this occaſion.

JANE CONNELLY *ſworn.*

I am the proſecutor's wife; I live in New Compton-ſtreet; on Saturday morning, about eight o'clock, my huſband aſked me for the key of the deſk; I gave it to him; the priſoner ſtood in the paſſage leaning over; I was very buſy; about twelve I went into my own room, and turned down my bed; I ſat on the ſide of the bed, and leaned my hand on my head; and ſaw the key in the deſk; I went out and called my huſband, and he, and my ſiſter and me, went back; I ſaid, I am affraid we are robbed; no, ſays he, I hope not; count your money, you can eaſily tell; I kept the money in the drawer, where the watches and the rings were; my huſband ſtood by me, and counted the money in rucks, ten guineas at a time; there were thirty guineas in gold, in guineas and half guineas, and two guineas and an half in ſilver; I did not count my farthings; we take all halfpence that come, and pay them away likewiſe; I put the farthings in a great towel, which was in a cheſt; I went to try to lift up the towel, to get ſome ſheets out, but I could not; I called the maid to help me, we moved them between us, and put them on the floor in the room; ſays Peggy, is this money, Madam? no; ſays I, it is copper; on Saturday evening, I ſaid to my huſband, bring out the bowls of bad halfpence, as it is pay-table night; when we had done, it was between two and three; my huſband took the bowls, and put them by; ſays I, go outſide the bar, he gave me the key, and I put it into my right hand pocket; we both went to bed; in a ſhort time ſomething diſturbed us; in the morning when we waked, my huſband ſaid, Jane, did you leave the window open; and I ſaw the deſk open, and the key in the drawer, and the drawer wide open, and the money and watch and rings all gone, we went into the yard, and there was the drawer, and a bit of chalk in it; every thing was gone but a bit of chalk; I cannot ſay that I can ſpeak to money, there is one half guinea has a ſmall head; I ſent it to the cheap baker's, and he ſent it back.

Could you ſwear to that half guinea as ſeeing it in your poſſeſſion that night?——I ſwear to this halfpenny remarkably, I had it in my hand an hour one night, and it was put into the baſon among the halfpence; the bedchamber was on the ground floor, it was a large ſaſh, I found it wide open in the morning, the priſoner had left my houſe then, the laſt word I ſpoke to him was on the Saturday night, I ſaid, John, go to bed, becauſe ſomebody muſt be up in the morning; he muſt get in at the window, otherwiſe he muſt be concealed under the bed, one way or the other; there were the marks of feet in the yard, and the mark of a foot on the chair.

(*Looks for the half guinea, but it was not there.*)

*Priſoner.* My miſtreſs ſent me a ſhilling?——I did not, my ſiſter ſent him a ſhilling for charity, I have a letter of his that he ſent to us, that he was ſtarving for bread.

*Priſoner.* When I came down ſtairs in the morning the property was taken out of the room, it was in the yard.

*Court.* Then I ſuppoſe you took it up and brought it back to your maſter?——No, Sir, I did not, the man that propoſed to rob my maſter's houſe went off and left the bundle, and I took it up and carried it to Sydenham.

GUILTY, **Death.**

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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462. JOHN DELOVE was indicted for feloniouſly ſtealing, on the 21ſt day of May, one gelding price 5l. the droperty of John Spiers.

JOHN SPIERS *ſworn.*

I live at Turnham-Green, I am a gardener, I bring my things to town, I keep a cart, I loſt a gelding from Stamford Brook in Chiſwick pariſh, my horſe was at graſs there, it was put in the field on Friday ſe'nnight about eight, and miſſed the next morning, I heard of it again on Saturday morning; I went to town and gave information that it was loſt, on the Monday morning I went to Mr. Smith's, and I received intelligence from Thomas Iſaacs, and found my gelding in a ſtable, I have had him about four months or ſomething better, I gave 5l. and a crown for him, I can ſwear it was my horſe.

THOMAS ISAACS *ſworn.*

On Saturday the 20th of this month, the proſecutor came to Mr. Blackborrow's office to lay an information that he had loſt a horſe, he deſcribed the horſe, I went myſelf to Mr. Spiers's houſe as ſoon as I found the horſe, which I did at Mr. Smith's houſe; returning to town I met Mr. Spiers and his man, I called to him and told him I had found his horſe I believed, he immediately ſent his own man back with me, and he identified the horſe, that man is not here; on the Monday I went with Mr. Spiers, then he challenged the horſe.

THOMAS SMITH *ſworn.*

I live in Cold Bath Fields, the priſoner came to me about eight on Saturday morning, I never ſaw him before in my life, when he firſt came he aſked for Mr. Smith, I went and aſked him his buſineſs, he ſaid he was informed I wanted to buy a horſe (I often buy horſes for my buſineſs) I told him I wanted to buy ſeveral, he ſaid he had one to ſell, he came without a horſe; then I aſked him where the horſe was, he ſaid, he was coming with it to take it to the horſe-killer's to have him killed, and coming along he had ſpoke to ſome coach-maſter or coachman, and he had aſked him to buy it, and the coachman told him it was a pity to have ſuch a horſe killed; and I told him that I wanted to buy one, and aſked him where the horſe was, he ſaid he had put him up at the Black Horſe in the Old Bailey; I deſired him to fetch it; he ſaid it was put up there for a ſhilling, and he could not get it away without the ſhilling, I lent him a ſhilling.

Did not you ſuſpect him?—Not till the horſe came, I ſent my man with him, and my man and he came together with the horſe, I aſked him how he came by it, he ſaid it belonged to one Mr. Shaddick of Acton, a farmer, who had ſent it by him to be killed, I told him I thought it was a pity the horſe ſhould be killed; I aſked him what he muſt have for it; he ſaid he could have 25s. when it was killed; I told him it was worth more than that, and I begged of him to go to his maſter, to ſend a note by him to certify that it was his horſe; he left the horſe with me and went away, he aſked me what I would give for it, and whether it was not worth two guineas.

Was not it worth more?——I do not think it was worth much more; he then left me to go to Acton for liberty to ſell it, I took the letter from him, and tried to read it, but I could not, it was ſo badly written, I told him that was no ſatisfaction to me, he then ſaid he would take away the horſe, I ſaid no; he then ſaid he would go and fetch his maſter who was in the Haymarket, and he went away, but inſtead of bringing his maſter he brought another letter written much better, I am ſure the priſoner is the man that came to me.

*Priſoner.* I was never out of the country before, I have no friend on this ſide *the world*, I was born and bred at Farmberg, in Berkſhire.

*Court to proſecutor.* Did you know him before?——Never.

*Court to priſoner.* What are you?——A labouring man; as I was coming out of the country I came to Turnham-green, it was ten at night, I aſked a man to tell me of a place to lay down, and he took me to a barn and ſhewed me ſome clean ſtraw to lay down on, and he left me there a conſiderable time; then he came and took me out, he had this horſe, and he told me to ſell it.

*Court to the priſoner's brother.* What way of life is your brother in?——A carter, he was out of work, I did not come to town with him, I came on purpoſe on this trial, he has a mother, he never was in town before to my knowledge.

GUILTY, **Death**.

*He was humbly recommended to mercy by the Jury and Proſecutor.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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463. MARY SMITH was indicted for feloniouſly ſtealing, on the 5th day of May, one pair of leather boots, value 21s. the property of Charles Taylor, privily in his ſhop.

CHARLES TAYLOR *ſworn.*

I keep a ſhoemaker's ſhop, my goods are openly expoſed, on Friday the 5th of this month I loſt a pair of boots, they were hanging over the arm of a chair which I keep for cuſtomers to ſit down in, they were beſpoke, I was drinking tea in the back-room, and a young man that works in the ſhop was ſitting cloſe to the ſhop, the priſoner and another woman who is not in cuſtody, came into my ſhop to buy a pair of women's leather pumps, the other woman ſat down in the chair, ſhe had a child in her lap, the priſoner was ſtanding as cloſe as poſſible to the arm of the chair where the boots hung, the other young woman had a pair of pumps tried on, I heard ſome kind of a diſpute, and I went out, and ſhe aſked me the price, I told her they were three ſhillings; they bade me two ſhillings and nine-pence; I ſaid I could not take it; they went out immediately, they went up Lemon-ſtreet; I ſays to my young man, they are a pair not ſo well made, tell them they ſhall have them for two ſhillings and ten-pence; he ſat himſelf down to work, and coming out I miſſed the boots, I immediately ſaid to the man, them women have the boots; we both went out of the ſhop in purſuit of them, and in three minutes my man got before me, we could ſee nothing of them, I ſaw nothing of them till I got into the ſhop.

Are you ſure that was one of the women that was in the ſhop?——Yes.

JOHN HENYON *ſworn.*

I am journeyman to Mr. Taylor, I was in the ſhop; between five and ſix, the priſoner and another woman came into our ſhop to buy a pair of leather pumps, I am ſure to the priſoner, my maſter was in the parlour drinking tea, there is a large glaſs window that looks into the ſhop, the boots hung on a chair, the priſoner was leaning on the left hand ſide of the chair where the boots hung, ſhe bid me threepence leſs than the ſelling price, after I had fitted her with a pair; my maſter ſent me to tell them they ſhould have them for two ſhillings and ten-pence, they were two houſes off, I did not obſerve they had any thing particular about them then, and they ſaid they would not have them at all, when I came back my maſter went into the parlour to drink another cup of tea, and in about three minutes he came out and miſſed the boots, then he ſent me after them, I took both the women in Roſemary-lane, I ſaid nothing to them, they were coming towards the ſtreet that my maſter lives in, and the priſoner had the boots under her cloak, I was ſure ſhe had them, though her cloak was ſo very much confined I could perceive the heel under her cloak, I clapped her on the ſhoulder, ſays I, where are the boots you ſtole; ſhe ſaid, I have no boots; then ſhe dropped one, and I picked it up, and brought her into the ſhop, and we found the other boot under her clothes, which I brought into the ſhop with her; I am ſure this is the woman, thoſe are the boots.

Have they been in your poſſeſſion ever ſince?——Not ever ſince, I left them upon my maſter's table laſt night till this morning, I am ſure theſe are the boots.

*Taylor.* I can ſwear to theſe boots, my own name is inſide.

## PRISONER's DEFENCE.

There was a woman with me, and that woman gave me the boots.

*Court.* Was the priſoner in a ſituation beſt calculated to take the boots, or was the other?——I think it was hardly poſſible the other woman could take them, ſhe had a child on her left arm where the boots hung, and this woman had nothing but a cloak on, and ſtood as cloſe as poſſible, and ſhe urged the other woman to go.

What may be the value of theſe boots? ——I valued them at a guinea, the price is twenty-ſeven ſhillings.

*Court to priſoner.* Are you married or ſingle?——Single, my Lord.

What way of life are you in?—I am a mantuamaker.

GUILTY, **Death.**

*She was humbly recommended to mercy by the Jury and Proſecutor.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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464. EDWARD PAILD was indicted for feloniouſly aſſaulting Ann Wright, ſpinſter, on the king's highway, on the 6th day of May, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, four printed cotton gowns, value 4l. and one handkerchief, value 1s. the property of Elizabeth Probyn.

(*The witneſſes examined ſeparately.*)

### ANN WRIGHT *ſworn.*

I am an apprentice to Miſs Elizabeth Probyn; I was coming from her houſe, in Biſhopſgate-ſtreet, to Shoreditch with four cotton gowns; ſhe is a mantua-maker; I was going to deliver them to the perſon they belonged to; as I was going down by a publick houſe, the corner of an alley, a man came behind me, and puſhed my face into the alley, and took the bundle from me; he came behind me, and dragged me into the alley, and took the bundle from me; it was a tall man; I cannot ſwear to the man; I did not ſee his face; he had a great coat on; the priſoner has much the appearance of the man; the gowns were found, but I do not know where; they are in Court now.

### JAMES SHAKESHAFT *ſworn.*

Here are four gowns; on the 6th of May I was in company with Mr. Armſtrong, another officer; on Saturday night, between nine and ten, we were ſtanding in Pump-court, leading to Gravel-lane; it was about one hundred and fifty yards from the place where the robbery was committed; we heard ſomebody come running down the alley very hard; the priſoner came with this bundle under his arm; Mr. Armſtrong ſtopped him; he was the perſon that was running; we aſked him what he had got, he ſaid, it was his own things; Mr. Armſtrong and I took the bundle from him, and it has been in my cuſtody ever ſince; he begged he might be let go; I ſaid, I am ſure there has been ſomebody robbed; we took him into cuſtody; he ſaid then, that if we would let him go, he never would do ſuch a thing again, we took him through Devonſhire-ſquare, and brought him to Biſhopſgate-ſtreet, when we had had him in cuſtody three minutes, a gentleman informed us a young lady had been robbed; Harper went and found the young lady.

*Ann Wright.* I can ſwear to the gowns, they all belonged to the ſame perſon; Mrs. Robinſon in Phills-buildings.

*Priſoner to Shakeſhaft.* Did I own to you that I had committed the robbery?—He ſaid, if we would let him go for God's ſake, and he would never commit ſuch a thing any more.

### ELIZABETH PROBYN *ſworn.*

I employed the laſt witneſs to carry home four gowns; theſe are the gowns; I ſent them home on Saturday the 6th of May, at half paſt nine.

### JOHN ARMSTRONG *ſworn.*

I was in company with Shakeſhaft; we go this ground two or three times a week; we belong to Mr. Wilmot; I ſaw the priſoner running by; he came ten or twelve yards towards me, as hard as he could lay his legs to the ground; I clapped my ſtick; ſays I, what have you here; ſays he they are my own property, let me go; ſays I, (looking at him) I know him, ſecure his hands; I met a gentleman, ſays he, have you got a bundle there? I ſaid yes; ſays he, there is a young lady that has been robbed in Houndſditch; the priſoner repeatedly aſked us to let him go, and he would never do the like again; I knew the priſoner before; he never was out of my poſſeſſion.

*Priſoner.* Did you know any harm of me?——When we have had unfortunate men at the office, he has frequently come to ſee whether they were acquitted or diſcharged.

### SAMUEL HARPER *ſworn.*

I was with the other two witneſſes; I went to my benefit club, that was the Red-lion in Old Bethlem, near Biſhopſgate-church; I was there about a quarter of an hour; I was fetched down, and there was Armſtrong and Shakeſhaft with the priſoner, and I heard a perſon ſay, that the lady that was robbed was then in Houndſditch; I went there, and found her ſadly frightened; I told her not to be frightened, I believed we had her property, and the perſon that took it; ſhe was within ten yards of the place, where ſhe was robbed; I think it is No. 79.

### PRISONER's DEFENCE.

I never ſaw the lady before; I was by the court; I was coming along, and I ſaw the bundle laying, and I took it up.

GUILTY, **Death.**

*Proſecutrix.* I humbly recommend the priſoner at the bar to mercy.

*Tried by the London Jury before Mr. Baron* PERRYN.

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465. HENRY PALMER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Francis Kirby, about the hour of two in the night on the 27th of May, and burglariouſly ſtealing therein two chaiſe glaſſes, value 3l. 3s. the property of Samuel Foart Symonds, M. D.

### FRANCIS KIRBY *ſworn.*

My houſe was broke open on the 27th of May laſt, in the night, on Saturday night; I was the laſt at the door; I went to bed about twelve; the door and windows were all ſafe, I ſearched them about twenty minutes before I went to bed; I was alarmed in the morning by the watchman at three o'clock; I got up immediately; one of the doors was broke open; I immediately entered the place; I ſearched, and I found two glaſſes gone; the door communicates from the back part of the coach-houſe to my ſtair-caſe, it is under one roof, and lodging-rooms over it, and bed-rooms over it; the ground floor is made coach-houſes of; I live over them, I am a ſtable-keeper, I keep horſes at livery; I found one of the doors of that coach-houſe broke open; I miſſed two chaiſe glaſſes, I found the two doors open of the chaiſe; I know nothing of the priſoner; I ſearched the premiſes all over, I found nobody there; the glaſſes were found in the poſſeſſion of the priſoner the ſame morning, within I ſuppoſe ten minutes after I was alarmed; I did not ſee them found.

### JAMES RYAN *ſworn.*

I am a watchman; as I was calling three o'clock, I ſaw the priſoner going through Sidney's-alley, and I followed him; I laid hold of him, and aſked him what he had.

*Court.* Was it day-light?——Yes; I ſaw the priſoner as he came out of Coventry-ſtreet, I followed him, and overtook him at the further end of Leiceſter Fields; he ſaid they were coach glaſſes, and he found them in Piccadilly; he had two glaſſes; I took him to the watch-houſe; I took the glaſſes to the rotation-office, I kept them in my poſſeſſion, they are here, I have had them ever ſince, they are the glaſſes I found on the priſoner; I know nothing more.

### JOHN LOADER *ſworn.*

I delivered my carriage, which belonged to Doctor Samuel Foart Symonds, ſafe between ten and eleven the night before; I know the glaſſes, they belong to the carriage; I have examined them, they anſwer the meaſure.

*Priſoner.* I made no reſiſtance at all, I was willing he ſhould ſee them; I told him they were a pair of coach glaſſes.

*Kirby.* I knew the glaſſes; in the morning, I found theſe two ſtrings hanging on the ſide of the door, theſe two taſſels cut off, and they anſwer exactly; I have no doubt of them being the glaſſes; my yard runs through from Piccadilly into Caſtle-ſtreet; here is the lock, which one would think was ſufficient for a gaol.

### PRISONER's DEFENCE.

I found the glaſſes in a box, and the man ſtopped me; I told him what they were; he ſaid, you muſt go to the watch-houſe; I found them at this end of Piccadilly againſt the gateway; I am a painter and glazier; I worked in Portland-ſtreet, Soho; my maſter was here all day to-day, and all day yeſterday; I worked with him a good bit, half a year, ever ſince I have been away from Dover.

*To Proſecutor.* What may the value of theſe glaſſes be?——About three guineas.

That is about the price, to buy them new?——Yes.

GUILTY, Death.

NOT GUILTY *of the Burglary.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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466. JAMES ROBINSON was indicted for feloniouſly ſtealing, on the 8th day of May, one purſe containing three guineas, value 3l. 3s. three half crowns, value 7s. 6d. and ſeven ſhillings in monies numbered, the property of James Hoſſett.

### JAMES HOSSETT *ſworn.*

I went with three butts of beer to the ſhip in the Minories, on the 8th of May, between nine and ten at night; I pulled my jacket off, and put it upon the twopenny caſk; the boy came down to draw a pot of beer for me and my fellow ſervant; I turned myſelf about, and ſaw the boy with my jacket in his hand; as ſoon as I had placed the butt, I examined the jacket; I miſſed my purſe, which contained three guineas, three half crowns, and ſeven ſhillings in ſilver; he abſconded immediately from the houſe; he was taken up in Oxford-road, and confeſſed before the Juſtice he had the money, and had laid it out for clothes.

### DENNIS MURPHY *ſworn.*

I took the priſoner the corner of Wells-ſtreet, Oxford-ſtreet, at eleven at night, with all new clothes on, coat, waiſtcoat, breeches, and hat; I ſearched him, and found this ſilk handkerchief, with ſeven ſhillings tied up in one corner of it.

GUILTY

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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467. JOHN HALL was indicted for feloniouſly ſtealing, on the 7th day of May, a hat, value 1s. three pieces of callico,

lico, value 3s. and one handkerchief, value 1s. the property of John Wightwick.

**THOMAS WARREN** *ſworn.*

Here are three pieces of callico I found under the priſoner's coat, at a fire that happened at Mr. Gillibrand's on Ludgate-hill, on the 7th of May; the priſoner and another man offered to aſſiſt at the fire, and were very handy in helping move people's goods, and appeared to be very aſſiduous; when we had done at Mr. Gillebrand's, he went to Mr. Shuttleworth's; I ſaw him with a box, he ſaid, here are ſome looſe papers, I may as well put them in the box; he did ſo, and upon ſtooping to put the papers in the box, I ſaw the callico buttoned up under his coat; inſtead of taking the box where he had taken the other things, he went up Ave Maria-lane; there I purſued him and took him.

**WILLIAM CRAWFORD** *ſworn.*

I aſked him if he had any thing more; he ſaid, no, he had not; upon ſearching him, I found a waiſtcoat in his breeches, and a neck handkerchief in his pocket, and a hat upon his head over his own hat.

*(The things produced: the hat depoſed to.)*

GUILTY.

*To be tranſported for ſeven years.*

*The priſoner called two witneſſes to his character.*

*Tried by the London Jury before Mr.* RECORDER.

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468. THOMAS SMITH was indicted for feloniouſly ſtealing, on the 24th day of May, one great coat, value 5s. three ſhifts, value 8s. four pair of cotton ſtockings, value 8s. two pair of ſilk ſtockings, value 8s. one pair of ditto, value 2s. a pair of pockets, value 1s. 6d. two pair of pillow caſes, value 4s. and twenty ſhillings in monies numbered, the property of Joſeph Jackſon; one cloak, trimmed with lace, value 20s. the property of Elizabeth Pepper; and two ſilk waiſtcoats, value 20s. one ſhag waiſtcoat, value 5s. one dimity waiſtcoat, value 5s. one ſhirt, value 1s. one pair of ſtockings, value 1s. one handkerchief, value 2s. the property of John Graham Taylor; one pair of breeches, value 25s. one waiſtcoat, value 2s. the property of Charles Woolley, in the dwelling houſe of the ſaid Joſeph Jackſon; and that he afterwards, to wit, about two in the night of the ſame day, the ſaid dwelling houſe feloniouſly did break to get out of the ſame.

**JOSEPH JACKSON** *ſworn.*

I live in Newgate-ſtreet; the priſoner was in my ſervice; he came in February; he went off between the 24th and 25th of May, early in the morning; I got up between ſeven and eight, as ſoon as I heard he was gone; I went to the gentleman who recommended him; he informed me I might find him in Ayliff-ſtreet, Clerkenwell; I was laſt in bed on the 24th, and all was faſt that night; I found him the next morning about nine in bed; I found a new ſhirt, and a neck handkerchief, the property of John Graham Taylor.

Did you find any thing of your own?—No, my Lord, there was found a pair of ſilk breeches, and waiſtcoat, belonging to Charles Barry.

What did he ſay for himſelf?——He appeared ſtupid, as if he had been drinking.

**ELIZABETH PEPPER** *ſworn.*

I live at Mr. Jackſon's; I was firſt up on the 25th of May, at half paſt ſix.

Did you hear any alarm in the houſe?——No, my Lord; when I firſt got up, I ſaw there was a drawer broke open in the kitchen, and all the mangled clothes which lay on the dreſſer, and a cloak of my own was gone.

**JOHN GRAHAM TAYLOR** *ſworn.*

About a quarter paſt ſeven in the morning, I miſſed the things mentioned in the indictment as mine, and all the money in the till.

**JOHN PROCTER** *ſworn.*

*(Produces the things.)*

*A pair of breeches, ſhirt, ſtockings, and handkerchief, depoſed to by Mr. Taylor; Charles*

*Charles Barry depoſed to his things, a pair of ſilk breeches, &c.*

REBECCA PEARCY *ſworn.*

I packed up the linen to go to be mangled, and left it upon the dreſſer.

PRISONER's DEFENCE.

On Wedneſday night I went to bed about eleven; I heard a noiſe in the houſe; I went up to call my maſter; I called him twice, but he did not anſwer; I then went to the room where the two young gentlemen lay, and it appeared to me as if ſomebody was ſtanding againſt the door on the inſide, and I could not get in; I was then in my ſhirt; I came down and put theſe things on; and I found the ſtreet door open; and went out; and ſaw a man in the ſtreet, with a bundle under his arm; I purſued him acroſs Smithfield, and there I loſt him.

GUILTY, 39s.

*Court to Priſoner.* You have been ſufficiently fortunate in this inſtance, that of the breaking out of the houſe, there is not ſufficient evidence to affect your life, and to prove that part of the charge that is capital; for if there had, it is very probable that your Sovereign, however gracious his inclinations are, would not have thought you a very proper ſubject of mercy; for the fact of a ſervant getting up in the night, and robbing his maſter's houſe is ſo extremely dangerous to every family, and to the peace and good order of ſociety; that no puniſhment that the law can inflict can be too ſevere in this: it is my duty, and the duty of the Court to prevent you from the poſſibility of doing future miſchief, and to ſentence you

*For tranſportation to Africa for ſeven years.*

*Tried by the London Jury before*
*Mr.* RECORDER.

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496. WILLIAM PLUMRIDGE was indicted for feloniouſly ſtealing on the 8th day of May, two reams of white paper, called fool's cap, value 20s. the property of Benjamin Winkworth.

BENJAMIN WINKWORTH *ſworn.*

I loſt two reams of paper on Monday the 8th of May; I am a wharfinger; I was walking on the wharf, I miſſed a ream of paper; I found it at Hugh Wilkinſon's in the Borough, an old iron ſhop.

ROBERT WISEMAN *ſworn.*

I ſtopped the priſoner with the paper on him at the bottom of the wharf.

JOHN TURNSTALL, conſtable, *produces the paper.*

I was ſent for to take the priſoner and the paper into cuſtody at Mr. Winkworth's houſe, I took the paper from the priſoner's coat pocket, I believe this to be my maſter's paper.

*Priſoner.* My maſter promiſed to forgive me if I told him where the paper was.

*Proſecutor.* I told him if he would tell me the man that he ſold it to and that was concerned with him, he ſhould not be hurt, meaning that I would get him admitted an evidence; he has diſcovered where he ſold it, and who was concerned.

*The Serjeant* attended, and gave him the beſt of characters, and ſaid, he conſidered him to be the beſt man in the regiment, and that his captain was in the country, or elſe he would have come himſelf.

GUILTY.

*Recommended to mercy.*

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before*
*Mr.* RECORDER.

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470 JOHN TRAINER was indicted for feloniouſly ſtealing, on the 20th day of May, one prinetd bound book, called an Introduction to the Latin Tongue, valued 1s. and one other book, valued 1s. the property of George Rutherford.

GEORGE RUTHERFORD *ſworn.*

I am a ſurgeon, I had two books that lay in the ſhop behind the counter, under a deſk, and I loſt them.

HANNAH

### HANNAH KNOCK *ſworn.*

I ſaw the priſoner take the books off the place about three in the afternoon on Wedneſday was a week, he is a chimney-ſweeper, I told him to come next Wedneſday; I ſaw him take the books, and went directly down ſtairs and ſhut the ſtreet door, and aſked him what he had under his coat, he ſaid nothing; the books were found under his coat.

### ROBERT BENSON *ſworn.*

I had theſe two books with the priſoner, they have been in my poſſeſſion ever ſince.

*(The books depoſed to.)*

### PRISONER's DEFENCE.

I came to aſk for ſome conſerve of roſes, and going in doors, I found theſe books; I have nobody to my character, I have no relations.

GUILTY.

*He was recommended to mercy.*

*Privately whipped and diſcharged.*

*Tried by the London Jury before Mr.* RECORDER.

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471. JOSEPH MYRES and ABRAHAM LIOLTO were indicted for feloniouſly ſtealing, on the 6th day of May, 30 lb. weight of loaf ſugar, value 16s. the property of John Henlock and William Derees.

### JOHN WAINWRIGHT *ſworn.*

On the 6th of May, about half after nine, I ſaw Joſeph Myres come up Coal Harbour, I believe it was the Saturday evening, he had a bag under his arm, he walked ſharply, I followed him, he could not carry the parcel he had without dropping it or reſting it, he put it down, it was the priſoner Myres; I laid hold of him, and ſaid, what is this you have dropped there; he ſaid he had not dropped any thing; I ſaw him put it down, I am quite clear in that; he was but about four yards from the place where he dropped it; I looked at it, and it was a loaf of ſugar; I left him at the watchhouſe; there was a hackney-coach ſtood where he dropped it; there were two other lumps in two bags, he dropped it about half a dozen yards from the coach; I aſked him how he came by the ſugar; I went up the lane, and I found Abraham Liolto, and I followed him; to the beſt of my knowledge he denied knowing any thing of it; he was taken to the Compter; the ſugar has been in my cuſtody ever ſince.

*Mr. Garrow, Priſoner's Counſel.* You are the patrol?——Yes.

What time of night was this?—About a quarter paſt nine.

Very dark I believe?——Not very dark.

What is the ſituation of this place?——It is a narrow lane.

With very high warehouſes?——There are high warehouſes.

Did you ſee any woman near this ſpot?——I did near the coach.

Why did not you take her?——I did not know whether ſhe belonged to them.

Did you ſee her go away?——No.

Did you ſpeak to her?——No.

Did not Myers ſay that that woman had left that, and that he had nothing to do with it?——No.

Had you any converſation when you went with Myers?——Nothing in particular.

But in general did you ſay any thing as to your opinion about it?——I can not ſay what I ſaid.

Did not you ſay you was ſatisfied he was innocent, but you muſt take him to the Compter?——No, nothing like it.

Had you had any particular directions that night?——No.

Do you know Mr. Laurence Kaylor?——I know he is a man belonging to the importers.

How long had he been in the ſervice of this man?——I cannot tell; when firſt I ſaw Myers, it was about fifty yards off, there were two ſides to the lane, he paſſed me on the oppoſite ſide of the warehouſe.

### THOMAS REYNOLDS *ſworn.*

I am beadle of the watch, the laſt witneſs ſent for me, I went to the watch-houſe with the priſoner Myers; he ſaid he knew nothing of it; I ſaid, if he has a lump of ſugar he has ſome partner; we went round, and there ſtood a coach, and I called out for the coachman, and there was none; I found two lumps of ſugar equal in ſize with the other, the ſame number and mark in every reſpect, I ſent to the Bull to enquire for the coachman; and there the coachman came out, and the other priſoner came with him, I do not know his name; I took the coachman and the other priſoner to the watch-houſe, this man ſeemed to be acquainted with the other; the coachman ſaid he knew nothing of it; that there was no parcel in his coach when he went into the Bull to drink; and the other priſoner ſaid, he knew nothing of the matter, he ſaid he only went in to drink with the coachman; he did not deny knowing the coachman.

LAWRENCE KAYLER *ſworn.*

I made a chalk mark on the ſugar.

JOSEPH MERRISH *ſworn.*

I drove the coach, and ſtopped to water my horſes at Whitechapel, and I went in to have a glaſs of gin, I ſaw a boy, and he aſked me to have ſome drink, he ſaid I ſhould have ſome drink; I told him, ſays I, I do not mind being two-pence or three-pence with you; ſays he you have no occaſion to be in a hurry, for I want a coach for this young man and me to go down to St. Catherine's; going through St. Catherine's, they ſtopped me at the Black-horſe, near the Victualling-office; they had ſixpennyworth of ſhrub and water, and ordered me to Thames-ſtreet, and came to the Black-horſe, and we all three went in, and Joſeph called for a pot of beer and a paper of tobacco, and he went out and came in and filled his pipe, and lighted it and drank, and afterwards went out, the firſt time he ſtaid five or ten minutes, the ſecond time I never ſaw him till he was at the watch-houſe, I ſuppoſe he was gone half an hour the ſecond time.

What is Liolto?——I believe he is a coachman; I do not know how that ſugar came into my coach, I am poſitive it was not there when I went in to drink; there was nothing but a ſmall bundle, which Joſeph brought in.

(*The ſugar depoſed to, marked* 13.)

That is the number of the day's work, that were made on that day.

*Mr. Garrow.* Your's is a chalk mark, upon paper?——Yes.

You make that ſame mark on the others?——Yes.

Is that the way that ſugar-boilers mark their work?—Yes.

How many ſugar-loaves were marked in the ſame way on that day?——I believe there were one hundred and ſeventy.

How old was this ſugar?——I do not know; I came to this gentleman three years ago; I was ſix weeks out of place; I came back before this ſugar was miſſed.

How long before you left them, had this ſugar been marked?—I do not know.

Was it twelve months?—A month before I went away.

You cannot tell how much of that make had been ſold in the ſix weeks you was abſent?——I cannot.

HENRY CLINT *ſworn.*

There were ſeventy-eight lumps made in that day's work; we delivered only fifty-five; there was a deficiency of four; three were found here; there is one we have no account of.

*Mr. Garrow.* Did you deliver this fifty-five?—I delivered them myſelf, the whole fifty-five.

How do you account for the loſs of that which you have no account of?—I cannot account for it.

*Court.* Open one of theſe loaves of ſugar?——It is marked Number 13; I have not the leaſt doubt but it is the proſecutor's property.

*Mr. Garrow.* The ſame mark occurs in other boiling-houſes?—There is a poſſibility of it, without doubt.

Is not there a certainty of it?——There may be a poſſibility of it.

That ſhall not be an anſwer to me, I promiſe you; upon your oath, do not you know, that it may be ſo, that the ſame mark may occur in other boiling-houſes?——Yes, Sir, certainly.

**GEORGE ADAM HINGER** *ſworn.*

I know this is my maſter's property; I know the number; I made that number, the inſide number.

Look at it?——This is my number.

*Priſoner Myers.* I have nothing to ſay.

PRISONER LIOLTO's DEFENCE.

Between ſix and ſeven at night, this man came to me, and ſaid he wanted a coach; I told him there was none; he took me to the watering-houſe, and told the coachman I wanted a coach; the coachman ſaid he would have ſixpennyworth of liquor, and this man aſked me to ride with him to take ſhare of a pot or two of beer; we went there, and had a pot of beer, and a paper of tobacco; I never ſaw any thing of him till he came afterwards; I never was out of the coachman's company.

*The priſoner Myers called four witneſſes to his character.*

*The priſoner Liolto called three witneſſes to his character.*

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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472. **BENJAMIN BAKER** was indicted for feloniouſly ſtealing, on the 9th day of May, one watch, with the inſide caſe made of baſe metal, and the outſide made of tortoiſeſhell, value 20s. and one ſeal, value 6d. the property of John Leplaſtrier.

**ESTHER LEPLASTRIER** *ſworn.*

I loſt a watch on Tueſday the 9th of May, off my huſband's board, cloſe to his vice, between the hours of eight and nine in the evening; I had juſt lighted a candle, I was in a little room behind the ſhop; I heard my ſon cry out, ſtop thief! and I ſaw him have hold of the priſoner's coat, with his foot inſide the door, one foot within, and one foot without; my ſon is in his twelfth year; the man wrenched from the child, and the child never quitted him, nor loſt ſight of him, till a gentleman took him; I did not quit my ſhop.

**ROBERT LEPLASTRIER** *called.*

I am in my twelfth year.

Do you know any thing about an oath?—Yes.

What ought you to do when you are ſworn?——If I tell a lie, I ſhall go to a bad place.

Do you know more, that you are liable to be puniſhed if you tell a lie after you are ſworn?——Yes.

**ROBERT LEPASTRIER** *ſworn.*

I did not ſee the priſoner come into the ſhop; I ſaw the priſoner going to ſnatch at a watch that was hanging in the ſhop; my father is a watch-maker; I was in the ſhop ſtanding againſt the partition; I firſt heard the chain rattle; I ſaw the priſoner ſnatch the watch off the board, facing my father's vice; I ran directly, and caught hold of the ſkirt of his coat, but he being ſtronger than me, he ruſhed from me; I purſued him; I was not above a couple of yards from him till he was caught; the watch was never found, I do not know what became of it, I did not ſee what he did with it; I am ſure I ſaw him take it; I ſaw nobody elſe at the door, but the neighbours ſaid there was.

**JAMES PAVLIN** *ſworn.*

I know nothing more, than I heard the little boy calling, ſtop thief! I went down a paſſage which is oppoſite to my door; I ſaw the little boy running after the priſoner, and crying terribly; I ran after him, and brought him to the proſecutor's houſe; the little boy cried out, that is he, that is he; I ſaw nobody near, I ſaw no opportunity of conveying the watch away, except at one turning, and he might be out of ſight a quarter of a minute.

PRISONER's DEFENCE.

I was coming along Shadwell, and this little boy ran out of the ſhop; he was hallooing out, ſtop thief! I ran after him, and aſked him which way he was gone, and he ſaid, that way; and I run, and this man, I believe he is a baker, ſtopped me; the little boy ſaid, that is not him; and he ran paſt us; when he came back, he ſaid it was me.

THOMAS BAKER *ſworn.*

I am the priſoner's father; I bred the priſoner up to my own trade, a cooper; he is better than fourteen years old, he worked for me till I was lame, and obliged to go to the work-houſe; now I am out again; he has not been with me lately, the buſineſs has been ſo ſlack.

What has he being doing?—Sometimes one thing, ſometimes another; I was not always with him; he behaved always very well to me at home.

*The priſoner called another witneſs to his character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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473. CATHARINE GREATHEAD was indicted for feloniouſly ſtealing, on the 8th day of May, two guineas, value 2l. 2s. and 8s. in monies numbered, the monies of John Webb.

JOHN WEBB *ſworn.*

I was at the Plough in Oxford-road, drinking; the priſoner came in, and ſat down in the box where I was; ſhe had a pint of twopenny, I had another, I treated her with a pint; there came in a coachman, and her and me got into the hackney-coach; I knew the coachman; this was the 8th of May, about eleven; I had this money in my pocket when I went into the coach with her, and when I got out, I had none; I told the hackney coachman I believed I had loſt my money in huſtling about the coach; we looked in the coach, and could not find it, and I accuſed the priſoner; I followed her all the way to Dean-ſtreet, and charged the watch with her; ſhe ſaid, the man is only a joking with you; I ſaid, I do give you charge of her; ſhe was taken to the watch-houſe; the conſtable ſearched her, and found about eight ſhillings and ſome halfpence; I knew I had ſome ſilver, but I could not ſwear to that; the beadle ſaid, he dare ſay he could find the two guineas; he went in, and told her to pull off her ſhoes; ſhe directly ſaid, if I would come in, ſhe would beg my pardon, and tell me where the money was; ſhe directly pulled off her ſhoes, and there were the two guineas and ſome halfpence.

What did ſhe ſay when the money was found?——I was not in the room when the money was found, I was in the next place to it; I heard her ſay, if I would come in, ſhe would beg my pardon, and tell me where the money was, but they would not let me go in.

ABRAHAM BARRIER *ſworn.*

The priſoner was brought to me by the proſecutor, and the watchman; I ſearched her, and found only ſome ſilver; then the beadle came in, and told her to pull off her ſhoes; ſhe was rather againſt that; I told the beadle to take off her ſhoes, and ſhe ſaid, if the gentleman would come in, ſhe would ſpeak to him, and give him his money; the beadle took off her ſhoes, and I ſaw the money found in her ſhoes.

ROBERT BERRY *ſworn.*

She pulled off her ſhoes, and ſaid ſhe had got it in her ſhoes; ſays ſhe, if the man will come in, I will make it up with him, if he is agreeable; there were two guineas and two halfpence.

PRISONER's DEFENCE.

He gave me the ſilver to go with him in a coach, and then he gave me the gold.

GUILTY.

*To be privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

474. **WILLIAM OLIVER, THOMAS GRIFFITHS, JOSEPH BAGGALLY,** and **WILLIAM BROWNING** were indicted for feloniouſly ſtealing, on the 4th day of March laſt, four wooden boxes, value 3s. one wooden firkin, value 10d. and two hundred weight of black lead, value 40l. the property of Henry Banks, Eſq; and others.

And **THOMAS BRAY, EDWARD M'GLEW,** and **WILLIAM DAWSON,** were indicted for feloniouſly receiving, on the 5th day of March laſt, the ſame, knowing them to have been ſtolen.

*There being a miſtake in the proprietors names the priſoners were*

ACQUITTED.

*Court.* Let them be detained, to be indicted on another indictment.

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475. The ſaid **WILLIAM OLIVER, THOMAS GRIFFITHS, JOSEPH BAGGALLY,** and **WILLIAM BROWNING** were again indicted for feloniouſly ſtealing, on the 4th day of March laſt, four wooden boxes, value 3s. one wooden firkin, value 10d. and two hundred weight of black lead, value 40l. the property of Henry Banks, Eſq; Elizabeth Carolina Fox, widow, and others:

And the ſaid **THOMAS BRAY, EDWARD M'GLEW,** and **WILLIAM DAWSON** were again indicted for feloniouſly receiving the ſame, on the 5th day of March laſt, knowing them to have been ſtolen.

*(The indictment opened by Mr. Fielding, and the caſe opened by Mr. Silveſter.)*

Gentlemen; this mine is at Chiſwick; this is a black lead mine; the only mine of that kind either in England, or in the known world; the property therefore is very conſiderable; and the lead that comes out of it is of great value; it is opened as the conſumption requires, every ſix, ſeven, eight, or nine years, and then filled up again with water, ſo that it is impoſſible that any perſon can commit a felony there, beſides which, there is an act of parliament made for the very purpoſe of protecting this mine; when the mine is opened Mr. Banks, who is poſſeſſed of one half of it, and the other proprietors, who have the other half in different ſhares, ſend two perſons to eſcort it to London; their repoſitory is in Eſſex-ſtreet; under Mr. Lindſey's chapel, is a large cellar, there is an iron gate, then there is a gate, which goes into the cellar; there are two keys, one kept by Mr. Banks, the other by Mrs. Fox, for herſelf, and the reſt of the proprietors; in the firſt cellar ſome black lead is kept, that is refuſe; on the right, further in the cellar, is another cellar, in which the black lead, which is afterwards to be diſpoſed of is kept; to that cellar likewiſe there are two keys; the warehouſe for ſale is in Fetter-lane; and therefore when they come to this houſe in Eſſex-ſtreet for the purpoſe of conveying it, Mrs. Fox always attends, and Mr. Bankes's agent frequently; on the 6th of Auguſt laſt, was the time when this repoſitory was opened for the purpoſe, of conveying a certain quantity of black lead, from thence to Fetter-lane; in Fetter-lane I think the ſale is once a month only throughout the year, and that for a certain time; in Auguſt, when the laſt parcel was conveyed, it was locked ſafe, the key was left with Mrs. Fox, and the other was ſent by Mr. Banks's agent to him, and ſealed up in a paper, and every thing was left in proper order. On the 4th or 5th of March laſt, a maid ſervant obſerved ſome foot ſteps on the ſnow, and ſome black duſt ſcattered on this white ſnow; it did not ſtrike her particularly; but on the next evening a gentleman's ſervant coming from Mr. Lindſey's, who lives in Eſſex-ſtreet, obſerved a man within the railling, he had ſomething like a firkin, which he threw down and ran away; another man, which he believes to be Oliver, was ſeen there, he eſcaped; upon examining the cellar, they found that the lead had been ſtolen which you have heard mentioned in this indictment, and out of the cellar where the valuable lead was, one firkin was carried off, the others were removed, and only that one which was ſeen by the ſervant, was conveyed away from the premiſes; advertiſements were put in the papers, and a reward offered for any one that would diſcover that firkin, as it brings twenty-five ſhillings in the pound, and being about eighty pounds, it makes the value about 100l. one of the perſons concerned in the robbery made a diſcovery. Gentlemen, ſo ſtrong and ſecure was the door in which this lead was put, that they were obliged to break down the wall. The accomplice Wilford being examined, gave this account: that on the 2d of March, he and thoſe four men, having had information, that a very great and valuable commodity was kept in this cellar in Eſſex-ſtreet, where they might eaſily *do it*, as the phraſe was; on the 2d of March they went there with an iron crow, which in their way they call a *rook*, they found this was not ſufficient, they got more made; and on the 4th of March, they went, and with force and violence broke open this place; that the firſt day, on the Saturday, they took out of the cellar theſe four boxes, which they afterwards ſold; but being informed that there was ſome better, they broke open that door, and were in the act of taking theſe firkins out of it, if they had not been diſturbed; that he was the perſon who went off with the firſt firkin, when he came to St. Clement's church, where he was to wait to take a coach, and convey it to the houſe of the priſoner Bray; that he heard the cry of ſtop thief, and that Oliver was the perſon who endeavoured to make his eſcape. The advertiſement likewiſe went into the hands of a man of the name of Barew; he ſaid, he was applied to by Bray for the purpoſe of buying ſome lead, that he applied to a man of the name of Barnet to go with him to ſee what it was worth; Barnet, who was a deale in pencils, told him that was the common ſort, and for the parcel he only offered four guineas; and one of the priſoners, I do not know which, made uſe of this odd expreſſion, "d——n my blood, here is a fine rigg indeed, four of us to go to the new drop, for four guineas;" they then told him, on Monday, he ſhould have a better parcel, and when the money was paid, all the priſoners were preſent. On the Monday they came and ſent to Bray's houſe, and Bray with the aſſiſtance of the other priſoner's wife Dawſon, brought it from underneath the bed; it was then ſhewn to Mr. Barrew, and Mr. Barret, and an agreement was made for it; they then lamented, that they ſhould have had a great deal more, but were diſturbed; they then told him, they had been breaking the wall for the purpoſe of getting into that place, and therefore they were only able to carry off one firkin, and left the reſt; but Oliver told them, that he had in fact been *boned*, or *bobbled*, or ſomething like that, which was underſtood to be, that he had been taken into cuſtody, and had been ſtopped, but had made his eſcape. Gentlemen, I have only opened the outlines of this caſe, many facts will come out much ſtronger; but in regard to the mine, there is none in this kingdom or any other that is known of at preſent, of the ſpecies of black lead; the proprietors once a month, and only once a month, diſpoſe of it to the trade for two hours, and when they come for the purpoſe, and want it to make pencils of, they toſs up who ſhall have the firſt choice; in this property, therefore, there will be no difficulty, as to the identity; becauſe it will be in evidence to you that there are no other perſons but theſe proprietors that can be entitled to it. Gentlemen, the evidence againſt the firſt four, againſt the principals, will be the evidence of an accomplice, corroborated in many circumſtances, by the evidence of Barrew and Barnett, who were preſent, and by the evidence of the ſervant, who will tell you of one perſon going off with a firkin; ſome of the property will be produced to you; and Barew and Barnet will tell you, that the priſoners were all preſent at the time it was ſhewn them. The evidence againſt Bray, and M'Glew, and Dawſon, will be this; Bray was active in ſelling and purchaſing this commodity, Dawſon conveyed the property from one houſe to another, and M'Glew alſo; and there is no doubt but they will come under the deſcription of that offence, of receiving this lead knowing it to be ſtolen.

*(The witneſſes examined apart.)*

### ELIZABETH CAROLINA FOX *ſworn.*

*(Examined by Mr. Fielding.)*

Who are the proprietors of this lead?——Henry Banks, Eſq; myſelf, Thomas Gilbert, Eſq; John Gilbert, Eſq; George Perrot, Eſq; Andrew Perrott, Eſq; Sir Joſeph Banks, Bart. Charles Bill, Francis Bill, John Bill, Clerk; Mary Bill, widow; John Rhodes, Elizabeth Snell, and Suſannah Frederick.

### FRANCIS BILL *ſworn.*

What perſons of your name are proprietors of theſe lead works?—Charles, John, and Mary.

Have any other perſons of your name any ſhare in theſe works?——No, they have not.

*To Mrs. Fox.* Do you know the cellars in Eſſex-ſtreet that contained this lead?—Yes.

In what manner was it ſecured?—The door was ſecured by two locks, one of the keys is in the cuſtody of Mr. Banks; I keep the other key for myſelf, and the other proprietors; the 2d of Auguſt laſt, I ſaw this cellar opened, and locked up again.

Was it ever opened ſince to your knowledge, and by your conſent?——No.

Can you ſpeak of any lead being miſſed out of the cellar, when you was firſt appriſed of this robbery being committed?——I was firſt appriſed of the robbery on Sunday the 5th of March; I came to the place, and ſaw a vaſt croud of people, then I went home and got my key, and I found the outer cellar door which opens inwards, forced inwards, the ſtaples were drawn, and the bolts were bent, it appeared to be forced open; the next thing we obſerved, was the cellar on the left hand was forced open, and three or four boxes miſſing; the lead I firſt ſaw, in the firſt cellar, was of the beſt kind, and was brought out of the inner cellar; the door not opening in the ſame manner that the other did, in order to force the door open, they had been obliged to make a conſiderable hole in the wall, to get a particular crow in.

How long was this hole in the wall?——More than a foot, and by the means of that hole they had effected that purchaſe, which opened the door in the inner cellar; we obſerved ſeveral caſks to be moved, we ſaw the place clear where the caſks had ſtood; I was in the cellar the 2d of Auguſt.

What quantity of lead was loſt?——I apprehend one caſk, and four boxes of the beſt was loſt; the caſks generally run eighty pounds weight, at twenty-five ſhillings per pound, which is pretty near one hundred pounds; the lead in the boxes were of an inferior quality.

In what manner is this lead diſpoſed of in your ſales?——We have another houſe in Fetter-lane, where we have a ſale once a month, for two hours, it never happens that ſo large a quantity as a caſk ſold; I am informed there is none of this ſort of lead in England; that houſe in Fetter-lane is the only one in England in that way.

*Mr. Knowles, priſoner's counſel.* Do you happen to know Mrs. Snell?——No.

Do you know whether ſhe is at this time married?——No.

What is ſhe?—She was a widow.

Do you know Mrs. Frederick?——No more than by the name.

Is ſhe a widow?——She is called ſpinſter.

How do you know that?——She has always been repreſented to me as ſuch.

Do you know whether all theſe gentlemen that are now named are living?

*Court.* Have you any evidence to prove the men dead, or the women married?——No.

At theſe ſales in Fetter-lane, what quantity is generally diſpoſed of; do you ſell to the amount of a caſk and four boxes at a time?—No, never.

*Francis Bill.* I was at the opening of theſe mines, in May, 1778; I attended it alternately with Mr. Banks's agent; we packed it in butter firkins, and attended it to the Kendal cart, there we delivered it to the London waggons, and took their receipt; I did not attend the delivery, at the waggon in London; when we have taken out the lead, we fill it up with mud, and then let in water, ſo as to make it impracticable for any one elſe to work it; then we cover the mouth of the pit with rubbiſh and ſtones, and there are locks; beſides there is a houſe over the mouth of the pit, and that is locked up.

Did you attend at the warehouſe in Eſſex-ſtreet, in Auguſt, 1785?——I did, I locked the door myſelf, and I gave one key to Mrs. FOX, as I always do; Mr. Banks's agent takes the other; there are two different locks, and two different keys; I went the next day after it had been broke to ſee the ſtate of the warehouſe; the outer locks were both forced, and the cellar on the left hand ſide was broke; there were the marks where four or five caſks of the beſt lead had been taken away; there were between three and four caſks miſſing; it is twenty-five ſhillings a pound; the coarſe lead may be worth four or five ſhillings a pound.

HENRY BANKS, Eſq; *ſworn.*

There are three keys; I have a key of the outer door, and of the door where the beſt lead is contained, and of the inner cellar; my agent delivered me the key immediately after the opening, ſealed up; I never parted with it from that time; I know it was never in Mrs. Fox's poſſeſſion; I am not perfectly ſure, whether, when I went out of town, I did not leave it ſealed up; it was intended we ſhould open the cellar for the purpoſe of taking out ſome more lead.

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EDWARD WHITE *ſworn.*

I am ſervant to Mr. Gregor, No. 28, Carey-ſtreet; on Sunday the 25th of March, I went to Mr. Lindſey's houſe in Eſſex-ſtreet; at the time we were within the houſe, we heard a noiſe, I ſaid, I heard a knocking; the maid ſaid, there was a book-binder at the next houſe; I had no ſuſpicion of any robbery, coming out, I perceived a man going out of the iron gate, which goes into the ſtreet, with ſomething on his back like a barrel, or like a butter firkin; when I came down the ſteps, I ſaw a man come out of the cellar door, which is on the right hand; as I came down the ſteps, I enquired of him, what buſineſs he had there, he ſaid, he had only been to eaſe himſelf; I told him in theſe words, as near as I can recollect, that he was a d——nd eternal liar; I immediately went and ſhut the iron gate within ſide, and kept myſelf there; he jumped out over the iron gate; I believe him to be Oliver; I ran after him; he fell down, nobody aſſiſted me, and I loſt him in St. Clement's church-yard; I returned back immediately to the chapel, and went and examined the cellar, thinking there might be ſome more in it, but there was not; when I came to the cellar door, there were two of theſe bars, and on the right hand, there hung two or three bags; I went into the cellar; there was an old lanthorn with a candle burning in it; I had not been long there, before ſome people came down to know who it was cried ſtop thief; I ran into the ſtreet, and they told me he was taken; it was a little after eight, and a clear night; I really believe him to be the man, to the beſt of my knowledge; we were but a trifling time ſcuffling, I was fatigued with travelling; when I was in Bow-ſtreet, I went over to the Bear, and picked him out of a great many people; I believe there might be about twenty there.

*Priſoner.* Some of the thief-takers perſuaded him?—No, Sir; one of the men aſked me if I would go the Brown-Bear, and I did, and I looked at the priſoner, and ſaid he was the man; nobody told me.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 31ſt of MAY, 1786, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
**And Publiſhed by Authority.**

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NUMBER V. PART II.

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# THE WHOLE

# PROCEEDINGS

# UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of William Oliver, &c.*

LAWRENCE BAREW *ſworn.*

I know Mr. Bray, and Oliver, and Baggally, and Dawſon. On Sunday, the 5th of March, between nine and ten in the morning, I met Thomas Bray and M‘Glew; Bray aſked me if I would buy any black-lead; Bray and I went into a public houſe, and he ſhewed me a very ſmall piece of black-lead; I told him I was no judge of black-lead, but I could ſhew it to a perſon that was; I drank a glaſs of liquor with him; it was to be at his houſe in George-yard, Union-court; M‘Glew did not go into the houſe; I met Barnet, and ſhewed him the piece of lead I had from Bray; he ſaid it was a good bit, but he could be no judge of ſo ſmall a piece; we went to Field-lane, and I went to the houſe of Thomas Bray, and I left Barnet in the ſtreet; when I came to Bray's houſe, there were ſeveral people in the houſe, but I cannot be particular to any of them, except to Mr. M‘Glew and Bray, and to the beſt of my knowledge, Oliver and Baggally.

Was Wilford there?——Not to my knowledge; I told Bray that I could not tell any thing by that bit; accordingly, he gave me ſome in a paper, near half a pound, a ſmall piece; I then took it out to Barnet, and ſhewed it to him in the ſtreet; he gave me an anſwer, that he could not tell by that, and muſt ſee the whole; I told Bray; he ſaid, is your friend an honeſt man, and to be truſted with the ſight of it? He either ſuppoſed it to be ſmuggled or not honeſtly come by, by that expreſſion; I underſtood by that expreſſion, whether the man would give any information; I fetched Henry Barnet to the houſe; he then took a very bright key, and went to a houſe a little diſtance from his own houſe, and opened a door up two pair of ſtairs, and there was ſome lead, the ſame ſort of the ſample.

Whoſe houſe does that turn out to be?—I cannot ſay; I have been told it is Mr. M‘Glew's, but I never enquired; the other people might follow, but I did not ſee them; Bray then ſhewed me this lead. *(Produced and depoſed to.)* There was ſome in this bag, and ſome in a baſket.

What converſation paſſed between you and Bray on the occaſion?——Bray aſked me ten guineas for it in the lump; I never weighed it; Barnet told me it was a very inferior ſort, but nevertheleſs, give four guineas for it; then Bray agreed that I ſhould have it; then he went down ſtairs to get ſome perſon or other to take it away: after he had been gone down ſome little time, Mary Dawſon came up with a key in her hand, and ſaid I was not to have the lead for that money; I refuſed quitting the room; and I deſired Bray might come up, and let me know what the difference was; he came up alone, and I agreed to give him four guineas and a half; I gave him two guineas in part; Dawſon came as a porter to carry it away; he was not employed by me; he took it away; I put the remainder in two handkerchiefs, and the priſoner Buckey, whoſe name is Oliver, he came in with a handkerchief to carry it along with me, being Sunday; I then gave Bray two guineas, and one of theſe two guineas he gave to Oliver; Barnet was there; M'Glew was preſent, but I do not know whether he received any of the money. On Sunday, Bray aſked Barnet the difference between the good and the bad; he ſaid, if this is not the good, which is the good? Barnet ſaid it was larger, and cut fine; Bray then aſked if we would call on the Monday, and he would get ſome other; on the Monday morning I called on Barnet to go and look at a better ſort; they came to Bray's houſe, when Bray brought two parcels, one in an apron tied, and one in a table-cloth, and ſhewed it to Barnet and me; this was better lead, but not quite the beſt; Bray aſked ten guineas for that; there was between thirty and forty pounds of that; Bray ſaid, upon my aſking whether he had got any more, they had like to have had four or five more caſks, but they had only got one caſk; they had been a matter of three hours at work, and one of them had like to have been taken, and they had broke through a ſtrong wall; I did not agree for the lead, Barnet adviſed me not to buy it; on the Tueſday evening following I ſaw Mr. Bray, and he told me he had ſold the lead, and made all the money he aſked for it, to one Phillips; on Saturday in the afternoon, between four and five, Mr. Barew came to my houſe; I went with him; Bray ſaid there was a very great noiſe, and the people concerned in ſtealing it would be taken; and he adviſed me to go out of London, and promiſed to take care of me, if I went out of London; but I gave information; the lead has been under my care ever ſince.

*Mr. Knowlys.* Are you any relation to a man of the name of Uzziel Barew?——I am not.

This is not the firſt time you have been in this Court?—No.

The ſituation in which you ſtand is not the only one in which you have appeared here; have not you ſtood, for inſtance, where theſe men ſtand now?——I do not know that I have any right to anſwer that.

*Mr. Silveſter.* You muſt produce the record?—If I have been unfortunate, here is my pardon.

*Mr. Knowlys.* Then I believe you have ſtood there?—I admit I did.

What was it for?——I cannot tell particularly.

No good act, I dare ſay?——I do not think I have any right to tell.

You was convicted?—Yes.

Is that the only time you have appeared here as a criminal?—Yes.

*Mr. Juſtice Willes.* I believe I examined you at Lancaſter?—Yes.

There was no objection to your teſtimony?——No; I did it for the good of the public.

*Mr. Knowlys.* Do you mean to abide by this, that that time was the only time you was tried here?—Yes.

Did you appear againſt theſe men, before there was an advertiſement of a hundred pounds reward?—No, nor till after, till I found that if I had not appeared againſt them, they would have appeared againſt me; I bought the goods on the Sunday, and on the Saturday after I gave the information.

How long after the advertiſement?——Four or five days after; I did not give the information particularly for the reward.

In your examination before the magiſtrate, did you ſay any thing of ſeeing M'Glew in Bray's houſe?——I believe I did.

*Priſoner.* He never did.

*Court.* How comes it, it is not here.

*Priſoner Dawſon.* Did not you pay me for carrying it?——He came to me the Tueſday after, and aſked me for payment; I told him I thought he was one of the perſons concerned in it; he ſaid he was not, and I gave him half a crown; I told Bray, and he ſaid he had no right to aſk me any thing about it, for he was his man.

*Court.* Did M'Glew take any part in the diſpoſal of the lead?—I did not obſerve him take any part in the buſineſs.

HENRY BARNET *ſworn.*

I was met by Mr. Barew; he told me he was coming to look for me; he pulled out a little bit of black lead; that was Sunday morning, the 5th of March; he deſired me to go with him; he aſked me what I thought of it, and he told me if I would go along with him, he would give me half a guinea; we went to a public houſe, and had a quartern of gin; I ſaid I could not ſay any thing to ſo ſmall a ſample; I went with him, and waited at the corner of a court in Holborn, and he brought me about half a pound in a paper; I ſaid I ſhould be glad to ſee it all; I went with him into a public houſe, and called for a pint of porter.

Who keeps that houſe?—I do not know; then he came and called me out, and I went along with him to the houſe of Mr. Bray; I believe it was his houſe; and there were all the priſoners, excepting M'Glew, I do not know them by name; there was M'Glew and Dawſon I did not ſee; I am ſure all the other priſoners were there, I am quite ſure I ſaw them every one there; when I went from there, I went to a houſe up two pair of ſtairs.

Did you ſee Wilford the evidence there?——Yes, he was in the room, walking up and down the room; there lay half the lead in a baſket, and half on the floor; Barew aſked him what he would have for it; he aſked him ten pounds for it, and he offered him four pounds; then Bray went below, and a woman that he calls his wife came up, with a key in her hand, and ſaid the lads would not let him have the lead for any ſuch money; he ſaid ſhe ſhould go down again; he would not come out of the room till he came up again; accordingly, ſhe went down, and Bray came up, and they agreed to give him four guineas and a half for it, and he gave him two guineas in my preſence in the room, and when he gave him the money, we all went below.

Who was below ſtairs with you?——There was Mr. Barew, me, Mr. Bray, and the evidence, and all the five priſoners; he paid him the other two guineas below, and ſaid he muſt owe him half a guinea; Barew and Bray went out of Bray's room, and while I was packing it up in handkerchiefs, Wilford ſaid; I believe it was him, or one of them, ſaid, d——n my body! here will be a go, if we are all to be hanged upon the new drop, for the value of four guineas and a half; while I was there, Wilford aſked me what kind was the beſt; I told him it was a fine large ſort, and ſhone like a looking-glaſs; and they ſaid, d——n it, we will have ſome of it in the morning for you; in the morning, we called there; I carried part of it home in a baſket; when we called the next morning, Bray and his wife were in bed, and we aſked him if he had got any of the large, and he ſhewed us ſome from under the head of the bed, ſome in a cloth, and ſome in an apron, of the good ſort, about forty pounds; on Monday I did not ſee any of the priſoners, but Bray and his wife in the morning.

*Mr. Knowlys.* You never ſaw M'Glew at Bray's houſe?——I never did.

*(Some of the black-lead produced.)*

### ALEXANDER PHILLIPS *ſworn.*

I know Bray and M'Glew; they came once to my houſe, about eleven or twelve weeks paſt, to the beſt of my knowledge; I keep a coffee-houſe; they called for ſome coffee; Bray aſked me whether I would buy ſome black-lead; he had a ſample; I went with him to a houſe in Chick-lane, up an alley, into a garret; I cannot ſay whoſe houſe it was; I have been told it was M'Glew's, it is on the left ſide of a court in Chick-lane; I ſaw the lead in a ſack, I told them to empty it into a flat baſket, and I told them it would not ſuit me, it was not good enough; I wiſhed them a good day; they told me they expected ſome more, they did not ſay when; on the morning following, about nine, Tom Bray came to me, with a baſket on his ſhoulder; he came down into the kitchen; there were thirty-three pounds.

*Priſoner Bray.* I believe it was the witneſs's brother that carried it?—I ſaw Mr. Bray, nobody elſe; I did not ſee my brother; he aſked me eight or nine ſhillings a pound, I gave him ſix ſhillings, there were thirty-three pounds of it; I have ſold it to a perſon that is gone abroad; I ſhewed it in public ſales, there is none of it here.

*Court.* What might you ſell it at a pound?——I ſold it at ſeven ſhillings and ſixpence; I cannot ſay I ever had any acquaintance or dealings with Bray, I have ſeen him many times; I never ſaw M'Glew after the Sunday morning; I paid Bray for the thirty-three pounds, I paid him nine pounds.

*Priſoner Bray.* Are you to have any part of the hundred pounds reward?——I know nothing of reward; when I ſaw it in the papers, I immediately went to Bow-ſtreet.

*Mr. Knowlys.* Was there no reward in that advertiſement?——I ſaw none if there was; I did not go up with that intention.

Where do you live?—In Brown's Buildings, No. 6.

### LYON PHILLIPS *ſworn.*

I know Bray and M'Glew.

Do you remember ſeeing them at any time at Alexander's houſe?——Yes, on Sunday morning the 5th of March, about ten o'clock; they came together, Mr. Bray and Mr. M'Glew ſhewed Mr. Phillips a ſample of black lead; he aſked him if he had no more, he ſaid, he had a parcel of it; he told him on the Monday morning to bring the whole; Phillips, M'Glew and Bray went away; on Monday morning Bray came with a baſket, which was black lead, they agreed for the price together; it weighed thirty three pounds; I ſaw Phillips pay him at ſix ſhillings per pound, he aſked nine ſhillings; and they agreed for ſix ſhillings.

Where do you live?——I am a tenant and boarder in my brother's houſe.

*Priſoner M'Glew.* Barew was the fellow that ſet me on to break the place open, he ſhewed me the place.

### JOHN WILFORD *ſworn.*

*Mr. Fielding.* Now young man, you are upon your oath, how many of theſe priſoners do you know?——Oliver, Griffiths, Baggally, and Browning; I was in company with them on the 4th of March, the Thurſday night we went to Eſſex-ſtreet, in the Strand, we could not do any buſineſs; we had not tools enough; then on the Saturday night, we went and broke into the firſt warehouſe, we all went together, the four priſoners and me, we took with us a thing, that we call a rook, that is an iron crow; we broke into the firſt warehouſe, and we found nothing but old barrels; as we were groping about, we had no light to ſee, we found another door behind; we had no light at all; after we had broke open that door, they took four boxes and one barrel; Griffiths took the barrel, the other men took a box apiece; Oliver had an apartment at Bray's houſe, and he thought he had a great right to take it there; and he took it there, and put it out of the boxes into barrels, and put it into that bag; we thought it was not ſafe there, and I went over and aſked one Poll Williamſon to let me put it in her two pair of ſtairs; ſhe lived in George-alley, Field-lane, about the width of the court; ſhe ſaid, what is it? I ſaid nothing that will affect her; ſhe gave me the key; it was all put there on the Saturday night; then we went again on the next night, and found another barrel; we made a hole in the wall to make a purchaſe to get the door open, we had a light then, we took it with us in a lantern; we had been at work there two hours, or two hours and a half on the Sunday night, and we were obliged to break down the corner of the wall before we could get this purchaſe; we found nothing but barrels in that place; I took one and got away with it, and I heard an alarm of ſtop thief, and I went to the New-church, I fetched a coach and took the barrel to Bray's houſe; Griffiths had apartments there.

*Priſoner Bray.* Was I at home then Wilford?——No, I did not ſee you when I got there, they were there before me; Oliver ſaid to me, that he had been boned.

What did he mean by that?——That he was taken; he ſaid, there was a gentleman coming out of the place, and another at the door, and he eſcaped, and they took him in Eſſex-ſtreet; the others ſaid, they were glad to ſee I had got away with it; then I ſaw Bray, he took ſome of it in a handkerchief.

Did you tell him how you came by it?—No, I went to the publick-houſe, he went ſomewhere elſe, he came back and aſked me if I was willing to take five guineas and a half for it, I aſked him if it was ſold well, he ſaid, he was no judge of it, I told him if he liked; and he gave me one guinea then, and the remainder the next day.

Was you to have the whole of it to your own benefit?—-It was to be divided, Oliver and me being old friends, we kept a guinea apiece, and we divided the remainder between the other men and ourſelves.

Did you ſee any thing of M Glew?——I never ſaw him at all; I ſaw him when he went to Petticoat-lane; they did not tell me who it was ſold to.

What did you ſee of Mr. Bray after this?—I was not preſent at any of the dealings with Barew.

Upon your oath were all thoſe men with you on this tranſaction?—-The four men that ſtand firſt at the bar, Oliver, Griffiths, Browning, and Baggally.

How long have you known Oliver?—Juſt before Chriſtmas; I have not known any of the others long.

Who propoſed this robbery?—-A man we call Bowyer.

*Bray.* That is the brother-in-law of this Phillips.

*Mr. Fielding.* When did you go before Sir Sampſon?——I do not know.

How long after the robbery was committed?——I was taken a week after the robbery was committed, and the next day I went before the Magiſtrate, on the Monday, then I came to Bow-ſtreet; about three or four days after I was taken for this affair.

What has happened between you and Oliver?——We were over the water, and Sir Sampſon's men were after us, and a girl we call Black Poll, came and told us to make our eſcape; I ſaid ſomething, and Oliver made a reply d——n your blood do you ſpeak againſt the girls, and he let fly at me with a horſe piſtol, and lodged one of the ſlugs in my head.

Was Bray at home at the time?—I did not ſee him.

Did you ſee M'Glew there?—I did not.

Did you ſee him in any part of the houſe where the goods were depoſited?——No, Sir.

### PRISONER OLIVER'S DEFENCE.

I know nothing at all about it.

### THOMAS GRIFFITH'S DEFENCE.

Other people lodged in the houſe.

*Joſeph Baggally.* I have nothing to ſay.

### WILLIAM BROWNING'S DEFENCE.

I am juſt come from ſea from America.

*Thomas Bray.* I have my defence; if you will be kind enough to let the Clerk of the

Arraigns read it, I ſhall take it as a great favour.

### PRISONER THOMAS BRAY'S DEFENCE.

May it pleaſe your Lordſhip and you Gentlemen of the Jury, I am not the firſt unfortunate man whom the machinations of the witneſſes who have appeared againſt me this day, have brought to this bar, and the ignominious ſituation in which I now ſtand; and if they have not in this inſtance, which is far from improbable, been the abſolute projectors; they have in too many others, where they have derived the reward they have this day ſought, been the firſt propoſers of robberies, of which they have afterwards given circumſtantial accounts in this Court, ſacrificing the lives of their fellow creatures, either in purchaſing the property they had inſtructed others to procure, or in cauſing them to be apprehended, which ever beſt anſwered their purpoſe of gain. The evidence Alexander Phillipps is well known to every thief-taker in the kingdom, as a receiver of ſtolen goods, his family connections all center in the ſame point, and they have a regular chain for their buſineſs; they find out the places for depredation, afterwards become the purchaſers of the plunder, and they make their appearance in this Court as evidence againſt a priſoner for the reward: his brother-in-law and in iniquity, the noted Hetſey Lee, was apprehended for the Great Seal of England, and conviction would have followed, had not the woman who firſt gave the information been bought off. In fact, my Lord and Gentlemen of the Jury, this very evidence Phillipps, and his connections, could give account of moſt of the robberies which are committed, and the only reaſon they do not appear where great rewards are offered is, becauſe they have made conſiderable more by purchaſing of it. The witneſs Barrew is a man of the ſame deſcription, and has in this Court been the frequent ſubject of the ſevereſt reprehenſions, and the object of condign puniſhment; and had not the mercy of the law been extended towards him, by admitting him an evidence for the Crown, in a mail robbery two years ago, he would not have wanted what he hopes to derive from my conviction, for he muſt have met that fate he has involved on many unfortunate men. God forbid that your Lordſhip, or the Gentlemen of the Jury ſhould receive the teſtimony of ſuch men, as ye would that of thoſe ſtanding before you, actuated by no mercenary view, but inſpired with a laudable zeal for the adminiſtration of juſtice, with that benevolent commiſeration a good a man will always feel for an unhappy fellow creature; but I humbly truſt in the juſtice and humanity of this honourable Court, that their ſcheme to injure me will upon this occaſion prove abortive; for I humbly hope that where there are no ſolid proofs to eſtabliſh my guilt, you will not pronounce it; and that therefore in this, as well as in every other circumſtance of ſurmiſe or conjecture; it will be deemed as juſt and charitable to ſuppoſe for, as to ſuppoſe againſt a priſoner: and I truſt too, that though a man may be unfortunate enough to have a blemiſhed character, this Court will not allow that he ſhall be made reſponſible for offences he never committed; or that a ſurmiſe or ſuppoſition will be ſufficient to ſupply the place of a clear convincing proof. My being in poſſeſſion of a ſample ſo immediately after the commiſſion of the burglary may ſuperficially appear a proof I knew in what manner it was procured; but, my Lord, and Gentlemen of the Jury, when you conſider, that it is very natural for men, who have procured property diſhoneſtly, to diſpoſe of it as ſoon as they can, you will not wonder that ſo immediate an application was made; I was employed in the buſineſs merely to procure a purchaſer, and the evidence Barrew can confirm this, for I acquainted him ſo at our firſt interview on the Sunday morning: it is true, my Lord, and Gentlemen of the Jury, I may merit cenſure for not enquiring how it was procured; but I hope the want of prudence will not juſtify the charge of criminality. When Barrew called on Sunday morning with his friend, he deſired to ſee the whole quantity, as he could better determine, he ſaid, than from a parcel which might have been partially ſelected; it was ſhewn him, and in the true ſpirit of his profeſſion, he offered four guineas, for what I had been inſtructed to aſk ten; and to this I humbly beg to call the particular attention of your Lordſhip, and the Gentlemen of the Jury, as it carries its own comment. Had Barrew, (whatever he may now inſinuate) believed, and he has a very great experimental knowledge in that kind of buſineſs, that I knew how the lead was procured, he would have *treated* with me as a *principal*; but another circumſtance my Lord, and Gentlemen of the Jury, which I have to ſtate, will ſtill ſtrengthen, I truſt, the ſolemn aſſertion I now make, that I did not know how it was procured, and am conſequently innocent of the charge of which I now ſtand indicted; which is, that when the Crown evidence, Wilford, and the priſoner Oliver indicted for the burglary, were informed what Barrew offered, they appeared diſſatisfied, and went to him, they concluded the bargain; I was not preſent, and Barrew took away the lead; but had I been an accomplice in the burglary, I ſhould, as I before obſerved, have treated with Barrew as a principal; I muſt obſerve to your Lordſhip, and the Gentlemen of the Jury, that Oliver and Wilford ſlept in a houſe, rented by a woman, with whom I have ſome time cohabited.

On the Monday morning, Wilford acquainted me that he had brought ſome more lead, and requeſted, that ſhould Barrew call, I would ſhew it him, and aſk en guineas; Barrew did call, and I complied with Wilford's requeſt; he offered four guineas; I told him, as I had the preceding day, that it was no property of mine, that the price fixed was ten guineas, and I could ſay nothing to any other propoſal; Wilford ſome little time after took away the lead, and I heard no more of the unfortunate tranſaction until I was apprehended. The witneſs who has been conſidered competent to appear in evidence againſt one man, will not I humbly truſt be rejected, when his teſtimony may be favourable to another, and I therefore hope your Lordſhip will ſeek the corroboration of Wilford, to any part he can confirm.

I have now to return my thanks for the very indulgent patience with which the Court has heard my defence; a defence which I truſt will ſecure to me that verdict, which my own heart tells me I deſerve: for I am perſuaded your Lordſhip, and the Gentlemen of the Jury, will, when you are conſidering my caſe, not forget the characters of thoſe who have appeared againſt me; and finding their *money-intereſted* teſtimony unſupported by creditable and poſitive corroboration, not give ſpirit or encouragement to ſuch nefarious plans, in future, by throwing the reward into their pockets, at the expence of ſacrificing an innocent man to the vengeance of the law.

*Mr. Knowlys.* I was going to ſubmit to your Lordſhip that there is nothing to call M'Glew on his defence; at the time when this was depoſited, it was depoſited in the houſe where theſe perſons lived.

*Court.* I do not think I ſhould call on M'Glew for his defence.

WILLIAM OLIVER,
THOMAS GRIFFITHS,
JOSEPH BAGGALLEY,
WILLIAM BROWNING, } GUILTY,

*Each tranſported for ſeven years.*

THOMAS BRAY, GUILTY,

*Tranſported for fourteen years.*

EDWARD M'GLEW,
WILLIAM DAWSON, } NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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476. THOMAS WATTS, and LEMON BARBER were indicted for feloniouſly ſtealing, on the 1ſt of April laſt, one hat bruſh, value 8d. three pocket bruſhes, value 1s. three mahogany clothes bruſhes, value 2s. and one ſhew glaſs with a lock,

a lock, value twenty ſhillings, the property of William Bevan.

WILIAM BEVAN *ſworn.*

I loſt a ſhew glaſs and ſeveral bruſhes; it coſt a guinea and an half; it was rather better than new; there were clothes bruſhes, hat bruſhes, and pocket bruſhes; it was in the duſk of the evening; I cannot ſay the number of bruſhes; they were all mahogany vaneered; I know nothing of the robbery; I did not miſs them till after nine; the ſhew glaſs hung on two hooks.

WILLIAM WATERS *ſworn.*

I belong to Juſtice Hyde's office; I was in the office on Saturday night the 1ſt of April, and the officer of the pariſh brought this man in about nine; I ſaw the priſoner Barber put ſomething underneath the bench, and I looked to ſee what he was doing, and I ſaw him put ſome bruſhes under the bench, and he had one in his hand; he ſaid nothing how he came by them.

*(The bruſhes produced, and the two large ones depoſed to by a private mark, value 2s. 2d.)*

JOHN PATTEN *ſworn.*

I belong to Juſtice Hyde's office; I was with the officers going to Drury-lane playhouſe, and we apprehended the priſoner and another man as diſorderly perſons; going through Ruſſel-court the other man eſcaped; carrying Watts acroſs to Mr. Hyde's, I ſaw him drop a bruſh out of his pocket, then I put my hand into his pocket, and took another out.

*(The firſt bruſh depoſed to.)*

JAMES ADAMS *ſworn.*

About half paſt eight o'clock, the 1ſt of April, going through Ruſſell-court, I ſaw theſe men lurking about Mr. Bevans's ſhop, and they ſaw me go paſt, and knew me; and I took the two priſoners; I ſaw the man take the bruſhes from Barber.

*Priſoner Barber.* I was coming through Ruſſell-court, and they took me to the Juſtice's, and ſaid I had put ſomething under a bench; they found ſome bruſhes under the bench.

PRISONER WATTS's DEFENCE.

Going down Drury-lane, I ſaw a man going down a place, with a ſhew glaſs under his arm, and the glaſs broke; and theſe bruſhes dropped out of the ſhew glaſs, and I picked them up immediately, and put them into my pocket.

BOTH GUILTY, 3s.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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477. PETER SMITH was indicted for feloniouſly ſtealing, on the 2d day of January laſt, ſix planes, made of wood and iron, value 2s. 6d. the property of Lewis Richards.

LEWIS RICHARDS *ſworn.*

I live in Tottenham-court-road; I am a journeyman carpenter; on the 17th of January laſt I loſt ſome planes; they were valued at three ſhillings; I ſaw them again on the 11th of April; I believe I loſt them on the 2d of April; I ſaw them at the priſoner's door upon a board for ſale; the priſoner is a copper-ſmith; I believe they are here.

PRISONER's DEFENCE.

My wife bought the tools; I am a brazier and tin man, we keep a little broker's ſhop——

*Court.* It does not ſeem to me that we need put this man on his defence.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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478. The ſaid PETER SMITH was again indicted for feloniouſly ſtealing one copper kettle, value 2s. one plane, value 1s. the property of Joſeph Johnſon.

*Joſeph Johnſon called on his recognizance, and not appearing, the priſoner was*

ACQUITTED.

*The recognizance ordered to be eſtreated.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

479. GEORGE MORLEY was indicted for felonioufly ſtealing, on the 19th day of April, two linen ſheets, value 10s. a damaſk napkin, value 4s. a damaſk table cloth, value 10s. one linen glaſs-cloth, value 6d. the property of William Pleaſe.

WILLIAM PLEASE *ſworn.*

The priſoner was my ſervant, he left my ſervice on the 22d of April; we miſſed one or two of the things, and then found ſeveral articles of the houſhold linen gone; he took away a hat that did not belong to him, and that gave us a ſuſpicion; the articles were miſſing that are ſpecified in the indictment, and a number of other things, they were of the value of twenty or thirty ſhillings; every thing was recovered again in Oxfordſhire; I went to the gentleman at the village from whence the boy came, at Maple Durham, in Oxfordſhire; his father and mother live there; I went there, and I met the priſoner in Reading, he paſt my horſe; he went with me to Maple Durham, and ſhewed me the way; he was committed; the boy told me the things were at his father's and mother's; I found a pair of boots upon him, and a hat which are not mentioned in the indictment.

At the time he made this confeſſion to you, did you promiſe he ſhould not be proſecuted?——No, Sir, upon my oath.

Did you threaten him into it?——No, Sir, it was a free voluntary act of his own mind, and I am ſure he was not intimidated, becauſe he very correctly wrote with a pen and ink, every article I have miſſed, and more than I had miſſed.

Did he aſſign to you any reaſon why he took theſe things, or that it was by miſtake?——He hoped I would forgive him, he ſaid, it was the firſt time; I had not a vaſt deal of converſation with him.

Had he lived any time in your ſervice?——Three months, or thereabouts; I had no reaſon to ſuſpect his honeſty.

THOMAS TRAVERS *ſworn.*

I was conſtable at that time, of Maple Durham in Oxfordſhire; theſe things I had of the priſoner; I found them in the houſe of the priſoner's father; the priſoner ſaid they were there.

*(The things produced and depoſed to.)*

*Proſecutor.* I have brought correſponding articles to every one of theſe.

MARGARET HOWLETT *ſworn.*

I am the proſecutor's ſervant; I only ſwear to theſe things by compariſon, I have compared them all.

*Priſoner.* My maſter agreed before the Juſtice, that I might go for an Eaſt India ſoldier.

GUILTY.

*To be whipped, and confined to hard labour twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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480. JAMES GOFF, WILLIAM WOOD, SUSANNAH HUMPHRYS, and PETER, (a black man) were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Joſeph Walker, about the hour of eleven in the night, on the 19th of May, and burglariouſly ſtealing therein, fifty-four pair of leather ſhoes, value 36s. two pair of pincers, value 6d. three knives, value 6d. ſix awls, value 6d. one bell, value 3d. a baſket, value 1d. a coat, value 18d. the property of Samuel Davis; and four ſteel watch chains, value 6d. the property of Joſeph Walker.

*(The witneſſes examined apart.)*

SAMUEL DAVIS *ſworn.*

I am a ſhoemaker; I lodge at one Mr. Walker's; I have part of a ſhop with Mr. Joſeph Walker; the ſhop is under the ſame roof of the houſe, my ſhop goes into Mr. Walker's ſhop, and from thence into the bed room, the door is towards the ſtreet; I left my ſhop on the 19th of May, about half paſt eight in the evening; I faſtened the door very ſecure, when I left it, I locked it on the outſide, and put the key in my pocket; I bolted the inſide, and went through Mr. Walker's ſhop which has a door to the ſtreet; I took this ſhop by the week; I have only one window fronting the road, that I faſtened by a bar acroſs the window on the outſide, and a pin and key to it; I was there the next morning, a little before five; when I went in the ſhop, I found the wall in the back part of the ſhop towards the yard was broke down; there was a hole, about two feet long; the wall was brick, and ſome wood; I miſſed a quantity of ſhoes, and all my tools, except two hammers; I called Mr. Walker, and we went to Kingſland-road, to people in the ſame branch of buſineſs; and one Margaret Jones ſent me word, and we went and ſaw a houſe where they told us the perſon went into, in Three-cup-alley, Shoreditch; I walked by the door, and ſaw two of the priſoners talking in the entry together; that was the woman and the priſoner Goff; we got two of Mr. Wilmot's runners, and ſhewed them the houſe; we went into the houſe, and there were two little girls below ſtairs; and they aſked the little girl where the ſhoes were the man had got to ſell; and I ſaw two pair of my ſhoes there; the girl ſaid to Armſtrong, the ſhoes that my mammy has to ſell are up ſtairs; we went up ſtairs, and found part of the property in the room, and the three men priſoners there; one of the officers handcuffed two of the priſoners; we ſearched them, and on the priſoner Wood we found the watch-chains; the woman was not with them at this time; there were found twenty-eight pair of ſhoes, beſides leather, and other articles.

JOHN ARMSTRONG *ſworn.*

I am an officer in Shoreditch pariſh, where the proſecutor lives; I met him about ſeven in the morning; he told me his misfortune, and that Mrs. Jones had deſcribed the priſoner Suſannah Humphrys to him; I told him to watch the woman, as we were known; I ſtood at the corner of Three-cup-alley; then I went into the houſe, I did not ſee the woman there; I ſaw ſome ſhoes in a box, and the priſoner Wood was looking over them, the other two priſoners were ſitting in a chair by the fire-ſide; I immediately deſired them all to come up; they all came up, and we ſecured the three men priſoners; here are the ſhoes that we found there, there are twenty-eight ſhoes.

*Proſecutor.* Here are fourteen pair of old ſhoes.

What are theſe fourteen pair of old ſhoes worth?——They are [illegible] worth twenty ſhillings; I buy them, [illegible]d mend them up for ſale.

MARGARET JONES *ſworn.*

I keep a broker's ſhop, I ſell old clothes and old ſhoes; on Saturday morning, which I believe was the 20th of May, a woman, the priſoner, came to me, between ſeven and eight, with ſome old ſhoes to ſell; I told her they did not ſuit me; ſhe carried them away.

SARAH BELLA *ſworn.*

I am landlady of this houſe in Three-cup-alley; I let the apartment to the woman priſoner; ſhe lodged there a fortnight and two or three days; I was not at home when the officers came in.

JOSEPH WALKER *ſworn.*

Mr. Davis lives in my houſe; I occupied Davis's houſe before I let it, it is a part of my ſhop, I frequently go out at Davis's door; I and my family went to the houſe; I loſt four watch-chains, they were hanging upon a ſtring which Mr. Davis put up to hang his old ſhoes on; they hung in Davis's ſhop, they were ſteel chains, value about ſixpence; they were ruſty; I heard no noiſe in the houſe till Mr. Davis came; I went up ſtairs, and I found Wood and Peter the black man, and Goff; they were ſitting by the fire; I cannot ſay they were doing any thing; I think Goff was trying a pair of ſhoes.

What was Wood about?—Sitting ſtill, I think.

Who took up the woman?

*Armſtrong.* I took her in Shoreditch, in company with the landlady, on the information of the man; I found nothing on the woman priſoner.

*Priſoner Goff.* I was not trying on any ſhoes.

*Armſtrong.* The priſoner Goff was in the chair by the fire-ſide, and ſo was Peter; it was Wood that was by the chaff-box, looking over the ſhoes.

### JOHN HARPER *ſworn.*

I went up after them; I took the chains out of a cupboard in Goff's room, that was over the door; and there was this baſket, with theſe tools and a pair of ſhoes in it; that was the room where he and the woman lived.

*Priſoner Goff.* I do not rent the room, I know nothing of the room.

*(The things depoſed to.)*

*Court to Sarah Bella.* Did you ever ſee any of the other priſoners come backwards and forwards?——Yes, many times, all three; I have ſeen the priſoner Goff lay on the bed early in the morning.

### PRISONER GOFF'S DEFENCE.

This young woman has waſhed for me ſome time; I went there backwards and forwards for my linen; I met her over night, and told her I wanted a clean ſhirt; ſhe bid me come in the morning, and when I was going, I met her; ſhe ſaid ſhe was going of an errand, and bid me go up ſtairs, and wait for her; I went up; here is a young man here that knows I had not been there five minutes.

### PRISONER WOOD'S DEFENCE.

I took theſe things up into the room; I got up in the morning, and I went to take a drink at the pump, and I found theſe things laying at the pump.

### PETER the black man's DEFENCE.

I have nothing to ſay; I was going to look for a man for my maſter; I am a labourer.

### PRISONER HUMPHRYS'S DEFENCE.

I was not the perſon that carried them; and Mrs. Jones would not have ſworn againſt me, if the Juſtice had not made her.

*Court to Jones.* Did not you ſwear poſitively againſt this woman?—I did ſwear; but I was not willing to be in trouble, becauſe I could not leave my houſe and family.

JAMES GOFF, alias GOUGH,
WILLIAM WOOD,
PETER, the black man,
} GUILTY, 20s.

*Each tranſported for ſeven years.*

SUSANNAH HUMPHRYS, NOT GUILTY.

*Armſtrong.* I would not mention it before, but we have tried black Peter three ſeſſions running; and the night before I took him and Goff, I ſaw them with a long knife in their hand.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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481. JOHN JACKSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Daniel Green, about the hour of twelve in the night, on the 28th of April laſt, and burglariouſly ſtealing therein a man's cloth box coat, value 16s. a thickſet waiſtcoat, value 12d. a pair of leather gloves, value 3d. the property of Charles Winſlay Cox, Eſq.

### WARREN TIPPEN *ſworn.*

I am ſervant to Charles Winſlay Cox, Eſq; he has a pair of job horſes in the ſtable of Daniel Green, who keeps the General Wolfe in Oxford-road; on the 28th of April, I left my great coat in the ſtable at the General Wolfe yard; the next morning I miſſed my coat; I apprehended the priſoner; he owned where the coat was; it was found on the 5th of May, in the poſſeſſion of John Smith, a ſaleſman, in Monmouth-ſtreet; I have my gloves; my waiſtcoat I never have had ſince, it was loſt on the 4th of May; the gloves were loſt on the 28th of April, they were in the great coat pocket; I know the priſoner's brother; he has worked in our yard as labourer, and drove a hackney coach for Mr. Green; and hearing of him changing money, and knowing he had done no work for ſome time, I ſuſpected him, and I took him; and the key of the gate, which let him in, was found upon him.

### JOHN ATKINS *ſworn.*

I belong to the office in Bow-ſtreet; I found this great coat at Mr. Smith's in Monmouth-ſtreet; he delivered it to me directly; the priſoner himſelf told me where he had ſold the coat; the priſoner was taken, and he fell a crying, and hoped he ſhould not be proſecuted.

Did you threaten, or promiſe him?——No; it was his own voluntary will.

*(The coat depoſed to.)*

### THOMAS SMITH *ſworn.*

I am a ſaleſman in Monmouth-ſtreet; I bought this coat of the priſoner, and put the ſeal upon it at the Juſtice's.

What did you give the priſoner for it?——Sixteen ſhillings.

Did you know him before?—No.

Did you make any enquiry how he came by it?——He came very publicly into the ſtreet, at four in the afternoon; he had it over his arm; he offered it to ſeveral ſhops; it hung at the door all the week after, I had no notion of its being ſtolen; the officer came to me, and I fetched it down immediately; it is ſmall ſized, it will not fit the priſoner.

What would ſuch a coat as that coſt at firſt?——I ſuppoſe about three guineas.

*Coachman.* The coat never was worn ſix months.

*Smith.* Then, you have worn it night and day; gentlemen's coachmen generally have their left-off clothes; we buy better than this; I ſaw the coat; ſays I, it is rather too ſmall for you; ſays he, it fitted me when it was firſt made for me; and he being a young man, I thought he might have grown.

### JOHN UMPAGE *ſworn.*

I know no more than apprehending him; I took him; I aſked him if he knew any thing of the coat; he ſaid, no; I aſked him where he lodged; he went with me.

### PRISONER's DEFENCE.

I have nothing to ſay.

**GUILTY**

*Of ſtealing, but not of the burglary.*

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

482. ANN STAINSBY was indicted for feloniouſly ſtealing, on the 9th day of May, one linen gown, value 10s. the property of James Mutley.

The proſecutor went out in the morning between four and five, and pulled to the ſtreet-door, and left his wife and child in bed; and the proſecutor's wife ran after the priſoner, and ſaw her drop the gown.

*Another witneſs* ſaw her drop the gown.

*Priſoner.* I never ſaw the gown, till I ſaw her take it off the ſtones.

**GUILTY.**

*To be privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

483. DANIEL HIGGINS was indicted for feloniouſly ſtealing, on the 16th day of May, one net, called a caſting net, value 10s. the property of James Davidſon.

### WILLIAM HALL *ſworn.*

On the 16th of May, I was at my maſter's houſe; I heard the bell ring in a violent manner; I overtook the priſoner on London-bridge, with the net on his left ſhoulder; I did not get ſight of him directly; Mr. Davidſon's houſe is the laſt houſe but one on Fiſh-ſtreet-hill; he uſed ſeveral oaths and curſes, and knocked me down with ſeveral violent blows; I believe it was four or five minutes before I got any aſſiſtance; I brought him back with the greateſt difficulty, as well as danger; I took him to the Poultry Compter; he continued his outrageous behaviour till we got there; I gave the net to the other witneſs Collyer.

### —— COLLYER *ſworn.*

I ſaw the priſoner looking about ſome time; I ſuſpected him; I ſaw him take the net, and go to London-bridge; I told the proſecutor; he was purſued, and brought back; I brought back the net; I am ſure the priſoner is the man.

*(Depoſed to.)*

### PRISONER's DEFENCE.

A man gave me the net; they uſed me very ill, and knocked out two of my teeth, and a gentleman, a blackſmith, uſed me very ill; I was going to Greenland dock; I am a ſea-faring man, I never knew any roguery in my life.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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484. GEORGE STEVENS was indicted for feloniouſly aſſaulting William Martin on the King's highway, on the 13th of May, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, two metal ſeals, value 1s. a braſs watch-key, value 3d. part of a ſteel watch chain, value 4d. the property of the ſaid William.

### WILLIAM MARTIN *ſworn.*

I was ſtanding in Eagle-ſtreet, about a yard out of the foot-way, on the 13th of this month, it was about half after eleven; I do not recollect the priſoner ſaid any thing to me; two girls came up to me; I was not to ſay very ſober, nor I was not drunk; I came from the public houſe; two girls picked me up, and while we were talking, the priſoner and two more came up to me; it was dark; I never quitted hold of the priſoner from the time I firſt laid hold of him; the priſoner dragged at my watch, by laying hold of the chain; the girls were ſtanding by, when I thought he had got my watch; I miſſed part of the chain and ſeals away; and I immediately ſeized the priſoner; he ſaid he did not rob me; he hit me ſeveral times on the head with a ſtick; I made no ſtruggle at the time I felt him drag it, and by the drag, I did not think I could have my watch in my pocket; he was ſearched; nothing was found on him.

Can you be quite ſure who dragged the chain out of your pocket?——To the beſt of my knowledge, it was the priſoner; I believe he was the man.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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485. JOHN SHEPHERD, ANN SHEPHERD, and WILLIAM KIRBY, were indicted for feloniouſly ſtealing, on the 1ſt day of May, fifty-ſeven ſilk handkerchiefs, value 15l. the property of John Fraſer, privily in his ſhop.

### JOHN FRASER *ſworn.*

I am a haberdaſher, linen-draper, and hoſier; I live at Chelſea; I have ſeen the priſoners on the 1ſt of May, between ſix and ſeven in the evening; I was up ſtairs, and was called down, and the priſoner Ann Shepherd was in my ſhop; John Shepherd ſtood on the outſide of the door, with his great coat over his right arm; I cannot poſitively ſay, but looſe; the other priſoner, Kirby, was in the ſhop; and there were ſome looſe ſilk handkerchiefs on the compter; on my coming down, I rather ſuſpected them; I began to find fault with my wife, in ſaying why ſhe did not fold up the handkerchiefs which ſhe had ſhewn them; my wife told me to ſerve the gentleman with theſe handkerchiefs; he offered thirty ſhillings for ten ſilk handkerchiefs, and Ann Shepherd wiſhed to know if they were the handkerchiefs which they looked at in the morning; he offered me ſomething for a pair of ſtockings, and they went off without buying any thing; the goods I miſſed were not on the counter, but in the window; the diſtance from the window, where Ann Shepherd ſtood, was three feet ſix inches; I addreſſed myſelf to Mr. Shepherd three times, I begged he would walk in; he ſaid, no, by no means, they will ſoon do their buſineſs; Shepherd was with his right hand towards London; I only took time to fold up one piece of handkerchiefs; I thought the bulk of the handkerchiefs was leſs; I ſaid to my wife, good God! Fanny, where are the other handkerchiefs? I immediately ſaid, I had them this moment; then ſhe ſaid, good God, they are gone! I could not find my hat for a moment; I run towards London, and when I came to the college, I ſaw two men; they made a dead ſtop; I paſſed them, but I thought they were concerned with theſe people. When I came to Jew's Row, theſe three priſoners were arm in arm, ſtanding looking at ſomething; I addreſſed myſelf to Mr. Shepherd, Sir, I beg pardon for ſtopping you in this manner, I have ſome reaſon to ſuſpect you, I beg you will come back; he ſaid, Sir, I beg you will be very careful in this occaſion, for I am a gentleman, I have been brought up to the law; I ſaid, no gentleman will be angry to give an account of himſelf; they ſaid they had no objection at all to come to be ſearched; I then took them to the public houſe, and the beadle of our pariſh was with me; they were ſearched, and nothing was found upon them; I let them go; after they had been gone about two minutes, I followed them again, and took them to Bow-ſtreet; I ſaid, I beg your pardon, Sir, but you and I will go to Bow-ſtreet, to ſettle this matter; upon which, Mr. Shepherd ſaid, Sir, you are a very troubleſome gentleman, take care what you do, I ſhall proſecute you; the other priſoner, Kirby, ſaid, I was aſked to take a walk with this gentleman; Shepherd ſaid, I will go to what Juſtice I pleaſe; I ſaid, no Sir, I am the beſt lawyer, you ſhall go to Bow-ſtreet; I gave charge of him to the conſtable; as I was going along, word was ſent to me that the priſoner was the noted John Shepherd, that was reprieved under the gallows; I took them to Bow-ſtreet, and I fixed the Thurſday following to attend at Bow-ſtreet, and they were fully committed; my property was never found; I loſt fifty-ſeven handkerchiefs, ſome four ſhillings and ſixpence, ſome five ſhillings, and ſome five ſhillings and three-pence a piece; I cannot tell certainly the particulars.

Were they worth fifteen pounds?——Yes, between fifty and twenty pounds.

Did you ſee them take any thing?—I did not.

*Mr. Garrow.* There were fifty-ſeven handkerchiefs?——Yes.

Were they ſilk?—Yes.

India patterns?—Yes.

You have two or three ſorts at leaſt; your ſtock is not ſo conſiderable as in other ſhops?—No, I wiſh it was.

Such a quantity of handkerchiefs had conſiderable bulk?——About the bulk of that book, and about that ſize.

You ſuſpected the perſons you had in your ſhop?—I did.

Did you, or did you not, watch thoſe perſons whom you ſuſpected more than you would perſons of whom you had no ſuſpicion?——I did not.

In about half a minute you aſked after your handkerchiefs?—Yes; and my wife immediately told me they were in the window; I went out after them as ſoon as I could find my hat; Jew's-row is about three hundred yards.

Is it in a ſtrait line, or is there any turning?——There are ſeveral turnings.

When you came up to them, they were arm in arm, looking at ſomebody?——Yes.

You found nothing of your's upon them?—No.

Mr. Shepherd deſired you to be cautious of what you were doing?—Yes.

He told you that coolly?——Yes.

He ſaid he was of the profeſſion of the law?—Yes.

They ſaid they had no objection to going back?—No.

Now, when you came up to them a ſecond time, he did not like it ſo well as the firſt?——No; in the firſt place in the ſhop there is a bit of an iron rail cloſe to the door, this iron rail is to protect the ſhop from perſons who do not come in.

Is there any iron grating, any wire-work?——Yes, to my ſorrow, now too late for me, I have put ſome up.

How far did that iron rail extend into the ſhop?——About a foot and a half.

*Shepherd.* If you could refer to Bow-ſtreet for the evidence that was given there, you would find great variations; Sir, Mr. Frazer ſwore, that Mr. Kirby ſtood next the door, and Ann Shepherd ſtood on the inſide, and that I was in the ſhop.

*To proſecutor.* What did you ſay at Bow-ſtreet?—Upon my honour I do not know.

But upon your oath you muſt recollect?—Upon my oath I do not know.

How long is the robbery ago?——The 1ſt of May.

Here is your examination on the 2d of May, cannot you recollect how you deſcribed this tranſaction?——I cannot tell.

*Court.* The examination will ſhew, you may read it if you think proper.

*Mr. Garrow.* I will look at it with ſubmiſſion.

*Court to Proſecutor.* You expreſſed a ſurpriſe at the time you was wrapping up the handkerchiefs, good God! what is become of the India handkerchiefs! were theſe India handkerchiefs there in the morning?——I ſaw this parcel of goods in the window, about five or ten minutes before they came in; I ſaw a heap of goods before they came in, but I cannot ſay whether they were theſe India handkerchiefs; it is not a common rule for us to put above one or two pieces of theſe handkerchiefs in the window, but undoubtedly my wife put them all.

Did you purſue theſe people in the direct road that leads to London, or how?——I ſaw them about a hundred yards off; I ſaw the pockets bulk out, of the man that I paſſed.

There was no appearance of any connection between them and theſe priſoners?——Not to my knowledge.

## FRANCES FRAZER *ſworn.*

I am wife of my laſt witneſs; I remember the priſoners coming to our ſhop; on Monday the 1ſt of May, between twelve and one in the morning of that day, as near as I can recollect, came in the two men, Kirby and Shepherd, I had never ſeen them before; Kirby ſaid, he was recommended by a friend, a neighbour of ours, to buy ſome ſilk handkerchiefs, which hung up in the window; I reached them down, they were not the India handkerchiefs; he aſked the price, I told him three ſhillings and ninepence, I ſaid, I would take three ſhillings and ſixpence; he then aſked the price of ſome thread ſtockings, I aſked him two ſhillings and ſixpence per pair; he told me, he would give me five ſhillings, for a pair of ſtockings and one of the handkerchiefs, I refuſed that; then he ſaid, he would come again in the afternoon, and bring his friend, ſhe was a little buſy; they then left the ſhop, and returned in the evening with the woman at the bar; and aſked me again to let him look at the ſilk handkerchiefs which they ſaw in the morning; I reached them down and called Mr. Frazer down, I told him to go and ſerve the handkerchiefs, and I would meaſure the binding, they aſked Mr. Frazer the price of the handkerchiefs, he told him three ſhillings and ſixpence; he offered thirty ſhillings for ten of the handkerchiefs, which he refuſed; John Shepherd was not in the ſhop in the afternoon, he ſtood at the door, the ſhop door was ajarr, and I repeatedly aſked him to come in, he declined coming in, and as we could not take the money for the handkerchiefs they all went away; after they left the ſhop, Mr. Frazer went to gather up the handkerchiefs they had been looking at, he ſays to me, where are the India pattern handkerchiefs, I turned about and ſaid, here they are, I concluded they were, I looked, and they were gone; after Mr. Frazer came down, I ſtood very near the window, but I was turning round to ſerve a boy with ſome thread and binding, and did not much attend to them during the time.

Was it poſſible they ſhould take ſuch a quantity of handkerchiefs off the bulk that has been deſcribed, when you was ſo near the window without your obſervation?——I did not ſee them take them.

*Mr. Garrow.* Were theſe pattern India handkerchiefs looſe in the window for ſhew, or were they tied up in a parcel?——They were folded up.

So that if you had laid hold of them, they would of courſe come looſe, as my handkerchief does now?——They might not.

How many different pieces are there?—There are ſome three, ſome five, in a piece, ſome whole pieces, they amount in the whole to fifty-ſeven handkerchiefs; I was ſtanding almoſt cloſe to the window, between my huſband and the window; theſe things were miſſed inſtantly, and they were purſued in about five minutes; he was ſeeking his hat and folding up the handkerchiefs.

It was almoſt inſtantaneous was it not?——Yes.

I underſtand you have no grate or wire-work to protect your counter?——Yes, I had a wire to the counter, to protect the handkerchiefs, but where theſe handkerchiefs lay, there was not, they were at the end of the wire; it took its beginning from the door jamb, and went to the end of the counter, next the door a foot and a half.

### JUDITH SKINNER *ſworn.*

I went out to the next door for ſome beer for dinner; I ſome times ſerve.

Did you ſhew theſe people any thing?——Not that day.

Did you ſee them at any time, and where, before they came in the evening?——Yes, I ſaw them about half paſt ſix in the evening, I went into the ſhop for ſome thread.

In what ſituation did you ſee them?——They lay in at the window.

At what diſtance from the door?——About a yard; my Maſter was up ſtairs; Miſs Shepherd came in, and ſaid, theſe are the handkerchiefs you looked at in the morning, and Mr. Shepherd ſtood at the door, with the door a-jar, with his great coat upon his arm; I went into the parlour; I only ſaw Mr. Shepherd at the door.

*Mr. Garrow.* Theſe handkerchiefs were about a yard from the door?—Yes, from the door to the counter there is a little wire-work about a quarter of a yard, then there is a glaſs caſe; I was in the parlour; there is a glaſs door; there was a little boy in the ſhop, a neighbour's boy who keeps cows, very well known; indeed there was another lady in the parlour, and ſhe ſaid, is that one of your ſweethearts?

So that it ſeems you and the lady were looking pretty ſharp upon this ſmart young fellow at the door?——Yes, Sir, I did not know what to think of them.

You thought it not at all improbable he might become a ſweetheart?—I cannot ſay, he was ſo very ſmart.

### JEREMIAH BUMSTEAD *ſworn.*

I am a conſtable, I took charge of the priſoners; I took them to Bow-ſtreet; going along the road he begged to go to Mr. Hyde's office; I aſked him why? he ſaid, he had rather go there, he ſaid, I know the people at Bow-ſtreet, but we took him there.

### PRISONER JOHN SHEPHERD'S DEFENCE.

My Lord, if the facts were referred to, you will find there is great variation in the evidence of the proſecutor before the Juſtice and now; I have nothing at all more to ſay; we are really innocent of this matter.

### PRISONER KIRBY'S DEFENCE.

I leave it to my counſel, I am quite innocent, I know nothing of the matter if I was to die to-morrow.

### PRISONER ANN SHEPHERD'S DEFENCE.

I am quite innocent indeed.

*The priſoner Ann Shepherd called three witneſſes who gave her a very good character.*

*The priſoner Kirby called ſeven witneſſes who gave him a very good character.*

*The priſoner John Shepherd called no witneſſes.*

ALL THREE NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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486. HENRY ASSER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Joſeph Earle, about the hour of twelve in the night on the 27th day of March laſt, and burglariouſly ſtealing therein, thirty-ſeven ſilk handkerchiefs, value 3l. eighty-nine linen handkerchiefs, value 3l. twenty-one muſlin handkerchiefs, value 30s. fourteen lawn ditto, value 30s. eight yards of lawn, value 16s. one hundred and thirty yards of Iriſh linen, value 10l. twelve pair of cotton ſtockings, value 30s. twelve pair of worſted ſtockings, value 20s. and one pair of ſilk ſtockings, value 10s. his property.

*A ſecond count*, For that he being in the ſame dwelling houſe, ſtole the ſame goods, and afterwards broke the ſame dwelling houſe to get out of the ſame.

JOSEPH EARLE *ſworn*.

I live in the pariſh of St. Clements Danes; I am a linen-draper; I know the priſoner, he was my ſervant, my ſhopman; on the 29th of March a man came and ſaid, he wanted to ſpeak to me, his name is Barnet Levi; he ſaid there were ſome goods that belonged to me; when I looked at them, I ſaw they were mine; I had not miſſed them before; I went with the Jew to the other ſide of the New Church, he opened the goods to me; in conſequence of the Jew's information, I ſent for an officer, and took the priſoner into cuſtody; ſome of the property had my private mark upon them; I can ſwear to ſome, but there is no mark upon the greateſt part of the goods; in the ſtockings we generally ſew a little mark, but in theſe the mark is taken away, but I have no doubt but they are mine, but I cannot be poſitive; the muſlins appear to be different ſorts of muſlins, cut from different pieces; my houſe was not broke at all, the priſoner was in my ſervice till the moment he was taken up, the goods were brought back to my houſe, and there the priſoner acknowledged it; I promiſed him no favour not a ſyllable.

Did he apprehend at the time that he made that confeſſion, that he would be brought to juſtice?——I had ſent for the conſtable an hour before.

Had you threatened him or frightened him into confeſſion?——No, I had not; the confeſſion he made was a free act of his own mind; I ſaid very little.

JAMES TALLBOY *ſworn*.

The proſecutor applied to me, and I came into the back parlour, and while he was talking to me, I ſaw the priſoner run haſtily up into the garret; we purſued him up ſtairs, and he had got the key to open his box; this was the 29th of March, I ſaid, my friend, leave this to me; he ſeemed in great confuſion and flurry, and I took theſe things out of his box; here are twenty-five yards of Iriſh cloth, three table cloths, one pair of ſilk ſtockings, two remnants of long lawn, two muſlin handkerchiefs, four coloured ſilk handkerchiefs, theſe black ſilk handkerchiefs; the Iriſh cloth has the mark, the three table cloths have the mark, and on one of the long lawns there is the mark, there is no mark on the ſilk handkerchiefs; when I got up into the room, he ſaid, here are a few things in the box.

JOHN ATKINS *ſworn*.

I was at the office, and the priſoner gave me information himſelf, to go to a houſe in Compton-ſtreet, juſt the corner of Monmouth-ſtreet; I went there, and I found two bits of ſtriped muſlin, two quantities of handkerchiefs, and five table cloths, eighty-ſix pocket handkerchiefs; they were all in a box except one piece of cloth, and that the woman gave me; the priſoner told me they were his maſter's things; it was the houſe of one Mary Heath; ſhe is here, ſhe is no relation to the priſoner.

*Proſecutor.* Theſe four pieces of linen have my private mark, five table cloths, and one pair of ſtockings has the mark on, one remnant of tambour muſlin has the mark on; one muſlin handkerchief has the mark on; I ſwear theſe are my property.

*Atkins.* The priſoner cried very much, and ſaid the things were at this houſe, and were all his maſter's property; here are goods that were along with them, that the marks are not on.

*Court to Proſecutor.* So large a quantity of goods as are now produced, and were found in the cuſtody of the priſoner, muſt have been taken at different times?—They muſt.

*Atkins.* He ſaid he uſed to take them at different times; he ſaid, after they ſhut up, he took out a bundle, and then made up a box, and took them to this woman's houſe.

*Court.* It is pretty extraordinary to me, that ſuch a quantity of goods as theſe, ſhould not have been miſſed by you?——A great part of theſe goods I had bought only a few days before, and ſome of them had not been in the houſe a week; and the next morning after he was taken into cuſtody, I looked round, and the firſt thing I miſſed was muſlin aprons; theſe things were kept in my ſhop; I had not any ſuſpicion of the priſoner before this; I kept him merely almoſt becauſe I had a very good opinion of his integrity.

*Court to Proſecutor.* Did you know the connection between the priſoner at the bar and Mary Heath?—No further than this, ſhe was an acquaintance of a young woman that was an acquaintance of his; he uſed to be now and then backwards and forwards with this young woman; he told Mrs. Heath he intended going into buſineſs in about a fortnight or three weeks, and had deſired her to look out for a ſhop for him; Mrs. Heath was a married woman; he told her, as ſhe informed me, that theſe goods were ſome he had met with cheap, and begged to leave them there, and that he brought them there in a hackney coach.

*Atkins.* She is a woman of very good character, and gave us the things immediately; ſhe gave us more than we knew of, ſhe gave us a piece of cloth.

(*Mary Heath was ſo much frightened, that the Court not thinking her to be a receiver, and ſhe having a good character, did not examine her.*)

### BARNETT LEVI *ſworn.*

I know the priſoner, I have known him two months, or thereabouts.

How came you firſt acquainted with him?—He bought a pair of knee-buckles of a young man in the Strand, and told him he had ſome things to ſell; and he told him of me; I keep a ſlop-ſhop on Tower-hill, facing the Tower; there were handkerchiefs and a dozen of ſtockings, and three little remnants of muſlin; that was all I know of; my ſon bought the things in my abſence; his name is Levi Barnett, my father's name was Levi.

### LEVI BARNETT *ſworn.*

Was you ever in company with the priſoner?—No, my Lord; I never ſaw him before the time he brought the goods into my ſhop; I do not know the day, it is a good while ago, it was about the lottery time; the priſoner came to my ſhop, and he ſaid he was ſent by one Mr. Moſes; he ſaid he had ſome goods to ſell; I ſaid, my father is not at home; he let me look at them, and laid them on the counter; they were handkerchiefs, ſtockings, and two or three remnants of muſlin; I ſaid, I have no money about me; I gave him forty-ſix ſhillings, and I kept the goods, and he ſaid he would call again.

What was the value of the whole?——About four pounds.

Did you enquire how he came by theſe goods, before you purchaſed them?—Yes; he ſaid his maſter broke, and he took them for his wages.

Was you ſatisfied with that account, without making any further enquiry?—Yes; I purchaſed nothing of him, but theſe.

What account did you give to your father?——When he came home, I told him, a man had been there, and had left theſe goods; the priſoner never called again.

*Court to Barnett Levi.* How came you to give the proſecutor ſuch information?—The goods were in my houſe, and the gentleman did not come, and the young fellow who recommended me he did not know him; I aſked him the next day whether he knew him; he ſaid, no; I ſaid, I will not thank you for ſuch a recommendation; but as I thought he would come for the remainder of the money, I could do as I pleaſed; ſo the young man that recommended him ſaw him afterwards, and told me where he lived, and I went to inform the proſecutor; I was very much diſpleaſed at them for doing that buſineſs; I never have been in any trouble in my life, it was in an innocent way, I would have every man to have his own goods again, that is all I did it for.

*Priſoner.* I am guilty.

*Court.* There is no evidence of burglary, therefore your verdict muſt be, ſtealing the goods in the dwelling-houſe.

GUILTY, **Death.**

*Of ſtealing the goods in the dwelling-houſe, but not of the burglary.*

*He was humbly recommended to mercy by the Jury and Proſecutor, on account of his extreme youth.*

*Proſecutor.* I believe he ſerved me very faithfully for twelve months.

*Court.* It is only in compaſſion to his youth that I ſhall concur in the recommendation; for this is a very aggravated offence, to ſuch an extent as this, from time to time.

*Mr. Juſtice Willes.* Was there any one piece of linen that was above the value of forty ſhillings?

*Proſecutor.* One piece of Iriſh is worth more than that.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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487. MARK POWELL was indicted for that he, on the 5th day of May, feloniouſly did make, forge, and counterfeit, and did cauſe and procure to be falſely made, forged, and counterfeited, and did willingly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain order for the payment of money, with the names Hardcaſtle and Field thereto ſubſcribed, directed to John Bland, Benjamin Barnet, Samuel Hoare the younger, and John Hill the younger, of London, bankers and partners, for 450l. 14s. to John Wilſon, or bearer, the tenor of which ſaid forged bill is as follows, "No. 5th May, 1786. Meſſrs. " Bland, Barnet, Hoare, and Hill, pay " John Wilſon, or bearer, 450l. 14s. for " Hardcaſtle and Field;" with intent to defraud John Bland, Benjamin Barnet, Samuel Hoare the younger, and John Hill the younger.

*A ſecond count*, for uttering the ſame, knowing it to be forged, with the like intention.

*A third and fourth count*, for forging and uttering the ſaid forged order, with intention to defraud Nathaniel Hardcaſtle and William Field.

*(The caſe opened by Mr. Silveſter.)*

JOHN ROBINSON *ſworn.*

I am clerk to Meſſrs. Bland and Co. the firm is Bland, Barnet, Hoare, and Hill.

Have you any draft that was brought to your houſe?——Yes.

Produce it.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 31ſt of MAY, 1786, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER V. PART III.

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[PRICE SIX-PENCE.]

## THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

### *Continuation of the Trial of Mark Powell.*

*Mr. Garrow priſoner's counſel.* Who gave it you?——I received it from an evidence that is in Court, one Mr. Payne; I know it perfectly well, by its being my cancelling; I am perfectly ſure that is the draft I received, the draft was brought to me for payment; I aſked the perſon that brought it, whether he choſe to have it in bank or money? he ſaid, half in bank and the reſt in money.

*Court.* Theſe tranſactions are no evidence againſt the priſoner.

*Mr. Silveſter.* He paid that draft part in notes, and part in caſh.

*Mr. Garrow.* You talk of cancelling it?—Yes.

You cancel with two ſtrokes?——The others do; I make four ſtrokes.

Is there any thing ſo peculiar in your manner of cancelling that you can venture to ſwear you paid this draft?——I have a copy of the entry taken by myſelf, an entry of the partners paid in bank notes; it is my province to pay the money, not the bank notes, the perſon who brought it, firſt ſaid, he would have it in money, then he would have it in caſh and notes; I am very poſitive this is the note that was given to me.

Who has had the cuſtody of it ever ſince?—It has been in the cuſtody of the houſe ever ſince; it was delivered to Meſſrs. Hardcaſtle and Field, they found it to be a forgery, and we have had it in our cuſtody ever ſince.

THOMAS CARPMEAL *ſworn.*

I am one of the officers of Bow-ſtreet; I apprehended the priſoner at Snaith in Yorkſhire; I brought him to town; I was preſent at the examination of this man the 27th of May.

Was any promiſe made by the Magiſtrate or Meſſrs. Bland, or any perſon whatever to induce this man to confeſs?—None that I know of; I ſaw him ſign that; it was read over to him; I ſaw the Magiſtrate ſign it.

*Mr. Garrow.* That examination was taken before Sir Sampſon Wright?—Yes, it was.

I take it for granted, that at that time the priſoner was ſober?——I fancy he was, I had not been with him to know what he drank.

Did you come with him from Yorkſhire?——Yes.

Did he get drunk?——He did not.

Did you, or Macmanus, or any other perſon that was with you, promiſe this man, that if he would return the money it was ſettled?——No, Sir; I was preſent all the time Macmanus was with him; he is not here, he has not been here to day; nobody elſe came up with us from Yorkſhire.

Have you never heard Macmanus ſay, that ſome ſuch thing was intimated to him?——No, Sir, we did not know where the money was till we came to the Juſtice's.

*Priſoner.* They promiſed me a hundred times.

*Court to Mr. Garrow.* If you, as counſel for the priſoner, wiſh to call Macmanus to that fact, he ſhall be ſent for?——I certainly wiſh to call him as my witneſs.

*(The confeſſion of Mark Powell read.)*

"*Middleſex to wit.* The examination of Mark Powell, charged with forging, and publiſhing an order for the payment of 450l. 14s. dated the 5th of May 1786, payable to John Wilſon, or bearer, taken before me, S. Wright. Who ſays, that he has known one Thomas Wilſon, who ſaid he lived in Bunhill-row, about ſix weeks, that on or about the laſt day of April, he met the ſaid Wilſon at the ſign of the Ticket-porter, in Cannon-ſtreet, who ſaid, he ſhould have a ſum of money to receive in a few days, but dare not go to receive it himſelf, and deſired the priſoner would receive it for him; that they appointed to meet on Friday the 4th of May on London-bridge; that on the Wedneſday preceding the ſaid Friday, he met the perſon now preſent, who calls himſelf Joſeph Payne, on Snow-hill, whom he has known for ſome years; that he told the ſaid Payne he had a ſum of money to receive on the Friday, and deſired he would receive it for him, for he had had a quarrel with the clerk and did not like to go to receive it himſelf; that Payne conſented thereto; and they agreed to meet on the ſaid Friday, at the Three Tons in Thames-ſtreet; that on the ſaid Friday, the priſoner and Wilſon met on London-bridge, when the ſaid Wilſon gave him a draft, purporting to be the draft of Hardcaſtle and Field for 450l. 14s. deſiring him to go and receive the caſh for it; the ſaid Wilſon then told him, he had made and forged the ſaid draft on Bland, Barnet, Hoare and Hill; that he went to the Three Tons where the ſaid Payne was waiting, and gave the draft to Payne to receive the money; that he waited till the money was brought; that this examinant offered the ſaid Payne one ſhilling for his trouble, which he refuſed, and then they parted; he then went again to London-bridge, and met the ſaid Wilſon, and gave him one hundred pounds, part of the money, which was the proportion ſaid Wilſon was to have; and three or four days after, he left the money tied up in a canvas bag at Mr. Furman's, No. 3, Hopper's-ſquare, Goodman's-fields; that he changed all the notes for caſh, at the houſe of Meſſrs. Mildred and Co. bankers, Lombard-ſtreet; taken the 22d of May, 1786."

*Further examination* ſays, the draft now produced is the ſame draft mentioned in foregoing examination.

### JOSEPH PAYNE *ſworn.*

*Mr. Garrow.* I object to the examination of this man.

*Court.* He is competent.

*Mr. Silveſter.* What are you?——I deal in butter; I have known Powell five years; on the 3d of May laſt I met the priſoner on Snow-hill, about four in the afternoon, he aſked me how I did, I told him, I was pretty well; he aſked me to have a pint of beer; we had two pints of beer, he paid for one, and I for the other, then I was for going, he aſked me which way I was going, I ſaid to London-bridge; he ſaid, he was going to Gray's-Inn-lane but would go back with me; in Newgate-ſtreet he aſked me where I ſhould be on Friday, if in the city or not, I ſaid, I did not know but I ſhould; I was there every day, he made anſwer that he had a ſum of money to receive on Friday next, at the banker's in Lombard-ſtreet, and he did not like to receive it himſelf, as he had a quarrel with the clerk, and if I would receive it myſelf, he would do as much for me; I told him I did not know any thing to the contrary, I would receive it to oblige him. The priſoner ſaid, if you will, I will be much obliged to you, and where ſhall I ſee you on Friday, about eleven; I told him I would meet him at the Three Tuns in Upper Thames-ſtreet at eleven; I went there, and told the landlord that I expected Powell to meet me; he ſaid he knew him very well; I deſired a pint of beer, and I waited three quarters of an hours; I went away, he did not come; I went away, and called again about two; when I came, the priſoner was in the tap-room, ſitting with his fellow-ſervant, who now lives with Meſſrs. Hardcaſtle and Field; I ſaid, how do you do? he ſaid, how do you do? I ſaid, is this eleven o'clock! he begged my pardon, and ſaid, if he had not waited out of the rain, he ſhould have been at the time, but he had a *good deal of way* to come; then we both went out of the houſe; we came into Lombard-ſtreet, we went to the corner of George-yard; he went in there at No. 56, and enquired, and came out, and ſaid it was a few doors lower down; we went to the corner of Birchin-lane; he ſaid, this is the houſe; he then pulled his book out of his pocket, and gave me a draft for 450l. 14s. and I ſhould have it half caſh, and half bank; he took a bag out of his pocket to put the caſh in; the draft I received from him was the ſame I paid in to Meſſrs. Bland and Co. I received two hundred and twenty pounds fourteen ſhillings in caſh, and I received two hundred and thirty pounds in bank; and if the clerk ſhould aſk me who I came from, he told me to ſay a name which I have forgot, and if he aſked me where they lived, he told me to ſay Whitechapel; then he told me he would wait there for me till I came out; I ſaid, very well; I went into the banker's, and put down the draft on the counter; the clerk took it up, and looked at it, and he aſked me how I liked to have it; I told him half caſh, and half bank, if he pleaſed; then the bank was brought me in three different notes, and then I had the caſh; I weighed ſome of the caſh, and counted it over, and I picked out ſome that I thought were light, and they changed them for me; I ſpread the guineas, and weighed ſome of them, and then put them into this bag that he gave me, and tied it up, and came out; and when I came out, the priſoner was oppoſite, he came over to me, and aſked me if I had got it; I told him, yes; he ſaid, you have been a long while; I ſaid, I have been weighing ſome of the guineas, and have had them changed; then we went to the Three Tons in Upper Thames-ſtreet, and deſired a room to ourſelves; the landlord's wife went up ſtairs, and the priſoner followed her, and I followed him into a room up ſtairs; the priſoner ordered ſixpenny-worth of brandy and water, and we ſat down at the table, and I took out my pocket-book, and gave the priſoner the three bank notes; I pulled out the bag, and turned the caſh on the table; the priſoner ſaid, here is ſomebody coming, cover it over; I put the bag on the caſh, and the priſoner took a pocket-book out of his pocket, and put it on likewiſe; the landlady brought the brandy and water, and went out; the priſoner counted the money, and found it right, he put it into the bag, and put it into his pocket; then he put his hand into his breeches-pocket, and took out a ſhilling, and laid it on the table; he ſaid, Joe, there is a ſhilling, I am obliged to you; I ſaid, Mr. Powell, I do not deſire any ſuch thing, I will not have it, and the ſhilling laid on the table a few minutes; I ſaid, why do not you put the ſhilling in your pocket, and I gave it him, and he put it into his pocket.

Whoſe ſervant had he been before that?—He had been ſervant to Mr. Hardcaſtle and Field.

STEPHEN GRAY *ſworn.*

I keep this houſe; I know nothing more

than that theſe people were at my houſe; they were in the tap-room firſt; Payne came firſt, and aſked if Mr. Powell had been to enquire for him; he ſtopped ſome time, and deſired he might be told he had waited; he went away, and Mr. Powell came in about two, as near as I can recollect; he ſaid he had been detained on account of the weather; they came again about three, and deſired a room; I ſaid to Mr. Powell, walk up into the club-room, you know the way, there is nobody there; they went up ſtairs together, and called for ſomething to drink, but what paſſed between them, I do not know; they ſtopped ſome time, and went away.

### JOSEPH FURMAN *ſworn.*

I live at No. 3, in Hooper's-ſquare, Goodman's-fields; I know the priſoner, I ſaw him the 9th of May laſt; he delivered into my cuſtody a bag, containing 347l. 10s. as marked on the outſide of the bag; he ſaid he was going to Yorkſhire; that bag was delivered to Sir Sampſon Wright; I have known him about eight months; his general character is a very good one, till this late affair came out.

*Court.* What did he deſire you to do with it?——He deſired me to take care of it for him, becauſe he thought it would be ſafer with me than any where elſe he could leave it; he ſaid he was going into Yorkſhire.

### WILLIAM BOWDEN *ſworn.*

I am clerk to Meſſrs. Hardcaſtle and Field; I know the priſoner, he was ſervant in our houſe two years; he was diſmiſſed from the place of warehouſe-man about the 3d of December, but he continued as a weekly ſervant ſome time.

*Court.* Look at that; is that the hand-writing of any of the gentlemen?——I do not believe it to be the hand-writing of either of the partners.

Whoſe hand-writing do you believe it to be?——I cannot ſay; it is not their hand-writing; I have lived in the houſe almoſt eighteen years, I know their hand-writing.

*Mr. Garrow.* How many perſons are authoriſed to draw drafts?—Only the two partners.

But it ſometimes happens that other perſons, head clerks, for inſtance, are authoriſed to draw drafts?—Never was.

What are the gentlemen's names?—Nathaniel Hardcaſtle and William Field; they are the only perſons that are in partnerſhip; I am not a partner; he was two years in the houſe; he behaved himſelf very well in his ſtation, till this buſineſs; I had a good opinion of him, I believed him to be very honeſt.

### JOHN LYE *ſworn.*

I am clerk in Meſſrs. Hardcaſtle and Field's houſe; I have been there about nine months.

Whoſe hand-writing is that?—I cannot ſay; it is not Mr. Hardcaſtle nor Mr. Field's, to the beſt of my judgment.

Have you any belief whoſe it is?——I really cannot ſay.

*Mr. Garrow.* Has it been the practice at all for thoſe gentlemen to ſign blank checks, and to leave them to be filled up, as occaſion may require?——Never, that I know of.

*The ſame queſtion put to Mr. Bowden.*

*Mr. Bowden.* Never.

*(The note read.)*

"No. May the 5th, 1786. Meſſrs.
"Bland, Barnet, Hoare, and Hill, pay
"John Wilſon, or bearer, 450l. 14s. for
"Hardcaſtle and Field."
"£450 14 0."

*Court to Robinſon.* You are the clerk to whom, I think, this draft was preſented, and who cancelled it?—I did; I have been clerk there ſeven or eight months; Meſſrs. Hardcaſtle and Field were cuſtomers before I came to the houſe; we have ſeveral of their drafts.

How came you to pay this draft?—We did not ſuſpect it to be a forgery; I never ſaw them write.

How came you to pay it at the time?—

We believed it to be a good one, and paid it accordingly.

You thought it like their hand-writing at the time?——I did, certainly.

PATRICK MACMANUS *ſworn.*

I went with Carpmeal.

When you apprehended him, or in your road to London, did either of you tell him that if he would make a diſcovery, and pay what money he had, it would be better for him?——No, never; nothing of that ſort.

Any thing that could intimate to him that it would be better for him?——Not in the leaſt.

Did you at all, or did any body, to your knowledge, before he made the confeſſion in Bow-ſtreet, give him any ſort of hope of mercy?——Nobody, to my knowledge, in the world.

*Court.* Mr. Powell, what have you to ſay in your defence?

*Priſoner.* My Lord, they told me a great many times, that if I could raiſe the money any way among my friends, if I had a hundred to apply to, they were come off in ſuch a manner, nobody knew of it; and when we were coming to town on Sunday night, they ſaid, we can lay about twenty miles off, and we ſhall come to town on Monday morning, and I ſhould go and raiſe the money; inſtead of that, we came to Bow-ſtreet on Sunday night, and they took me to the Juſtice's; I was miſled by them; I was innocent of the forgery, with reſpect to the writing, as a child.

*Mr. Garrow.* I have witneſſes to his character, but I do not ſee it will be material; every body agrees that he bore an excellent character.

*Priſoner.* As to the confeſſion, they took it down on Sunday night, when I came to town; they gave me a quart bottle of gin, which I drank myſelf.

*Court to Macmanus.* Was the priſoner perfectly ſober when his confeſſion was taken?—Yes, to the beſt of my knowledge; he lay in the watch-houſe all night, and the confeſſion was taken on Monday morning; he was ſober when I came on Monday.

*Court to Carpmeal.* When was the confeſſion taken?——On Monday morning.

GUILTY, *Of uttering the note knowing it to be forged,* **Death.**

*Tried by the London Jury before Mr.* RECORDER.

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488. JAMES GASTINEAUX was indicted for that he being an ill deſigning perſon, and of a wicked and malicious mind and diſpoſition, and not regarding the laws of this realm, on the 3d day of May, with a certain piſtol, loaded with gun-powder and leaden bullet, which he had, and held in his right hand, unlawfully, maliciouſly, and feloniouſly did ſhoot at Robert Parry, being in the dwelling houſe of Joſeph Gurney, againſt the ſtatute.

*(The witneſſes examined ſeparate.)*

*The caſe opened by Mr. Silveſter.*

ROBERT PARRY *ſworn.*

I am ſervant to Meſſrs. Richardſon and Stevenſon, in Biſhopſgate-ſtreet; they are brandy-merchants; I have ſeen the priſoner before; I cannot tell how long; he followed me with ten gallons of wine from my maſter's cellar to our ſhop; nothing particular paſſed at that time.

On the 3d of May, tell us what happened?——I went to dinner about a quarter before two, when I came back, Mr. Richardſon ordered me to take five gallons of brandy to Mr. Gurney's in Roſe-alley Biſhopſgate-ſtreet; I took it in a five gallon can; going up the alley, I went into the houſe and I ſaw two men following me, I turned my eye round, I heard ſomething touch the can with a ſtick, and I ſaw the two men that I had ſeen before; I was informed, the man that was with the priſoner was a ſoldier, and did not belong to the exciſe; he inſiſted upon knowing what I had in the can; I told him it was no buſineſs of his, as I knew; I did not know that either of them were officers; I never ſaw the priſoner's deputation in my life; I aſked this man who ſent him out to ſearch for liquors, and to knock people on the head; and the ſoldier damned me, and ſaid, he would make me know before I went out of the houſe; I aſked him for his deputation, and whether he belonged to the exciſe; the ſoldier ſaid, his name was in the exciſe, and well known there; I inſiſted on knowing whether he did or not, then the priſoner ſaid he was an officer, and inſiſted on having the liquor; I told him, I did not care what he was, he ſhould not meddle with my goods, till I examined it; ſays I, take it down if you pleaſe, I will not take it down for you; he inſiſted upon having it before that; when I was going up the paſſage, he ran and ſtopped me, I had the liquor on my head, I was going out with it again to my maſter for the permit, becauſe I did not like they ſhould ſeize it; when I knew Mr. Gurney never had any liquor to my knowledge without a permit; I told him I was not in any great hurry for going out, that my load was not very heavy, or ſomething of that; I ſtood at the bar for a quarter of a minute; he ran again to me as I was turning to open the door with one hand, and held the can with the other; he came under my arm and collared me and tore my jacket, and between him and me the can fell down; he gave me a puſh and the brandy fell down; then I looked down and ſaid, you have done a fine job, have not you, ſays I; I heard ſome people cry out behind, *mind!* ever ſo many I thought; I turned my head round and ſaw the piſtol, and by ſeeing the piſtol cloſe to my body, within about three or four inches, I cannot tell how far it was, I dropped down on my hand, and had my right hand up in the twinkling of an eye; as ſoon as I ſaw the piſtol, I dropped down, and heard ſomebody cry out that received the ball; I heard the piſtol go off, and felt it wound me in the fore finger of the hand that I held up; I took the priſoner, he lifted up his hand and begged me not to kill him, or ſtrike him; I told the people to take care of him.

Had you before he fired this piſtol offered to ſtrike him or hurt him?——I did not.

Had any body?——Not to my knowledge; I lived three years with the proſecutor; I had ſeen the priſoner before.

*Mr. Fielding.* Did not you know he was an exciſe officer, or a cuſtom houſe officer?—I had ſeen him about ſix months before, in my maſter's ſhop; I did not know at that time that he was an exciſe officer, upon my oath.

What made you recollect him again?——Becauſe I had ſeen the man ſeveral times in the ſtreet ſince that.

And did not you know he was an exciſe officer before this time?——I could not know by any experience, becauſe I never ſaw his deputation.

Was the other man dreſſed in his regimentals?——I was told he was a ſoldier by ſeveral people, I cannot ſay their names.

How many?—I cannot tell how many.

How long was it after you received this information before the accident of the piſtol going off?—I cannot tell.

Was it ten minutes?——I cannot tell.

Might it be ten minutes or a quarter of an hour?—I cannot tell; I was told by a porter that he was a man that uſed to go with other people and take people's loads.

Which man firſt told you that he came to ſee what you had about you?——I cannot tell.

Did not that man long before the accident of the piſtol, ſay he was an exciſe officer?—He did, he ſaid he was an officer; I told him if he had a mind to ſeize the liquor on my head, he might; it was not my place to take it off; I did not like to give my maſter's property away.

Why not ſubmit it to inſpection, that would not be giving it away?——I did not chuſe to take it off my head for any man.

You ſay Gurney never received any of this commodity without a permit?—Not to my knowledge.

How came you to carry this without a permit?——The truth is, Mr. Gurney has caſks in the cellar and cocks in, and we take his liquor in the pots, and pour it into his caſks.

A very conſiderable time paſſed between you and the officer, he deſiring to ſee this liquor, and you would not let him?——I told him if you have a mind to ſeize it upon my head, ſays I, I will not take down for you; I have no permit about me.

Why would not you ſatisfy his curioſity?—I know very little of theſe things.

Why had you any reluctance at all to ſhew the officer what you had about you?—I ſaid, I would go back to my maſter with this liquor.

When this brandy fell down between you, did not it go the greater part of it over the priſoner?—I cannot tell that it might go over him.

Did you make no reſiſtance to the officer?——I made ſo far as this, I took hold of the door, and he collared me, and tore my jacket, and then he gave me a puſh, and down went the can.

Did not you attempt to get away?—I did not.

What did you ſay to the priſoner?——Nothing at all, no farther than what I have ſaid before; I had my head down looking at the brandy; when I firſt ſaw the piſtol; I ſaid, you have done a fine job, have not you? when I heard ſomebody cry out *mind*, I turned round and ſaw the piſtol, I dropped down.

Did the man ſay nothing to you?——I had no hand upon him to my knowledge, we were very near together.

He could have hardly miſſed his mark?—He did miſs it.

But if he had any purpoſe of ſhooting you he might?—It was a mercy to me that he did miſs it, it was no thanks to him.

Did not he deſire you to take care, for he was armed?—Not to my knowledge, I believe I had ſome of the brandy upon my ſhoes.

Did not you ſwear pretty luſtily upon that occaſion?——I did, becauſe ſome of it went over my ſhoes; I did ſwear pretty luſtily.

You did ſwear pretty luſtily?—I do not underſtand Engliſh pretty well.

Did not you ſwear pretty luſtily when this brandy went over you?—I did not.

Juſt now you told me you did?—That I did ſwear!

Did you bear yourſelf quiet and peaceable?—I will ſay again what I have ſaid before, I take my oath here upon what I do ſay; I do not ſuppoſe there is a man that ever heard me ſwear for ſome years together.

Did not you vent ſome terms of anger againſt the man?——I did not.

Why did it become neceſſary for this man to ſtand upon his defence againſt you?--That I do not know, there were a good many people about us.

Were the people there who had given you the firſt intimation about this ſoldier?——They were not.

Do you know them?——I cannot ſay I do; I took it as I was told, that he was an officer.

But were not theſe men that told you this, a part of the mob that ſurrounded you when this accident happened?——They were not.

How do you know?—Not according to my knowledge.

How many people were there?—I cannot tell.

Was there any one there beſides the ſoldier and officer?——I believe there was, I cannot tell how many; I did not come on purpoſe to number the people.

Were there many people in the houſe?—I cannot tell how many, there were people in the houſe.

How many within a moderate gueſs?—I cannot tell.

I want to know how many people were there?—It is a queſtion that is impoſſible for me to anſwer, I cannot tell how many, I would not affront any body.

Take care you do not affront that oath that you have taken, was there one, two, three, ſix or a dozen?——I cannot tell.

Have you ever ſeen M'Gowan before?—I have.

Upon what occaſion?——In company with Mr. Gibbs the exciſe officer, they made a ſeizure upon me before and uſed me pretty ill; but I think this is another matter.

*Court.* I do not think that is evidence, no violence committed at another time, can have any thing to do on this occaſion; can it be evidence to ſtate what this man had done before at another time and to another man?

*To witneſs.* Had you ſtruck this man before he fired the piſtol?——I did not.

Had any body elſe ſtruck him, or offered any violence?—Not to my knowledge.

*Mr. Fielding.* Do you know Mr. Chapman, he is a ſurveyor of the exciſe?—Yes, I think I do.

Did you ever talk to him about this accident?—Yes, I believe I did, and ſo far as I can remember, he told me to be as merciful as I could to the poor man; I ſaid, Sir, I muſt ſpeak the truth, as I ſpoke before at Guildhall when he was committed, as nigh as I can.

Did not you tell Mr. Chapman that you was convinced at the time that the piſtol went off by accident?—I will take my oath a thouſand times I did not.

To any body elſe?——I did not.

*Court.* Did you ever ſay to any body, that the piſtol appeared to you to have gone off by accident?—Never.

Did it appear to you at the time, that it had gone off by accident?—It did not.

### JOSEPH GURNEY *ſworn.*

You are the landlord of the Roſe, in Roſe-alley in Biſhopſgate-ſtreet?——Yes; I was preſent when the priſoner followed Mr. Richardſon's man.

Tell us what paſſed?——I was buſy in the bar, my family juſt gone up to dinner, and I ſaw the witneſs come in with five gallons of brandy; I ordered ten gallons that morning; the priſoner followed him, I took no notice, being backwards and forwards; I was buſy in the bar; I did not ſee the piſtol go off, I ſaw the ball cut out of John Turner; I have the ball; in the tap-room, after I gave charge of the priſoner, he ſaid ſeveral times, that he did not want to ſhoot my man, he intended to ſhoot the porter; there was a piece taken out of his finger, about the ſize of a ſilver three-pence; it grazed the ſide of Jones, and lodged in the ſide of another man.

### JOHN WILLIAM MERIKE *ſworn.*

I was preſent at Gurney's houſe, the man had brought the brandy when I came in; it was the 3d of May; on Wedneſday about half paſt two, as near as I can recollect, I ſaw the proſecutor ſtand in the houſe with a five gallon caſk; the priſoner ſtood by him aſking him for a permit, at the ſame time ſaying, if he did not ſhew it him, he would ſeize it; after I had been in the bar a little time, I heard the porter ſay, I will go, and you may follow me; I went up a paſſage that leads into the ſtreet; I did not hear any more ſaid, but I heard the cann fall from the porter's head; I ran out and ſaw the priſoner cloſe by the porter, and I ſaw him fire a piſtol at his head, upon which the ball went into the ſide of Mr. Gurney's man; I could not diſtinguiſh the piſtol, becauſe the paſſage was rather dark; I did not ſee it till it was fired, after he had fired it at him, they were both ſecured, the officer and his aſſiſtant; his anſwer was, I did not intend to ſhoot the man I have ſhot; I intended to ſhoot the porter, he has often uſed me ill in the ſtreets, ſneered and laughed, and made defiance; thoſe are the words he made uſe of.

*Mr. Garrow.* How many perſons were preſent at the ſcuffle?——There were a great many people there; there was not one perſon took part either one ſide or the other.

### FRANCIS BAYLEY *ſworn.*

I produce the piſtol.

### PETER SALTER *ſworn.*

I ſaw the priſoner on the 5th of May, when we went before the ſitting Alderman, he ſaid, he was ſorry that my kinſman was wounded, he ſaid, I did not intend to have ſhot that young man, for he never offended me in his life; I intended to ſhoot the porter; he told me he had affronted him ſeveral times in the ſtreet.

*Court.* What are you?——I am a labourer.

What ſort of a labourer?—I am a watchman; I never ſaw him before or ſince.

*Priſoner.* I leave my defence to my counſel.

### JOHN CHAPMAN *ſworn.*

I am ſurveyor of the exciſe; I have known the priſoner two or three years as an officer of the exciſe; he has conducted himſelf in that employ always as a good officer in the diſcharge of his duty; and particularly by a mild diſpoſition to my knowledge, ſince I knew him, that character he deſerves of me ever ſince I knew him.

Do you know any thing of Parry who proſecutes in this buſineſs?—Yes, I have known Parry for ſome years; I have held a converſation with him on this ſubject, I think it was the 6th of May.

What did he ſay of the tranſaction then?——He ſaid ſo far as this, that he did not ſee any thing of the piſtol till after it was fired; that was the whole purport of what paſſed between us.

You have known Parry, you ſay, ſometime?——Yes.

### —— GIBBS *ſworn.*

I am an exciſe officer.

Do you know Parry who proſecutes this indictment?——Yes.

Have you reaſon to know what ſort of a man he is, when he meets with exciſe officers?——I have reaſon to know by the uſage I have had from him in ſeizing ſome liquors, that was about ſix or ſeven weeks ago; I made the ſeizure at the right hand ſide of Middle-row, Holborn; he was carrying ſome liquor for his preſent maſter, he reſiſted me very violently. I have known the priſoner theſe three years.

In his duty as an officer, how has he conducted himſelf?——I never ſaw him any otherwiſe; he and I have been together many a day; whenever I have been with him, he gave me the preference to do as I thought proper, he never went raſhly; I never heard any other of him, than a humane good ſort of a man.

I believe it is very common for you to go armed?——More does, than go without.

You know M‘Gowan?——Yes, he has been employed by the commiſſioners in the buſineſs.

### JAMES M‘GOWAN *ſworn.*

I was in company with the priſoner when the proſecutor was carrying this brandy on his head, he was coming acroſs the ſtreet, the officer followed him in, he got as far as the bar, and he looked under his left hand and ſaw the officer, and he aſked him if he had a permit, he immediately anſwered, d—n your blood what is that to you? accordingly the officer ſaid, he would be ſatisfied before he would go out of the place; accordingly the man ſaid, did he know who he was; and the other told him he ſhould know before he went out; the man that had the cann on his head, went towards the back door, that goes through; the officer immediately got with his back to the door, the man came towards the bar again; all this time he would not ſuffer the officer to look at it, and the officer ſtood over his head and reached out his rule, and taſted the brandy, and told him not to go out till he was ſatisfied; all this while he made oppoſition, and would not ſuffer the officer to examine; then when the proſecutor ſaid, have it he ſhould not, he would loſe his life firſt; the officer ſtood at the door, and was trying to keep him from going out; when he could not, he kept hold of the cann with his right hand, and wanted to drag him from the door; in conſequence of this the porter gave him a blow, and ſtruck the officer and brought him with his knee to the ground.

*Court.* Do you mean to ſwear that he ſtruck the officer?——Yes, I do mean to ſwear it; the officer fell down upon his knee, he recovered again, and the man ſtruck at him again; the man ſaid, if I cannot get it out from you, I will throw it a-top of you, and he took it and poured it over the exciſe officer, and it ran down in this manner, and he ſays to me, what are you about, cannot you aſſiſt me in my duty; I went and took the cann off the man's head, and ſaved about one half of the liquor; then immediately he told him he had fire arms about him, and he caught hold of him, and ſaid if he had not the liquor, he would uſe him as he pleaſed; the man made a blow at him, the priſoner ſtood by, and miſſed the blow, and the piſtol went off at that time.

Could not the priſoner if he had been determined to ſhoot at him, have ſhot him?——Yes.

Did Parry make uſe of abuſive language to the priſoner?—He did, he d——ned his blood, and ſaid he knew he was an impoſtor; he told him at firſt, if he had not a permit, he would ſeize it for the King; when he found he could do no more, he was determined to ſpill the liquor; when the liquor was all running over, it was not till then that he produced the piſtol; and even then, Parry aimed a blow at him again; he ſaid d——n you, if I cannot get it from you, I will throw it over you; he held it on his head, and fell a tapping it upon his head.

*Mr Silveſter.* Then he did not throw the cann down?——No.

Then he threw the liquor over his head and the cann?—He ſaid, he would keep the liquor on his head, but he kept the cann on his head, the cann was taken off by me, he did not throw it down at all.

Did you ſee Mr. Merricke there?—Not till it was all over; I did not ſee a man there but the waiter, I have ſince found the man to be the waiter; I only ſaw one man in the paſſage, and he was a little way off; the man that was ſhot, was within two or three yards; upon my oath, I did not ſee any one to my knowledge, but one.

Did not you ſee the man through whoſe coat the piſtol went?——No, not till I went to Guildhall.

Then you mean to ſwear that he was the only man that was there?—I ſaw never a man but the waiter, the porter that carried the liquor, and the priſoner; if he had been there, I muſt have ſeen him.

Have you given the ſame account before the Alderman, that you have to day?——I thought it a folly to ſpeak of this before the Alderman, when there were ſo many people to ſpeak againſt him; I can give you a very ſufficient reaſon for that.

Did not you ſay before the Alderman, that the piſtol was held within three inches of his body?—No, I could not tell him.

Did not you ſay before the Alderman, that Parry would have been ſhot if he had not bobbed down, did not you ſay before the Alderman, that you ſtooped to avoid the ball as well as Parry?—I never ſtooped at all, nor I never ſaid I ſtooped.

Was the piſtol within three or four inches of his body?——I told the Alderman, I did not know how near it was.

Do you mean to ſay that Mr. Parry ſtruck the officer?—Yes, Sir, I do, a ſecond time he ſtruck him.

*Court.* Then do you mean to ſay that there was not a number of people in this publick houſe?—There is a partition goes between the entries, between the taproom, and the partition door; for that reaſon, I could not ſee what was in the taproom.

### JOHN BAYLEY *ſworn.*

I know this brandy and the cann were delivered into the exciſe office, as a ſeizure; I went with the priſoner and deliver it in, and then I took the priſoner to the compter.

*Court.* I ſhall certainly permit Mr. Silveſter to call any more witneſſes he may have, to the fact.

### THOMAS JONES *ſworn.*

I was at Gurney's houſe; I did not ſee Parry come in with the liquor; I ſaw him after he was in the paſſage; I heard ſome diſpute happen when I was in the taproom, I heard ſome few words, and I came out to ſee what was the matter, and there was a man ſtanding with a cann on his head, and there was an exciſe officer aſking him what he had got there; there were ſome few words happened between them, but what they were I cannot ſay really; I went to the company again, and after I had been in a few minutes, I heard the porter ſay, I wiſh you a good day, or ſomething to that purpoſe; I came in and ſaw the porter going towards the door to go out with the liquor on his head; the priſoner ſtood with his back againſt the door and inſiſted he ſhould not go out with the liquor, and then the priſoner caught hold of him by the coat, in that ſtruggle the cann fell down on the floor, off his head, I am clear in that.

You are clear that in that ſtruggle the cann fell off his head?——Yes.

*Court.* Is M‘Gowan there?——Yes.

Do not let him go out of Court, I ſhall want to aſk him ſome more queſtions preſently.

*Jones.* I cannot recollect what was ſaid, after the cann fell down, but the porter ſaid ſomething, and in an inſtant the piſtol went off and the porter dropped ſomehow.

Did you hear any thing before the piſtol went off?——No, I cannot be certain with reſpect to that; the piſtol went off, and I felt a ſhock juſt by my hip bone, I looked down and found the ball had paſſed through my coat.

You ſaw the porter attempt to go out?——The perſon who received the ball and ſeveral others were in the paſſage.

Upon your oath, did the porter ſtrike the officer or not?——I am upon my oath, and I did not ſee him lift up his hand againſt him.

Could he, without your ſeeing him?—I do not think he could.

*Mr. Silveſter.* Did the priſoner draw back, and ſtand at ſome diſtance from him, and did Parry make a blow at him before the piſtol went off?—No, Sir, the priſoner could not draw back, becauſe his back was cloſe to the door and therefore he could not draw back.

*Mr. Fielding.* In the firſt place you was in the tap room, and only heard what was going on in the paſſage?——I could not ſee the firſt beginning of it.

At the time you firſt went into the paſſage, they were ſquabbling together?——No, Sir.

What are you?—I am a ſhoemaker.

How many people were in the tap-room?—I did not count them.

Were there any other people in the paſſage?——Yes; the perſon that received the ball ſtood cloſe to me.

Did he go into the paſſage before you came out of the tap-room?——I believe he was before me in the paſſage.

How came it that you returned into the tap-room again?—I might want to drink ſome beer; I never was in a Court before; I cannot ſay any other reaſon, that might be the reaſon.

Then you heard ſomething again, being in the tap-room?——I heard the porter ſpeak the words, to the beſt of my knowledge, it was good bye.

Did not you know at that time that the priſoner wanted to examine the contents of the cann the man had on his head?——I believe I did.

Was not M‘Gowan at that time between you and Parry and the priſoner?—Yes, he was.

Was not he cloſe up to Parry in the very act of taking the thing off his head?—He was very nigh.

How came it that you are able to ſpeak ſo exact?——I have no intereſt in it, only real facts; I did ſee the porter attempt to pull the door open; I believe there were ſome words.

Was not the priſoner then perſiſting in ſeeing what he had on his head?——I did not ſee the liquor run over him.

Was he wet at all with the liquor?—I do not think the liquor fell upon him; I was frightened enough at the ſame time; this was after the ball I thought had wounded me.

Did not you ſee that man wet with the liquor?——I ſaw him ſo in the tap-room, but I cannot ſay that the cann fell upon him; I cannot tell you how he came wet.

Was not M‘Gowan cloſe up to Parry, attempting to take this thing off his head?—He was almoſt cloſe to him; I do not ſay he attempted to take it off his head; it came down with the ſtruggle; the priſoner caught him by the coat, as the man was attempting to pull the door open.

*Court*. If I underſtand you rightly, when the porter was attempting to open the door, the priſoner prevented him, ſeized him by the collar, and in that period of time the cann fell to the ground, and that was before the piſtol went off?—Yes, my Lord.

Whether the piſtol was wet by the cann falling off, or any other way, you cannot ſay?——I cannot.

### JOHN TURNER *ſworn*.

You was at Mr. Gurney's?—Yes.

Tell us what was the firſt you ſaw of this tranſaction?—I was coming out of the cellar, and the firſt I ſaw was this Parry come in with this cann on his head; I ſaw two men follow him in; I did not know his buſineſs, nor any thing of the kind; I heard the priſoner aſk him what he had got; Parry ſaid, it was a matter of no conſequence to him; the priſoner ſaid, I will ſoon know, pulling out his gauge; ſays he, you have ſpirits; ſays Parry, I cannot ſtay to heſitate the matter with you, I muſt go about my buſineſs; he went to go out of the paſſage; the priſoner followed him, and brought him back again, and told him to ſet the liquor down; he ſaid he would not; he ſaid they might take it off his head if they wanted it; they ſtaid ſome little time, I cannot be exact to the time; then he made a ſecond attempt to go out, and the priſoner went under his arm, with the can on his head; the priſoner had his backſide againſt the door, and told him he ſhould not go out; as far as I could ſee by where I was ſtanding, the man that was with him tried to take the can off his head, and they ſpilled the liquor between them, but whoſe fault it was, I cannot tell; as ſoon as the liquor was ſpilled, Parry went down to the ground, and ſaid, you have done a pretty job; the cann fell quite to the ground; before the words were out of Parry's mouth, the priſoner put his hand into his breeches pocket, and took out a piſtol, and he fired in ſo ſhort a time, that I could hardly turn my head round; I heard a man ſay, I am wounded; I made anſwer, and ſaid, if you are wounded, I have the ball; it went in here, and was extracted from here. (*Shews his ſide.*)

Upon your oath, did Parry ſtrike the exciſeman at all?—He did not; he could not, without my ſeeing him; I am ſure he did not, upon the oath I have taken.

*Mr. Fielding*. How far were you from him?—As nigh as I can gueſs, about half a dozen yards; it is a narrow paſſage, and three people jumbled together in this paſſage ſeemed to me to occupy the whole breadth; the priſoner ſtood againſt the door; Parry ſtood towards the right-hand wall of our houſe, and the other man ſtood againſt the left-hand wall, and between me and the priſoner I ſaw M'Gowan cloſe up to the man, attempting to take the thing off his head.

### EDWARD GRANT *ſworn*.

I was at Mr. Gurney's, I was ſitting in the parlour behind the bar; I heard a noiſe in the bar; I ſaw the porter, with the liquor on his head; the priſoner demanded the liquor; he would not let him have it; they were contending ſome time; the porter ſaid, good bye, let it go; immediately after I heard the liquor ſpill, the man cried, oh, Lord! oh, Lord! I have got the ball.

Did you ſee what happened after the liquor was ſpilled and the piſtol went off?—I did not; after the priſoner was taken, he ſaid he did not ſhoot at the man that was wounded, he ſhot at the other.

### PAUL PARRY *ſworn*.

I heard, on the 3d of May, the priſoner demand the liquor from the man ſeveral times; the man refuſed to deliver the liquor, and ſaid, are you an officer? he ſaid he was; he ſaid, ſhew your deputation; he refuſed to ſhew his deputation; ſays he, I ſhall not deliver the liquor to you, or any perſon but the right owner; there were ſome words for five minutes; ſays he, I ſhall go home and fetch the other and the permit; the officer would not let him go out ; the man ſaid he muſt go home ; the officer joſtled him, and got with his back within the door, and refuſed to let the man go out with the liquor, and by the officer's ſtruggling, then the man he ſpilled ſome of the liquor ; then the officer took out his piſtol, and ſhot inſtantly ; the officer was near to the man as cloſe as he could ; he avoided the ball, by ſtooping, and then his finger was grazed.

Before the piſtol was fired, did Parry ſtrike the priſoner at all ?—No, Sir ; there was no ſort of ſtriking on either ſide ; he did not knock him down, only attempting to take the liquor from him, the liquor was thrown down.

*Mr. Fielding.* Whereabouts was you ?——I ſtood in the paſſage.

Did you go out into the paſſage before Thomas Jones ?——He was on one ſide, and I on the other.

Did you go out of the tap-room before he went ?—I am not ſure of that.

Then, you muſt have ſtood between theſe men and the waiter ?——No, Sir ; the waiter was a little to my right hand, nearer to the bar, then I was cloſe to Winkett in the paſſage.

Was you between the waiter and the man ?——No ; if I had, I muſt have received it before the waiter ; I ſtood in the paſſage, and Mr. Jones was oppoſite to me ; the waiter was rather with his back to the bar ; he could not have any more view than what I had ; Mrs. Gurney had the view herſelf, for if ſhe had not been pulled away, ſhe muſt have received it, in the room of the waiter.

JOHN WINKETT *ſworn.*

I was preſent, and heard a noiſe at the bar ; I went out to ſee what was the matter, and there was the officer and the porter ſtanding, with the liquor upon his head ; I heard the exciſeman aſk the porter if he had a permit ; he ſaid it was no buſineſs of his, he ſhould ſtand there as long as he pleaſed ; he ſtood there five or ten minutes ; then he went back to the door, and the exciſeman followed him ; I ſaw him take a piſtol out of his pocket, and preſent it to the porter ; the porter immediately fell down, and the piſtol went off.

Before the piſtol went off, had he ſtruck the officer at all ?——No, he had not.

*Mr. Fielding.* I proceed to call witneſſes to character.

VALENTINE ATWOOD *ſworn.*

I am ſurveyor of the exciſe ; I know the priſoner, he has been an officer with me about nine months ; I have not known him longer than that ; during thoſe nine months I have had an opportunity of obſerving his conduct and character ; he always behaved very well, in a very upright manner ; a tender and good kind of man as can be ; we ſeldom go out without arms ; the head which the ſmugglers had made, makes it perfectly neceſſary ; I always took him to be a very inoffenſive, tender man.

*Court.* It is very proper that exciſe officers ſhould go armed.

CHARLES CROSS *ſworn.*

I live in Primroſe-ſtreet, an apothecary ; I have known him from his birth ; always a very induſtrious clever young man, and very honeſt.

What is his character as to humanity ?—Quite a humane man, quite ſo.

DOROTHY HANDLEBY *ſworn.*

I have known him twenty-five years ; I lived ſixteen years in that family ; he was almoſt continually, both as a child and youth, and a man, backwards and forwards ; with reſpect to his general character, as to humanity and good-nature, all that has been ſaid of him by the laſt witneſs is exceedingly juſt ; I never knew him do an ill-natured action ; I never ſaw him, either when a child or a youth, to torture a *fly.*

THOMAS GARDNER *ſworn.*

I live in Old-ſtreet, Cloth-fair ; I am a cabinet-maker ; I have known him five years and a half ; he is a particularly humane benevolent man ; I have had ſome opportunities of knowing him in that reſpect, and always took him to be ſo.

CHARLES MIDDLETON *ſworn.*

I live in Shoreditch ; I am a ſurveyor of the exciſe; I have known him near four years; I look upon him to be a very good officer, a very humane good man; that is the character I ſhall always give him.

JOHN BAYLIE *ſworn*.

I am an aſſiſtant to the exciſe; I have known him about three years, he always behaved in a very quiet, civil, peaceable manner; I take him to be quite a good-natured man.

*Mr. Fielding.* From the particular circumſtances of the caſe it becomes us as counſel for the priſoner, to offer ſome idea by which this could have amounted to no higher a crime than manſlaughter, if it could have amounted to that, in caſe death had enſued in conſequence of this tranſaction: My Lord, I take it that the crime of murder is only then compleat; when there is a time for the mind to operate and diſcover its malignity, amounting to what the law calls malice prepenſe; the other definition that of manſlaughter, is that which ariſes from ſudden provocation, from a natural guſt of paſſion, without any antecedent malignity of the mind; if therefore there be clearly before your Lordſhip on the evidence a ſituation where the man is only acting in the diſcharge of his office, not betraying any of that malignity, but provoked on the ſudden, and on that ſudden provocation he acts, and death follows his act, then it will amount to the crime of manſlaughter; we therefore contend, that if death had enſued, the circumſtances of this tranſaction would not have betrayed any of that deeper malignity, that the circumſtance of firing, would have been that energy of the mind ariſing from a ſudden guſt of paſſion: your Lordſhip has very well ſaid already, that the circumſtance of having the piſtol about him, does not raiſe any imputation at all upon him; being therefore proved to have had a reaſonable cauſe for the commencement of this tranſaction, going on in the execution of his authority, and being reſiſted, and this liquor being proved to have come over him, a cauſe ariſes for that reſiſtance, and that accident might very well provoke a ſudden guſt of paſſion; if death had enſued, that ſudden guſt of paſſion would have taken out the deeper guilt of murder; if there be an accident in the caſe, and the piſtol had gone off by accident, he will not be guilty even of manſlaughter; if the Jury are convinced that it went off by accident, then there will be an end of the charge altogether; but ſuppoſing it ſhould happen that more credit is given to the witneſſes for the proſecution than to M'Gowan; even in in that caſe the witneſſes on the part of the proſecution cannot have eſtabliſhed any other crime than that of manſlaughter, ſuppoſing that there ſhould ultimately be ſuch contradiction; ſtill there will enough ariſe out of that evidence to build ſubſtantial circumſtances upon, that the man was acting in the execution of his duty, that he was reſiſted, that there was every degree of reſiſtance made to him, namely as to the ſearch, under this reſiſtance, here is a cauſe for the mind to grow more and more enraged, than if there was no obſtruction made to the execution of authority; and there is the other accident in, of this liquor being thrown over him; M'Gowan ſays, who is the only witneſs that could know any thing of that tranſaction, that it ſeemed to be done on purpoſe; then that accident would aſſiſt the idea, and I ſhould think that the preſent inſtance could by no means have been carried further than manſlaughter if death had enſued.

*Mr. Garrow ſpoke on the ſame ſide.*

*Court.* I am clearly and decidedly of opinion, that there is nothing in the objection, and I ſhall give my reaſons in my addreſs to the Jury.

Gentlemen of the Jury, the priſoner is indicted for an offence that is made capital by an act of parliament, he is indicted, for maliciouſly and wilfully ſhooting at Robert Parry, that is the ſhort charge in the indictment, and that is the deſcription of of the offence from which the legiſlature of this country has thought it proper to take away the benefit of the clergy to any perſon that ſhall wilfully and maliciouſly ſhoot at any perſon in a dwelling houſe, or, in any other place; the offence is wilfully and maliciouſly ſhooting, and it is neceſſary for me to ſtate firſt to you, what appears to me to be clearly law on this act of parliament; the offence is deſcribed in very few and very clear words, and this clauſe in the act of parliament, is one inſtance, among many, how much preferable the ſhort, clear, diſtinct definitions of offences which we meet with in ſome acts of parliament are, to the very perplex ones you meet with in others; I cannot explain it more clearly than in very few words of the act of parliament itſelf, it is maliciouſly ſhooting at a perſon; now it is upon the word maliciouſly, which is the very eſſence of the charge that I ground the opinion which I have declared, and from which, nothing as yet has induced me to depart; which is, that no ſhooting under this act of parliament, where death does not enſue, will be a capital offence within the act of parliament which would not have been murder if death had enſued; that I conceive is a principle that clearly follows from the word *maliciouſly* rightly underſtood; an accidental ſhooting is not within this act of parliament, becauſe it is neither done willfully nor maliciouſly; a ſhooting in the heat of paſſion upon ſuch ground of provocation as the law makes allowance for, is not within this act of parliament, becauſe it is not a malicious ſhooting.

GUILTY, **Death.**

*Court.* Let the witneſs M'Gowan, who is poſitively convicted by five witneſſes, be committed to Newgate, to take his trial for perjury.

*Tried by the London Jury before*
*Mr.* RECORDER.

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489. **CHARLOTTE GREEN** and **SARAH LEE** were indicted for feloniouſly aſſaulting Johnathan Jackſon on the king's highway, on the 1ſt day of May, and putting him in fear, and feloniouſly taking from his perſon, and againſt his will, one leather bag, value 1d. twenty-four guineas, value 25l. 4s. ſeven half guineas, value 3l. 13s. 6d. and thirty ſhillings in monies numbered, his property.

JONATHAN JACKSON *ſworn.*

I live at No. 14 in Gray's-inn-lane; I buy bacon from the waggons and ſell it again; on the 1ſt of May, about half paſt ten at night, I called to get a glaſs of gin at the Red-lion, the corner of Red-lion-ſtreet; there were two or three women at the door followed me in, and aſked for a glaſs of gin; I ſaw one of the women in the houſe, that was the priſoner Green.

Had you any converſation with her?——No, not in the leaſt, I left the houſe in three or four minutes.

How much gin had you there?——I do not know, I paid nine-pence.

Was you drunk or ſober at that time?——I was not drunk.

Was you quite ſober?——I had been ſpending my evening at Cow-croſs with a waggoner; I was ſober enough.

What became of you after?——I went out to go home to bed.

Are you a married man or a ſingle man?——A ſingle man; I had got about forty yards from the place, and the two priſoners came one on each ſide; it was a bright night; I had ſeen the priſoner Green before; they aſked me if I would go and drink any more any where, I ſaid, I was going home to bed, I would not go any where; in a minute's time I thought I felt my coat ſlip on one ſide, and I was looking firſt on one ſide, and then on the other, and I found my purſe was gone; they ran away, and then I ſuſpected them; I took out my purſe at the Red-lion to pay, it was ſeen there.

What was in your purſe?——Twenty-eight pounds, as near as I can gueſs, there were ſome half guineas, and twenty-two guineas, and thirty ſhillings in ſilver.

There was no violence uſed to you?——No, nobody elſe was near me; it was done in a minute; the priſoners were off before I perceived I had loſt my purſe; but I felt my pocket lightened of it.

*Mr. Garrow, priſoner's counſel.* Did

you know Charlotte Green before ?——I knew nothing of her before, but I might have ſeen her before.

Had you ſeen her before that evening ?——I had ſeen her before that evening.

Do you know where ſhe lodged ?—No.

You immediately made a hue and cry about this ?——Yes.

The woman went down Featherſtone-buildings ?——Yes.

You had been ſupping with the waggoner ?—Yes.

How long might you have been drinking with the waggoner before you got to the Red lion ?—'Till about ten.

What liquor might you have had ?——About two or three pints of beer and ale.

Had you any ſpirits ?—No.

How many glaſſes of gin at the Red-lion ?——I did not keep any particular account, not above three glaſſes.

Was not you very beaſtly drunk ?——I was not.

Did not Mrs. Sparrow ſee you ?—Yes, ſhe keeps a publick houſe.

Was you or was you not very drunk, that is my queſtion ?———I was not.

Do you know a young lady of the name of Horne ?——No.

Was not there ſuch a body in cuſtody for taking your purſe ?——No, there was not.

Was not ſuch a perſon taken up ?——She did not come to me; I did not take her up.

How many times were the priſoners examined ?——Three times.

Was you always poſitive to Green ?——Yes.

Was not Horne examined ?——I do not know.

Did not Charlotte Green come to the watch-houſe of her own accord to aſk for her ?—-It was Green that took the money from me.

Have you always ſaid that now, my honeſt friend ?——It was Green as much as I know.

And you have always ſaid ſo ?——Yes.

How long was Chriſtiana Horne in cuſtody on this charge of robbing you ?——I do not know any thing about it.

Did not you go with Horne after you had left theſe girls ?——No.

Was not Horne one of theſe girls you treated with gin ?——I do not know.

Do not you know that every night of her life in Holborn ſhe boaſts that ſhe *did you*, and that you favoured her and took Green inſtead ?——I cannot help what ſhe ſays.

Have you never heard it ?—No.

You go and ſhake your purſe at them pretty often, do not you ?——No.

You have none to ſhake now ?—No.

You never found your purſe nor your money ?——No; I fancy ſome of it was found, I found none.

MARY SPARROW *ſworn.*

I keep the Red-lion, the corner of Red-lion-ſtreet, Holborn; the proſecutor came in with two girls, Charlotte Green, and Chriſtiana Horne, it was about half after ten or near eleven, as near as I can tell.

Was he drunk or ſober when he came in ?——I did not take a deal of notice, I thought him rather in liquor.

Was it the 1ſt of May ?—I cannot ſay poſitively; nothing particular happened, they called for gin, and I ſerved it; they might ſtay about ten minutes, the two girls that came in with him went out with him.

Had they any particular converſation ?——None particular; he pulled out his purſe and gave me a ſhilling to change; I gave him his change, he put his purſe in his coat pocket; then they went out together, he returned in a very little time and ſaid he was robbed; he ſaid, the girl in the pink ribbon, that was Charlotte Green.

Had you obſerved before that Green had a pink ribbon ?——Yes, I had ſeen her with pink ribbons.

Did you obſerve her that night to have pink ribbons on ?——Yes, ſhe had.

Did he ſay how much he was robbed of ?——Yes he did, but he did not ſay right in that, he ſaid it was more than it was.

*Mr. Garrow.* How long have you known Jackſon?——As long as I have kept the houſe, by ſight; he very ſeldom uſed it; I have bought a joint of meat of him.

I take it for granted, you ſell very good gin, and if a man is drunk before he comes, three or four glaſſes will make him more drunk?——I cannot tell, I never tried it; they had nine glaſſes of gin between them; I never ſaw the other priſoner Lee; I am ſure Horne was there.

Did you attend the examination of theſe women before the Magiſtrate?——Yes; they were twice examined before Juſtice Walker, and once at Clerkenwell; he attended the two firſt, and ſo did I.

What information did you get at the laſt that you did not at the two firſt?—None in particular; they were all three examined.

Did you recollect Horne as one of the perſons that had been at your houſe with him?—I cannot tell that.

Do not you take it, that when he left your houſe, he was very drunk?——I did not obſerve that particularly.

SAMUEL HARPER *ſworn.*

On the 1ſt of May, between eleven and twelve, the proſecutor and another man came into the watch-houſe near Red-lion-ſtreet; the proſecutor ſaid he was robbed by two women, and produced directions he ſaid the man gave him; and the beadle ſaid he knew the girls; Jackſon ſaid one was a tall thin girl, marked with the ſmall-pox, and the other was a ſhort thick girl; and the beadle and the two watchmen went to ſeek for them; the beadle knew where Green lodged; we did not find her; when we came back, we went to the Red Lion, that was ſhut up; we then went up Holborn, almoſt as far as Queen-ſtreet, with intention to find theſe girls, but we did not find Charlotte Green; but Sarah Lee we did find, ſhe was near Queen-ſtreet, and ſome women near her; I ſaid to her, what do you do here? and ſhe ſaid ſome little word, and then ſhe ſaid, I know who has done it; I ſaid, then you are a proper perſon to go with me; ſo we took her to the watch-houſe; this, I look upon it, was about twelve; we ſearched her when ſhe came to the watch-houſe, and found four or five halfpence upon her, that was all; when we returned to the watch-houſe, Green was there; ſhe was come with the old woman with the key; the old woman generally brings the key to the watchman, and leaves it there; the mother of the priſoner Lee is the wife of Lee the watchman, and Green lodges at that houſe; and the proſecutor was at the watch-houſe, and ſaid, this is the perſon that robbed me, and that was the one that was with her; I do not think he was drunk, nor I do not think he was properly ſober; he had certainly been drinking, there is not a doubt of that; I ſearched Green, and found two half-crowns and one or two ſhillings: a ſuſpicion aroſe, on the 3d of May, of Lee's mother, and we ſearched her houſe, and there was found three guineas and ſome ſilver in a drawer; that was the day after the hearing; Horne was taken up, and I believe Green ſaid ſhe was the girl that was with her.

*Mr. Garrow.* So, Jackſon always perſiſted that theſe were the women that were with him at Mrs. Sparrow's?——Yes; I underſtood clearly, when he charged theſe two women, that they were the two that were drinking at Mrs. Sparrow's.

What ſort of a girl is Horne?——Very like Lee in ſize; I never found his bag any where.

Did you ſee Jackſon ſign this before Juſtice Walker; Jackſon ſays that he went into the Red Lion alehouſe, and two women, namely Charlotte Green and Sarah Lee, upon which he treated them with a glaſs of gin each.

*Priſoner Charlotte Green.* I leave my defence to my counſel.

### PRISONER LEE'S DEFENCE.

That gentleman came to me, and ſaid they were after ſomebody for a robbery, and they took me to the watch-houſe; I never mentioned the words who *did him*; when I went into the watch-houſe, there was Mr. Jackſon and a man, both very much in liquor; ſays Jackſon, I cannot ſay whether that was the woman in company with me; the next day, he ſwore I drank at the bar with Charlotte Green, and that Horne was never in company.

*The priſoner Green called three witneſſes, who gave her a good character.*

*The priſoner Lee called one witneſs to her character, who ſaid, if ſhe and Horne were both together, one could not be known from the other.*

CHARLOTTE GREEN, GUILTY.

*To be impriſoned twelve months in the Houſe of Correction.*

SARAH LEE, NOT GUILTT.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

490. ELIZABETH JONES was indicted for feloniouſly ſtealing, on the 27th day of May, one cotton gown, value 13s. the property of Richard Bland, privily in his ſhop.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

491. JOHN STOREY was indicted for feloniouſly ſtealing, on the 29th day of May, one leather bridle, value 2s. the property of William Young.

The priſoner was taken with the bridle upon him.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

492. ANN SMITH and ELIZABETH BAYLEY were indicted for feloniouſly ſtealing, on the 22d of May, four ſilk handkerchiefs, value 10s. the property of Abraham Underdown and James Underdown, privily in their ſhop.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

493. JOHN DAWES, ROBERT ESTER, and STEPHEN WILLIAMS, were indicted for feloniouſly ſtealing, on the 13th day of May, one hundred pounds weight of lead, value 18s. the property of our Sovereign Lord the King.

There being no evidence againſt the priſoners, they were all three

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

494. ELIZABETH CONNELLY was indicted for feloniouſly ſtealing, on the 13th day of March laſt, one cloth coat, value 30s. the property of Owen Jones.

OWEN JONES *ſworn*.

I live in Roſemary-lane, No. 3; I loſt my coat out of my room the 13th of March, about ſeven in the afternoon, when I came from work; I ſaw it there in the morning, when I came home to breakfaſt; I put it into my box with my own hands; I found it afterwards in Mr. Madden's houſe, who keeps a clothes-ſhop; I know my coat, I never wore it, it was only fitted upon me; there is a different button underneath the flap to what there is on the breaſt.

*(The coat produced by Whiteway, and depoſed to by the proſecutor.)*

*Jones.* The priſoner lived in the houſe with me, in the next room; ſhe was taken the Saturday following; the morning after I brought this coat from the taylor's, the priſoner came in, and ſaw the coat, and ſaid ſhe liked it, becauſe it was not made in a flaſhy manner; my window was broke, and three panes of glaſs broke, and the frame broke ſo as to let any perſon through.

**WILLIAM BELLONY** *ſworn.*

I am ſhopman to Mr. Madden in Roſemary-lane; I do not know the woman at all; I came to prove buying the coat of Mrs. Dunn, who attended yeſterday, but now, I believe, is in labour; ſhe deals in old clothes.

**WILLIAM WHITEWAY** *ſworn.*

I am an officer; I had a ſearch warrant, and went to the houſe of Mr. Madden, an old clothes man in Roſemary-lane, and there I found this coat; it has been in my poſſeſſion ever ſince.

### PRISONER's DEFENCE.

The man that brought me the coat is an acquaintance of Mrs. Jones, the proſecutor's wife, ſhe ſent him in one night when I was very buſy, for fear I ſhould ſee him, with five pair of ſilk ſtockings; on the 14th of March, after Mrs. Jones went out, they were drinking all day, on the Wedneſday, he aſked me to go and make him a little money on that coat; he went to the Magpye, and bid me aſk twelve ſhillings, and that he lent half a guinea; and I gave him the half-guinea and the duplicate; John Taylor is his name; I uſed to waſh for him, while the proſecutor's wife was in New Priſon, for ſtealing pots; I carried it to Mrs. Dunn, who is a very honeſt woman.

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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495. **WILLIAM** otherwiſe **JAMES BROWN** was indicted for feloniouſly ſtealing, on the 27th day of May, two pair of cotton ſtockings, value 6s. the property of John Fieldſend, privily in his ſhop.

**Mr. FIELDSEND's Shopman** *ſworn.*

I live with Mr. Fieldſend, he is a linen-draper and hoſier; the 27th of May, the priſoner came into the ſhop about one o'clock, and aſked to look at ſome ribbed ſtockings; I do not recollect ever ſeeing him before; I ſaw my fellow-ſervant ſhewing him ſome ſtockings; his name is Benjamin Shaw; when he had ſhewn two pair, he called me forwards; he deſired me to go on the other ſide of the counter, for the priſoner had concealed two pair of ſtockings; then the priſoner ran out of the ſhop; he threw down four ſhillings upon the counter for a pair of ſtockings he had bargained for, but he did not take thoſe ſtockings; we purſued the priſoner, and took him; I ſaw the ſtockings in his pocket, as he went out of the ſhop. *(Produced and depoſed to.)* They coſt three ſhillings and ſixpence, they were not at all the worſe.

*Mr. Garrow, Priſoner's Counſel.* May not ſtockings of that goodneſs and quality be purchaſed at ſales cheaper than theſe?—I do not think they might.

Might not a perſon, by miſtake, take up theſe two pair, inſtead of the pair he bought?—I ſhould think not.

**—— SHAW** *ſworn.*

Depoſed to the ſame effect.

**WILLIAM MARSH** *ſworn.*

I am a groom; I ſaw the priſoner run down Oxford-ſtreet, and Mr. Shaw purſued him, and cried, ſtop thief! it was on Saturday; I ſaw the priſoner throw away a pair of ſtockings, I picked them up, they were ribbed cotton.

*Priſoner.* I wiſh to call witneſſes to my character.

**The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 31ſt of MAY, 1786, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
**And Publiſhed by Authority.**

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NUMBER V. PART IV.

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*LONDON*:
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MDCCLXXXVI.
[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

# UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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## *Continuation of the Trial of William otherwiſe James Brown.*

MAJOR ARROWBIN *ſworn.*

The priſoner lived with a brother-in-law of mine in the years 1778-79, and 1780, as a ſervant, during which time he bore the beſt of characters, and my brother had the higheſt opinion of him; he lived very frequently at my houſe in the country, where he had frequent opportunities, if he had been a diſhoneſt man, of pillaging me of plate and other things; I had one, two, three, four, and five hundred pounds worth of plate; I entertained a good opinion of him till this unhappy event; he has come to my houſe lately in town; I underſtood he had married a very decent woman; he has very often dined at my houſe, and my good opinion of him continued to this very period; I never heard the ſmalleſt impeachment of his honeſty. My reaſon for attending here was, I underſtood that from a particular likeneſs to ſome individual, a man of a very notorious character, he might be miſtaken; and I meant to identify his perſon, and ſay his name is Brown; he has gone by the name of Brown ever ſince I have known him, and I knew him at that period I have mentioned; I knew ſo much of him, as to exclude the poſſibility of his being a notorious bad character.

GUILTY

*Of ſtealing one pair of ſtockings, value 3s. 6d.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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496. WILLIAM LLOYD was indicted for feloniouſly ſtealing, one box-coat, value 40s. the property of the Right Hon. Earl Bathurſt.

The priſoner was taken with the coat upon him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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497. MARY DIXON and MATTHEW BROWN were indicted for feloniouſly ſtealing, on the 21ſt of May, one cotton counterpane, value 2s. two pillow-caſes, value 12d. two flat irons, value 12d.

a tub, value 4d. two knives, value 4d. and two forks, value 4d. the property of William Bilan, being in a lodging-room let by him to the ſaid Mary Dixon and Matthew Brown, againſt the ſtatute.

*A ſecond count*, for feloniouſly ſtealing a pair of linen ſheets, two tin caniſters, two ſilver tea-ſpoons, value 2s. a braſs kettle, value 12d. one braſs caniſter, value 2d. the property of the ſaid William Bilan.

WILLIAM BILAN *ſworn.*

The woman came to take the lodging about three weeks ago; ſhe did not come till the Saturday following at eight o'clock, and before ten ſhe was gone, and the lodgings ſtripped; the priſoner Brown was with her, he followed her up ſtairs; they were both gone before ten o'clock; we found the ſheets on the woman at one Dixon's, a pawnbroker in the Strand; ſhe was carrying them to pawn; we found nothing elſe upon her; the man was waiting for her at the front door; the reſt of the things were brought by another woman: after the priſoner was brought before the Juſtice and committed, the priſoner Brown came to her, and brought her a glaſs of brandy and water; he was taken, and denied any knowledge of it; I ſaid I could ſwear to him; then the Juſtice called the woman who brought the things, and aſked her who brought them, and ſhe ſaid, him, in the preſence of Brown; he then confeſſed he was a confederate with her, and he begged for mercy for the woman, and he would take all the puniſhment upon himſelf.

*Priſoner Brown.* Are you ſure you ſaw the priſoner that night come into your houſe, and go up ſtairs?—I am.

—— ADAMS *ſworn.*

Theſe things were put into my poſſeſſion at the office.

*(The things depoſed to.)*

THOMAS WHICHMARSH *ſworn.*

I ſaw the woman priſoner at the pawnbroker's; ſhe had the things in her handkerchief; the proſecutor ſtood at the back door, I went in at the front door; ſhe was then in the ſlips.

*Proſecutor.* I ſaw her throw them down.

PRISONER MARY DIXON'S DEFENCE.

I was to give her four ſhillings and ſixpence a week; I told her I was in great diſtreſs, on account of a child dying; that I could not come till next week; ſhe ſaid I was welcome to make any uſe of the things in her room, ſo as I replaced it in the next week; I told her I would replace it on the Monday morning; the proſecutor ſaid, if I could get four or five guineas, he would never appear againſt me; I wrote him a letter when I heard that, that if it pleaſed God, when I had got my liberty, when it was in my power, I ſhould make his wife a preſent.

PRISONER BROWN'S DEFENCE.

I never was near the place; I went to give her a glaſs of brandy and water, when ſhe was committed; there are two gentlemen of the Jury that know me perfectly well.

Serjeant THOMAS BROWN *ſworn.*

I am in the third regiment of Guards; I am no relation of the priſoner; he has been in the company I belong to, three or four years; I know him well; his character has been exceeding good with us, and he brought an exceeding good character from General Elliot's Light Dragoons; he was a ſerjeant in that regiment.

MARY DIXON,
MATTHEW BROWN, } GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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498. WILLIAM PEARCE was indicted for feloniouſly ſtealing, on the 17th day of May, one piece of ivory, value 16s. another piece, value 1s. 4d. another piece, value 1s. 9d. another piece, value 9s. 9d. the property of Nathaniel Gardener and James Prieſt.

JAMES PRIEST *ſworn.*

The priſoner confeſſed taking my ivory, and he told me that was the firſt he had ever taken from me; I told him he was a ſervant I had put a deal of truſt and confidence in, and there was no doubt but he had robbed me exceedingly; he was continually in our houſe; he confeſſed taking them on the Wedneſday.

JAMES WOODLAND *ſworn.*

I am journeyman to the proſecutors, they are in partnerſhip; I am employed to ſaw their ivory; I ſwear to one of the pieces of ivory.

JOSEPH SMITH *ſworn.*

I produce the ivory; I received theſe four from the priſoner, and the large piece my apprentice bought the day before, when I was in the country; his name is Henry Aiſtrop.

HENRY AISTROP *ſworn.*

I know this piece of ivory; I ſaw it before; the priſoner brought it to my maſter on Tueſday the 16th.

*(The ivory depoſed to by the Proſecutor and his man.)*

*Proſecutor.* It is an article in which we may be robbed of three or four hundred a year, and not know it, till we make up our accounts.

*Priſoner.* I have nothing to ſay; I was very much in liquor.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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499. GEORGE FLETCHER was indicted for feloniouſly and burglariouſly breaking and entering the dwelling-houſe of Dudley Bagley, about the hour of ſeven in the evening, on the 18th of March, and feloniouſly ſtealing therein two pair of men's leather boots, value 3s. three pair of ſhoes, value 2s. one ſhoe, value 6d. a woman's ſhoe, value 1d. a knife, value 2d. a pen-knife, value 2d. one ſhoulder-ſtick, value 1d. his property.

DUDLEY BAGLEY *ſworn.*

I live at Mr. Good's, Edward-ſtreet, Portland-chapel; I have an apartment in his houſe; on the 16th of March laſt, between ſeven and eight in the evening I went out and locked the ſhop door, I put the key in my pocket, before I came home, my wife came and told me the ſhop was robbed, I went immediately and found it ſo, I found ſome of the ſhoes on the ground, one ſhoe in particular with the name withinſide Miſs G. Frankland; I returned to my ſhop about eight, there was a pair of boots, with the name Robert Beckford Eſq; wrote withinſide; another pair of boots, with the name lieutenant Lane on the inſide; there was two pair of women's leather ſhoes, and another pair of ſtuff ſhoes which had no name.

—— COOPER *ſworn.*

I bought this pair of ſhoes of this priſoner, who is a cobler; he ſent to me and told me he had a pair of cheap ſhoes which he could ſell for two ſhillings and ſixpence.

*(The ſhoes depoſed to.)*

### PRISONER's DEFENCE.

I bought the ſhoes and boots, and ſome old leather, the man aſked me half a crown, and I gave him two ſhillings; and I ſoled and heeled them ſhoes, and ſold them to that gentleman.

GUILTY *of the Felony only.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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500. GEORGE BUCKLEY and FRANCIS OTHELLO were indicted for feloniouſly ſtealing, on the 23d day of May, ten pounds weight of leaden pipe, value 14d. belonging to John Stephens, and affixed to his dwelling houſe, having no claim, title, or claim of title thereto.

*A ſecond count*, for feloniouſly ſtealing, on the ſame day, one boiling copper, value 20s. belonging to the ſaid John, affixed to a certain out houſe of the ſaid John.

*A third count*, for feloniouſly ſtealing, on the ſame day, one iron frying pan, value 1s. one padlock, value 3d. his property.

JOHN STEPHENS *ſworn.*

I live in Great Warner ſtreet, Coldbath Fields; on the 23d of May, at four in the morning, I was called out of my bed; I came into the yard, and found the copper gone out of the brick work, and taken into the back yard; its value was twenty ſhillings; I found a piece of lead pipe laying cloſe to the wall of the dwelling houſe, it appeared to be juſt freſh cut off; I found the padlock which faſtened my place wrenched off cloſe to the ſide of the gate in the yard, and the frying pan I found in the copper; I went to the watch-houſe and ſaw the priſoners there.

JAMES STEEL *ſworn.*

I was watchman at this time; I was upon duty; and the priſoners came by between three and four, they ſaid good morning; I watched them and ſpoke to them; one of them was ſtanding againſt the wall, and they made over the wall as ſoon as I ſpoke, and came through a houſe, and I took them at the door.

MARY BOAK *ſworn.*

I was alarmed about four in the morning by the watchman; I got up to the window and I ſaw the two priſoners upon the wall, at the end of our yard; I ſaw the priſoners come over the wall into our garden; they came acroſs our yard, and opened the yard door and came into the houſe; and a perſon from the other ſide of the wall called out; and they came into our houſe; and they might be there ten minutes; and the watchman took them.

*William Lee the headborough* took the priſoners to the watch-houſe, and found the things at the proſecutor's houſe as he deſcribes.

*(The things produced.)*

PRISONER OTHELLO's DEFENCE.

We were going to ſeek for work, and met the watchman; and we ſaw three men come out of this yard; and we were dry, and went in there to get a drink, and the watchman took us; he came with his drawn hanger, and ſaid, now d—n you I have you; and he frightened us.

PRISONER BUCKLEY's DEFENCE.

I ſay as he ſays.

*Court to watchman.* Did you ſee any body elſe about the premiſes?——No.

Had you your hanger drawn?——Yes.

*Court to Jury.* By a late act of parliament, removing theſe things with intent to ſteal, is felony.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

---

501. JOHN WILLIAMS was indicted for feloniouſly ſtealing, on the 29th day of May, one callimancoe petticoat, value 5s. the property of Matthew Hade.

*Joſeph Robinſon* ſaw the priſoner take the petticoat from the proſecutor's window, and took him in Queen-ſtreet, with the property in his hand.

GUILTY.

*To be publickly whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

---

502. WILLIAM GRIST, JOHN BAMBER, and JOHN SHEMMELL were indicted for feloniouſly ſtealing, on the 9th day of May, four mahogany planks, value 5l. one plank of fuſtick wood, value 5s. two pieces of beech, value 4s. five pieces of ebony, value 8s. one mahogany board, value 15s. and one ditto, value 14s. the property of Robert Campbell.

ROBERT CAMPBELL *ſworn.*

I was called out of bed by one John Nunn, who had been a ſervant of mine, who had the care of my yard about a year ago; he ſaid he had been up ſooner than ordinary, and in St. Andrew's-ſtreet, he was ſurpriſed to ſee three men come out loaded with mahogany, and wood, Andrews, Bamber, and Shemmell; the priſoners Griſt and Bamber were employed in my ſervice, repairing a ſhop, together with Andrews, who is not in cuſtody; I went with Nunn, he ſhewed me a houſe in Dyott-ſtreet where they went in; I did nothing till the next day; then I got up early in the morning, and watched Andrews and Shemmell in deep converſation for a quarter of an hour, they did not ſee me; juſt before ſix, Andrews went to his work, I followed Shemmell to the place that Nunn had ſhewn me; I got a conſtable, and he took up Bamber; I went in the afternoon and Shemmell was at work in the back yard; I did not find any mahogany there, I ſaid, Mr. Shemmell you may as well tell, for you do not know what proof I have againſt you, and what the law will grant, you ſhall have it.

*Priſoner Shemmell.* The words were that I was not to be taken from my family.

*Proſecutor.* I never ſaid any ſuch words, Umpage and Nunn were preſent and heard me; Shemmell ſaid, if I would go with him to his houſe, he would ſhew me, and he took me to his houſe in Greſſe-ſtreet, and there I ſaw the things in the indictment; I knew the planks. (*Depoſed to.*) He confeſſed taking one of the planks, and that the others were mine.

*Mr. Garrow, priſoner Shemmell's counſel.*

Did you tell the priſoner, that if he made a confeſſion, the clearer it was, the more lenity he ſhould have?——I ſaid the more free he was in making his diſcovery, the more lenity he ſhould expect.

*Mr. Peat, priſoner Griſt's counſel.* How do you know that mahogany from a great quantity that is in this town?——Becauſe that board has been through my hands ſeveral times; it was cut in my ſhop; I had the whole tree.

Should you have known it at any diſtant place?——No.

## JOHN NUNN *ſworn.*

I aroſe between five and ſix on the 9th of May, I ſaw the priſoner Shemmell with that big plank on his ſhoulder, John Bamber came after him with two boards; I ſaw them go into a houſe in Dyott-ſtreet; Shemmell carried his plank into his door; Shemmell came out and helped Bamber in with his two boards, and Shemmell aſked Bamber if Andrews was coming? Bamber ſaid yes; then I met Andrews with two pieces of beech on his ſhoulder; I went directly to the proſecutor, and told his ſervant, and the ſervant called him up, and I went and ſhewed him the houſe where the boards were put, and we went away; I ſaw the proſecutor the next morning, and we went to this houſe and ſearched it; I went the next morning after Bamber was taken, Shemmell was in the yard of the houſe.

What did the proſecutor ſay to Shemmel?——He aſked him if he had not got ſome mahogany; he told Mr. Campbell where it was; Campbell ſaid to him, he ſhould be glad if he could find the wood, and Shemmell ſaid, if he would go along with him, he would ſhew him the wood; Campbell ſaid to him, he had better be free and open, and he ſhould have all the mercy the law would allow him; we did not find theſe planks in the houſe where they went the morning before, but we went with Shemmell to his houſe, the proſecutor and me, and John Shemmell, went to Shemmell's houſe, there we found ſome mahogany planks, I cannot ſay particularly how many, but there are four two inch planks, and a great many boards, planks that had been cut, they was the ſame kind I ſaw Bamber and Shemmell carry off the day before, I ſaw only three planks carried.

*Mr. Garrow.* Did you go to Shemmell the firſt time with Mr. Campbell?——Yes.

What did Mr. Campbell ſay to him?——Campbell deſired he would let him know where the wood was, and he ſhould have all the mercy the law would allow him.

Did you hear Mr. Campbell examined here to day?——No.

Did not Mr. Campbell ſay, he would not hurt him, that he would do all in his power for him?——I do not remember.

Had not Campbell told him ſo before he ſaid any thing upon the ſubject?——I did not hear any ſuch word; I do not believe he did.

You never heard Campbell ſay he was innocent, and had been taken in?—I do not remember.

### JOHN UMPAGE *ſworn.*

I took him into cuſtody; I heard no promiſes; there were four mahogany planks, and a great quantity more.

Did Shemmell ſay any thing about his having carried it?——I never heard him ſay that.

*Mr. Garrow.* Tell us all that Shemmell ſaid about Griſt?—He told me where Griſt lodged.

Did not he tell you that theſe goods had been ſold to him as goods that had been diſtrained for rent?——Yes, he told us that certain perſons among whom was Griſt, had ſold him theſe goods, which were taken in diſtreſs for rent.

He told you of one Andrews too?——Yes, he is gone away.

*Nunn.* He ſaid the people told him they were taken in diſtreſs.

### PRISONER SHEMMELL'S DEFENCE.

With reſpect to theſe planks here, I was going by in Queen-ſtreet, Seven-dials, I ſaw Andrews and Bamber coming up, and Andrews deſired me to take theſe things and put them by; I readily took that plank from him as I knew him.

*Priſoner Bamber.* I thought my memory would fail me, and I have penned a little bit down.

*(His defence read.)*

Some time in the beginning of May laſt paſt, having been at work for Mr. Campbell, about a fortnight, under the direction of Thomas Andrews, in the capacity of a carpenter, in repairing an old building calculated for work ſhops; on Tueſday the 8th of May, coming to my work, which was in Neale's-yard, near the Seven-dials, rather before ſix o'clock in the morning, in Crown-ſtreet, I met Andrews and a man whom I never ſaw before, with ſome pieces of boards, and two pieces of beech, Andrews, ſeeming glad to ſee me, ſaid, here John, take theſe two pieces of boards, which was mahogany, and come along me; I went as far as Dyott-ſtreet, St. Giles's, the ſtranger went before us, about three parts up the ſtreet, Andrews took the two pieces of boards from me, and gave me the keys of the work ſhop, and told me to go to work, and he would follow me, which he did; in about half an hour, curioſity led me to enquire of Andrews who that man was that was with him, and he to deceive me, that I ſhould not be acquainted with his foul actions, told me, the man that was with him was our maſter's chair-maker, and made them at his own ſhop, but by the piece; where the ſtuff came from, it is out of my power to tell; the premiſes when I came to work was entirely open to the ground, and when we incloſed the bottom part, the foreman, Andrews, kept the keys from morning till night; he was always before me in the morning, and after me in the evening, which there is no doubt from what I have ſince known, that his depredations were done in my abſence, if there were any. It is to be obſerved, that the foreman Andrews had the whole and ſole care of the job, buying the ſtuff, cutting and converting it as he thought proper; and likewiſe paid me on a Saturday night; and upon my refuſal of his orders, I muſt have loſt the job. On Wedneſday morning, May the 9th the neighbours acquainted me that ſomething was the matter, as they had ſeen my maſter, and ſome of Sir Sampſon Wright's men about the place; confident of my innocence of ever doing wrong knowingly, I kept to my work till two o'clock; but I miſſed Andrews about ten o'clock, who no doubt conſcious of his guilt, made his eſcape, leaving all his tools behind him. I had all the opportunity in the world of making my eſcape, but my innocence was my protection; Andrews as I am informed was three months there, I only a fortnight. Having been carried to Bow-ſtreet office, I ſaw a man brought in by the name of Shemmell, on ſuſpicion of receiving mahogany that was ſtolen from Mr. Campbell, and on his confeſſion before the magiſtrate in Bow-ſtreet, he poſitively declared that I was innocent, and that I never had any dealings with him whatſoever, he being an utter ſtranger to me, and I have no doubt but he ſays ſo now; the whole of this being ſtrictly true, by the help of God, and the clemency of the worthy Jury, I may hope to be acquitted; I was never before a Magiſtrate before this time during the whole courſe of my life, which is fifty-ſix years; and having a numerous offſpring unprovided for.

*Proſecutor.* Andrews had worked for me eighteen months, Bamber a fortnight.

*Mr. Garrow.* Do not you apprend that Andrews was the perſon that ſtole theſe things?——No more than the reſt.

Shemmell did not work at the yard?—No.

So that he himſelf had no opportunities of ſtealing them?——I underſtand they were altogether in my ſhop.

*Court.* Were theſe four planks in the place where Bamber worked?——Yes.

Were they in ſuch ſituation that he could ſee them when he worked with you?—Yes, for all I know.

*Bamber.* I never ſaw them in my life.

*Nunn.* They appeared to come from Campbell's ſhop.

*The priſoner Bamber called four witneſſes who gave him a very good character.*

*The priſoner Shemmell called three witneſſes who gave him a very good character.*

WILLIAM GRIST, NOT GUILTY.

JOHN BAMBER, } GUILTY.
JOHN SHEMMELL, }

*Both recommended by the Proſecutor.*

*Each to be impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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503. WORMBLY WARMSLY and JOHN SIMPSON were indicted for feloniouſly ſtealing, on the 24th day of May, one cloth coat, value 20s. the property of Thomas Perry.

Mr. PERRY's Servant *ſworn.*

I was in my maſter's carriage; I loſt my coat on Tueſday the 24th of May, about ſix in the afternoon; it was taken out of the carriage at North End; it was a box-coat; I ſaw the priſoner Warmſley run over the heath with the coat under his arm; I ſaw him about three hundred yards off with the coat.

—— NELKIN *ſworn.*

I ſaw the priſoner Warmſley going over the common with the coat under his arm; I told my brother to ſecure him; he is not here; I came to him, and he had hid the coat in a hole upon the common; this coat was about ten or a dozen yards from where he was taken; I obſerved the lining of it, which appeared to be red, and gave me a ſuſpicion it was a livery coat; he was taken in ten or a dozen minutes after; I came up in a minute, and purſued him.

Do you know any thing of Simpſon?—No; I only ſaw them together the day before.

*Mr. Garrow.* Walking along?—Yes.

JOHN FULLER *ſworn.*

Laſt Tueſday week, in the evening, a little after five, I ſaw two men walking on Hampſtead Heath, and I ſaw one throw a bundle into a gravel-hole, but what it was, I do not know; it was the two priſoners, they were together.

Were they walking or running?——I ſaw the priſoner Simpſon get into a hole, and the other priſoner ſtood by the hole till he came out; in about half a minute after Simpſon came out of the hole, I ſaw them walk up the hill both together a quarter of a mile; they were taken in a minute; I went up to them after they were taken; I ſaw the coachman coming on horſeback over the heath, as hard as he could ride; he met me; I ſaid, have you loſt a coat? he ſaid, yes; I then ſaid, I know where it is; I ſhewed him the hole that Simpſon came out of, and there was the coat almoſt covered over with gravel; this is the coat; it has been in my poſſeſſion ever ſince.

(*The coat depoſed to.*)

*Mr. Garrow.* You was the diſtance of four or five hundred yards?—Yes; I was digging of gravel; I was looking round me, reſting myſelf; I ſtood over a pit; I was ſome yards nearer than the coachman was when he ſet out firſt.

PRISONER SIMPSON's DEFENCE.

Laſt Wedneſday was a week, I walked up to Hampſtead; I met the priſoner by me promiſcuouſly on Hampſtead Heath; I know nothing of the coat.

*The priſoner Simpſon called four witneſſes to his character.*

PRISONER WARMSLEY's DEFENCE.

I was running after a rabbit with this man, and we tried to catch it; I never ſaw the coat.

*The priſoner Warmſley called one witneſs to his character.*

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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504. **ABRAHAM SOLOMONS** was indicted for feloniouſly ſtealing, on the 22d day of May, forty-eight fiſh, called haddock, value 6s. the property of Dennis Harley and Eleanor Connolly.

**DENNIS HARLEY** *ſworn.*

On the 2d of May laſt, I went to buy ſome fiſh at Billingſgate; I bought two baſkets of haddock, I gave ſix ſhillings for them; I gave the priſoner the baſket; he was to carry them to the Roſe and Crown; I clapped the baſket upon his head myſelf, and I thought I had not *a ſmall penny* about me, and I turned back to get one, and while I was turning to get a penny from my partner, he run away with the fiſh; I never got the fiſh, nor the money for them; *I am ſure that is the boy, but I do not ſee his face yet.*

Then how can you know?——I ſee him *now*; yes, it is him.

*Priſoner.* You took up another before for carrying the fiſh; for I was at the Roſe and Crown with another man's fiſh, and this man came with two dozen of haddocks, and ſaid, you are the boy that carried my fiſh; I was in the houſe at the ſame time he came up.

*Proſecutor.* I employed this boy to carry the haddocks.

*Priſoner to Proſecutor.* Did you take up another boy for this thing?——No; after the priſoner run away with the fiſh, I employed another boy, and offered him a ſhilling to find this boy.

*Jury.* Did not that man accuſe another boy with the robbery?——No, I did not, indeed; I offered him a ſhilling and two ſhillings to find the boy.

**ELEANOR CONNOLLY** *ſworn.*

I am partner with Dennis Harley in the fiſh buſineſs; I paid the money for the fiſh, and delivered it to the boy, and I deſired him to count them into his baſket, and he told me they were right, and I told him to go to the Roſe and Crown; I ſent my partner Harley after him; he turned back to me for a penny, and while he came to me for the penny, the boy was gone; I run up as faſt as I could, and in about ten minutes I found the boy out; he denied it then; I am ſure that is the boy; I delivered the fiſh to him.

**SAMUEL BULLOCK** *ſworn.*

I am the conſtable; I was ſent for to take up the priſoner; we went to find the boy with the fiſh; he had a flannel waiſtcoat on; as there were more Jews round about, I thought it was beſt to keep him in cuſtody, and take him to the Compter.

*Priſoner.* The woman ſaid, one of theſe boys had got the fiſh.

*Connolly.* I am ſure that is the boy; I never took any other boy.

*Priſoner.* She took up me, then ſhe let me go, and then ſhe took up another boy, and ſaid it was him.

**HENRY JOSEPH** *ſworn.*

I was in cuſtody at the Roſe and Crown; he *down ſwore* that I was the thief.

*Harley.* This is the boy I offered a ſhilling to, to find the priſoner out.

*Joſeph.* Says he, I will give you a ſhilling, if you will bring me my fiſh.

*Harley.* He ſaid he was a thief and pickpocket; is not that the character you gave of him?

*Joſeph.* He ſaid, I will give you a ſhilling, if you will find the boy that ſtole the fiſh.

*Court.* Then, you was not in cuſtody?——He held me faſt an hour at the Roſe and Crown.

**SAMUEL SAMUEL** *ſworn.*

I am no relation to the priſoner; I buy and ſell fiſh; I know they took up the priſoner firſt, and kept him ten minutes, and then afterwards let him go, and they took up this carotty boy; I told the carotty boy if he would bring the fiſh, I would give him a ſhilling.

*Court to Harley.* Did you let the boy go?——I did not part with the boy, till I gave him to the conſtable; I only let him looſe once; I never let him go at all.

*Samuel.* He was releaſed; he was taken firſt, and came back with half a hundred of mackerel, and then they took him; he was taken at the Roſe and Crown at firſt, and afterwards he was let go again.

*Harley.* I took him at the Roſe and Crown, and there I kept him till the conſtable came.

*Court to Harley.* When did you firſt apprehend this boy?——I took him in the market; I was about ten minutes looking for him; I brought him into the Roſe and Crown, and never parted with him till the conſtable came.

*Samuel.* As I am a living man, he brought in half a hundred of mackerel after they charged him, and he took up that carotty boy after that; then they let the carotty boy go.

*Court.* Pray, Mr. Samuel, have not you been here before?——Yes, laſt ſeſſions.

Did not you give an evidence?—Yes; the man was acquitted.

*Mr. Alderman Plomer.* I know him very well, he lives in my neighbourhood; I do not believe he tells truth now.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Juſtice* WILLES.

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505. **GEORGE ROSIER** was indicted for feloniouſly ſtealing, on the 15th day of May laſt, four buſhels of coals, value 3s. the property of John Howard and Co.

**JOHN HOWARD** *ſworn.*

On the 15th of May, we had a barge, left on board the ſhip all night; in the night the mate detected a man ſtealing the coals; he is here.

**WILLIAM MARN** *ſworn.*

I was coming on board after ten; I ſaw the priſoner lay by the craft, and I ſuſpected him, and looked after him; he made his boat faſt to the craft, and began to hand coals out; I ſaw the priſoner on board this craft, and ſaw him take four buſhels, or upwards; I went down to the craft, and took him directly.

**GEORGE FORRESTER** *ſworn.*

I took the priſoner into cuſtody; he acknowledged the fact, and ſaid he had a family.

Had you or the mate told him you would ſhew him any favour?——No; nor he was not frightened; he confeſſed it voluntarily.

**PRISONER's DEFENCE.**

I went over the water, and as I was coming through the tier of ſhips, the lighterman aſked me to give him a caſt over; he gave me about half a buſhel of coals; there was not above half a buſhel, *between God and man.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

506. ELIZABETH GRIFFITHS otherwiſe BURKETT was indicted for feloniouſly ſtealing, on the 24th day of October laſt, one linen gown, value 6s. a ſtuff petticoat, value 3s. a muſlin apron, value 18d. a cloak, value 2s. a pair of ſtockings, value 12d. one flat iron, value 6d. the property of John Webber.

**ELIZABETH WEBBER** *ſworn.*

I am wife of the proſecutor; I loſt the things mentioned in the indictment; on the 24th of October laſt; they were loſt from Black-ſwan-court; the priſoner lodged in my one pair of ſtairs; ſhe took a ready furniſhed room of me, but theſe things were taken out of my own apartment; ſhe lodged with me three weeks; on the 24th I went in ſearch of her; and found my gown at Mr. Bray's in her name for three ſhillings, ſhe left my houſe that night; I never ſaw her till ſhe was apprehended; ſhe told me her huſband was a ſhoe maker, her huſband lived with her all the while.

*Priſoner.* Have not you other lodgers in the houſe, who continually come in at two or three in the morning?—I had, but not at that time.

**PHILIP CROCKER** *ſworn.*

I live with Mr. Bray the pawnbroker; I took a gown of the priſoner; it has been in my cuſtody ever ſince.

(*Depoſed to.*)

*Proſecutrix.* Here are the cuffs.

*Pawnbroker.* There were no cuffs to the gown; ſhe ſaid it was her own; ſhe lived in Golden-lane; ſhe pledged it in the name of Burkett.

*Mr. Juſtice Willes.* Did the huſband live with her all the time?——Yes.

And did he quit the lodgings when ſhe quitted it?—Yes.

*Priſoner.* I lived there about ſeven years ago, and there were other lodgers continually, two other people pawns in that name that the pawnbroker knows.

*Pawnbroker.* I am ſure that is the woman that pawned the gown.

GUILTY.

*To be confined to hard labour ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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507. WILLIAM WILLIAMS, WILLIAM DAY, and GEORGE LAMBERT were indicted for feloniouſly ſtealing, on the 14th day of May laſt, ſix pair of iron tongs, value 2s. one pair of copper ſcales, value 1s. twenty keys, value 3s. four tools, value 1s. and one iron ſteel-yard, value 1s. the property of Robert Hardwick.

**ROBERT HARDWICK** *ſworn.*

I am a ſmith, I live in Goſwell-ſtreet; on the 14th of May laſt, I loſt the things mentioned in the indictment; I only prove the property.

**JANE EVANS** *ſworn.*

On the 14th of May I was at my window dreſſing myſelf; the priſoner Day put theſe things towards the neceſſary; I ſaw the priſoner coming; he went to the neceſſary with the bag, and brought his bag back and made an apron of it; after that theſe things were thrown in the neceſſary, the three priſoners were all together with the bag; after that, there was a ſack drawn in by ſomebody, I do not know who it was drawn in by; I did not ſee any body touch them, but I ſaw them move off; then they came out and looked about, and he went in again; preſently he came out and another of the priſoners followed him out, and he came and ſat down, and the other followed him; there was another in the neceſſary making believe to be aſleep, that man that was in the neceſſary, turned evidence.

**CHRISTOPHER MEARS** *ſworn.*

I was the conſtable; I was ſent for to take charge of the priſoners; I took them to New-priſon.

**WILLIAM GRINN** *ſworn.*

On Sunday morning the 14th of May, I heard the cry of ſtop thief; I am a patrol; I had juſt got off my clothes and was going to bed, I ſlipped on my clothes and run to the ſtairs directly; I ſaw the two priſoners Lambert and Williams; I heard there was ſome thieves that had left a bag in Adam and Eve-court; I purſued the priſoners and took Lambert, I ſearched him and found nothing upon him; when I came to the court, I undid the bag; I ſtopped Lambert, and afterwards I took Williams, they were all three together; they owned they had been together, and found this bag; nobody promiſed them any thing; nothing more paſſed than going to priſon, one of them ſaid, for God's ſake, ſay nothing about me, I ſaid, I would not; the bag with all theſe things in it was produced to the priſoners, and they ſaid, they had found it near Old-ſtreet, one of the three was in the yard when it was found; I ſaw the priſoner Day make his eſcape out of the yard, on Monday morning I was taking a walk in Biſhopſgate-ſtreet, about half after nine, and I ſaw Day juſt at the pump, and I ſaid to myſelf there is one that is wanted, and I took him and lodged him in Wood-ſtreet compter.

*Evans.* I ſaw them in Adam and Eve-court in the neceſſary.

**——— JAMES** *ſworn.*

I took Lambert in Adam and Eve-court, and I ſaw Day make his eſcape.

*Evans.* I am ſure as to the perſons of the three priſoners.

*The three priſoners in their defence ſaid,* they found the ſack and brought it in the publick houſe to ſee if any body would own it.

*The priſoner Lambert called three witneſſes to his character.*

WILLIAM WILLIAMS,
WILLIAM DAY, } GUILTY.
GEORGE LAMBERT,

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

508. **SAMUEL SPARKES** and **JOHN MORGAN** were indicted for feloniouſly ſtealing, on the 2d day of May, ſeven linen ſhifts, value 28s. two linen ſhirts, value 20s. fifteen wooden pegs, value 1d. and one hempen line, value 2d. the property of William Yeatman.

**MARY YEATMAN** *ſworn.*

I only prove the property; the things were loſt on the 2d of May, between three and four in the afternoon, it was a line with ſome clothes upon it in the garden; I had been there five minutes before, and ſaw the things; I miſſed the things mentioned in the indictment; they took part of the line away.

**——— MUMFORD** *ſworn.*

The priſoner cut the line down at each end, and brought the line and clothes away together, they were wrapped round the body of Sparkes; only one got over; I jumped over the rail, and when I got up to him he dropped the clothes from round his body; he ran away, I ran after him, he turned upon me when he found he could get no farther, Mr. Morgan came up to his aſſiſtance, he ſaid, what have you got to do with me, Sir, ſays I, you have no right to them clothes; I collared him, he abuſed me very much, and I collared Morgan, a coal heaver came to my aſſiſtance; Morgan was in ſight when he took the clothes, they were taken from him and given to the watchman; they are the ſame.

**JOHN BERRINGER** *ſworn.*

On the 2d of May I was ſent for to take them into cuſtody; I took poſſeſſion of the things.

*(The things depoſed to.)*

PRISONER SPARKES'S DEFENCE.

I was going to Kentiſh-town, and that gentleman took hold of me by the collar, and told me to carry them things back; I aſked him what things; I looked behind me and ſaw ſome linen.

**PRISONER MORGAN's DEFENCE.**

I was out of work, I went to Kentiſh-town to ſee for work.

SAMUEL SPARKES,
JOHN MORGAN, } GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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509. WILLIAM DIXON was indicted for feloniouſly ſtealing on the 11th day of May, one iron lock, value 8s. the property of Lady Mary Cooke.

**MARY COOKER** *ſworn.*

I ſaw the priſoner taking off the lock by Lady Mary Cooke's gate, he had not got it quite off; I got over a ſtile.

*Court.* This is an attempt to commit a felony.

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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510. ANN ROWEN was indicted for feloniouſly ſtealing, on the 8th day of May, one ſilk waiſtcoat, value 4s. the property of Jeremiah Lara.

**MARY LARA** *ſworn.*

I am wife of Jeremiah Lara; the priſoner and another woman came to my ſtand the 8th of May; I keep an old clothes-ſtand in the Change, Roſemary-lane, they bought a petticoat, and the priſoner took a ſilk waiſtcoat, I did not miſs it directly, but my next neighbour ſaw her take it, ſhe was brought back, and I ſaw the waiſtcoat taken from under her arm; it was marked five ſhillings; it was alſo marked with the two firſt letters of my huſband's name, ſhe ſaid nothing at that time, but ſeemed much confounded.

**MARY FLINN** *ſworn.*

I ſaw the priſoner come up to Mrs. Lara's ſtand and take a waiſtcoat; I am ſure of it, ſhe moved about two yards; I followed her, and lifted up her cloak, and took the waiſtcoat from under her right arm.

**MOSES BROWN** *ſworn.*

I am the conſtable; I took charge of the woman and the waiſtcoat; I ſaw the waiſtcoat taken from her, this is it.

*(Depoſed to.)*

**PRISONER's DEFENCE.**

I cannot ſay I know any more of it than the very moment I ſhall die.

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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511. THOMAS LIVINGSTON and MARY WINTON were indicted for feloniouſly ſtealing, on the 19th day of May, one cotton gown, value 5s. two check aprons, value 4s. the property of James Thomas.

**ANN THOMAS** *ſworn.*

I am wife of James Thomas; I loſt the property on the 19th of laſt month out of a yard belonging to Mr. Jones's, the Roſe and Crown, Hammerſmith; I lodge there, I miſſed them about one in the afternoon; I found them in about half an hour after they were loſt, the gown was found wet in the woman priſoner's apron, and two coloured aprons in the man's breeches; they were found in Bell-lane, between Hammerſmith and Chiſwick; a neighbour thought ſhe had ſomething more than her own; we found the priſoners in Bell-lane with the property upon them; they were ſtopped by Horatia Finch; the gown was in the woman's apron, and the aprons in the man's breeches; they were about eight yards diſtance from each other; they are my property, I am ſure of it.

**HORATIA FINCH** *ſworn.*

I took the priſoners with the things as before mentioned.

**RICHARD EDWARDS** *ſworn.*

I heard the cry of thieves; I took charge of the priſoners, and the things, I have had them ever ſince.

*(The things depoſed to.)*

*Edwards.* I was preſent; they are the ſame things that was found on the priſoners.

*Priſoner Livingſton.* I am very innocent.

*Priſoner Winton.* I picked up the gown.

THOMAS LIVINGSTON, GUILTY.

*To be tranſported for ſeven years.*

MARY WINTON, GUILTY.

*To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

512. PETER HOLTON was indicted for feloniouſly ſtealing, on the 22d of May laſt, one inlaid mahogany knife caſe, value ten ſhillings, twelve green ivory handled knives and forks, mounted with ſilver, value 30s. ſix deſert ditto, value 25s. the property of Adam Hobkirk, in his dwelling houſe.

ELIZABETH BROOKS *ſworn.*

I am ſervant to the proſecutor; on the 22d of May laſt, my maſter loſt an inlaid mahogany caſe, with a dozen table knives and forks, and ſix deſert knives and forks, they were green ivory handles, mounted with ſilver, the large forks had three prongs; they were in a front parlour, they were loſt on Monday ſe'night.

—— MARTHWAITE *ſworn.*

About five in the evening, on Monday the 22d of laſt month, the priſoner brought this caſe to me, and wanted to pledge it with me for nineteen ſhillings, he ſaid, he brought it from Mrs. Long, Tottenhem-court-road, No. 35, a lady that he drove; I gave my young man the money to go to Mrs. Long, and ſee that it was right; he objected to that, and wanted the knives again, I would not let him have them, then he wanted to get away; I ſent for a conſtable, and ſecured him, I attended him to the Juſtice, there he gave pretty near the ſame account, and he wanted to ſend for her; I went myſelf to No. 35, and could find no ſuch perſon, he was committed for further examination.

*Court to Mrs. Brooks.* Look at that caſe? ——It is the ſame, I know it by the grain of the wood going this other way, and the ſhopmark is there, it was bought in Ruſſell-ſtreet, Covent-Garden.

PRISONER's DEFENCE.

I had it from a woman.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* HOTHAM.

513. DOROTHY HARGRAVE was indicted for feloniouſly ſtealing, on the 20th day of February laſt, one India coverlid, value 10l. eleven callico ſhirts, value 11l. two china baſons, value 12d. the property of James Dainty, in the dwelling houſe of William Whaley.

*The parties called on their recognizances, and not appearing, the priſoner was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

514. ISABELLA MATTHEWS otherwiſe MOORE was indicted for feloniouſly ſtealing, on the 2d day of May laſt, one ſilver watch, value 20s. one metal chain, value 6d. and two metal ſeals, value 6d. the property of a perſon unknown.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

515. JOHN WILLIAMS was indicted for feloniouſly ſtealing, on the 5th day of May laſt, one pair of leather ſhoes,

value 4s. a ſilk handkerchief, value 6d. a plaited ſhoe buckle, value 8d. the property of Robert Payne.

### MARY PAYNE *ſworn.*

I loſt the things mentioned in the indictment; he lodged at our houſe; he came as a bricklayer's labourer; he was ſitting in the kitchen eating his bread and cheeſe, he had been there three or four hours; the ſhoes were under a pair of drawers, the buckles were in them; about twelve or a little better he began to move, and I found this buckle on the hearth; he went out, he could reach the drawer without getting up; he went round the houſe; I beckoned him, and he came in, I ſaid, you rogue, you have robbed me, deliver my property; I ſhewed him the buckle I found; nobody was in the houſe but him and me, he ſaid, "me have got no property of yours;" then Mr. Boſtock came down, and he was ſearched, and one of my ſhoes dropped from him; two men's ſhoes were found upon him and and a woman's ſhoe.

### THOMAS BOSTOCK *ſworn.*

Depoſed to the ſame effect.

### CHARLES DORMER *ſworn.*

I ſearched the priſoner; I found in his trowſers pocket two ſhoes and a handkerchief, and a buckle, they have been in my poſſeſſion ever ſince.

*(Depoſed to.)*

### PRISONER's DEFENCE.

I was quite drunk.

*Proſecutrix.* I really believe he was ſober.

*Court.* How long had he been eating his breakfaſt?——From a little after ten till paſt twelve; he had a halfpenny worth of bread, a halfpennyworth of cheeſe, a halfpennyworth of onions, and a halfpenny of ſmall beer.

*Priſoner.* I had ſome gin and twopenny becauſe it was a wet morning, it rained very hard; I did not ſee the ſhoes becauſe it was quite dark; I ſent for a pot of beer, I was quite knocked up.

*Court to Boſtock.* Did he appear to be quite drunk?——I do not know, by the colour of him; I could not tell whether he changed, or not.

*Dormer.* I rather think he had been drinking.

*Priſoner.* I have been a ſoldier in Sir Robert Rich's Light Dragoons, twenty-two years; I was drummer and trumpeter; I was down at Coventry; I could not get any work; I have a penſion of ſeven pounds twelve ſhillings, beſides what I get by labour in ſummer time.

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

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516. MARY NASH was indicted for feloniouſly ſtealing, on the 30th of April laſt, one linen apron, value 2s. a table-cloth, value 1s. a pair of thread ſtockings, value 1s. a handkerchief, value 1s. the property of William Jobſon.

*(The witneſſes examined ſeparate.)*

### MARY JOBSON *ſworn.*

I am wife of William Jobſon; I loſt the things mentioned in the indictment; they were my huſband's property; I lay in at the time; the nurſe carried down theſe things; I did not know the priſoner at the time; her apron was wet, as if wet clothes had been in it; ſhe was brought up ſtairs in the room where I was lying-in *(The things produced, and depoſed to.)* The priſoner ſaid ſhe run into our houſe to hide herſelf from a warrant; ſhe had an old ſhoe in her hand, ſhe ſaid ſhe was going to match it.

*Priſoner.* She told me there was a man and woman in the cellar before.

*Proſecutrix.* No.

### MARY WHITE *ſworn.*

Theſe clothes were in my care, and I took them into the kitchen to waſh; when I came down ſtairs, in about twenty minutes, I miſſed the things out of the tub; I took

I took up the lodgers in the houſe, upon ſuſpicion; I found the priſoner in the duſt-vault, ſtanding upright, and I ſcreamed out, and a perſon took her out of the place; the things were in the duſt; I did not ſee her throw them there; they were thoſe that were in the tub; ſhe ſtruggled with the conſtable very much, and he took out about fifty keys from her pocket; I ſaw the linen in the waſh-tub not a quarter of an hour before.

JOHN DYER *called, and not appearing, his recognizance was ordered to be eſtreated.*

ANN EVANS *ſworn.*

I ſaw the priſoner; and the proſecutor's nurſe challenged me and ſome other girl about the linen; I ſaid, look round, I ſaw a woman in the vault; I ſaid, lay hold of her; that was the priſoner; I took hold of her, and ſaid, come up ſtairs, for I ſhould have ſuffered, if you had not been found; the linen was found about a yard from the priſoner; when ſhe was in the duſt-hole, her apron was all wet.

*Priſoner.* I carried ſome money to a cow-keeper; my huſband was in trouble; my landlord took out an execution againſt me; I ran into theſe people's houſe, the door being open; I ſerve the people with milk.

*The priſoner called one witneſs to her character.*

GUILTY.

*To be privately whipped, and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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517. JOHN BRADFORD was indicted for feloniouſly ſtealing, on the 9th day of May laſt, one wooden tub, value 2d. and ſix pounds of butter, value 3s. the property of John Taylor.

JOHN TAYLOR *ſworn.*

On the 9th of May, about twelve at noon, a man told me I had loſt ſome butter; he ſhewed me the priſoner, with the butter on his head; I ran after him, and caught him.

JOHN PRICE *ſworn.*

I ſaw the priſoner with the butter, and informed the proſecutor; he went after him, and brought him back.

*Priſoner.* A man hired me to carry it.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* PERRYN.

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518. JOHN SIMMONDS was indicted for feloniouſly ſtealing ſixty-three pounds weight of lead, value 5s. the property of Thomas Foreman.

RICHARD BARFOOT *ſworn.*

Me and another patrol ſtopped the priſoner with half a ſieve, covered with a cloth; he ſaid it was garden-ſtuff; he pitched it, and I found it to be lead; he ſprung from me, and ran down the Minories; I have compared the lead to a houſe of Mr. Foreman's, and it fits the place; the nail-holes correſpond; one of theſe keys opens the ſtreet-door; we found theſe keys and theſe wall-hooks in his coat-pocket.

WILLIAM GOFF *ſworn.*

I was with the other patrol, and confirm his evidence.

THOMAS PENNINGTON *ſworn.*

I ſaw the lead compared, and it correſponded.

*Priſoner.* A man aſked me to carry it; he told me it was garden-ſtuff, and he put the key and things in my coat pocket.

*Jury.* How came you by theſe wall-hooks?——The man that lifted the baſket upon my head dropped them in my right-hand-pocket.

**GUILTY.**

*Tranſported for ſeven years.*

*Recommended to mercy.*

*Tried by the London Jury before* Mr. RECORDER.

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519. JAMES GADDERER was indicted for feloniouſly ſtealing, on the 27th of May laſt, one guinea, value 1l. 1s. the property of Thomas Lewis.

There was no evidence to put the priſoner on his defence.

**NOT GUILTY.**

*Tried by the London Jury before* Mr. RECORDER.

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520. JOHN INGLE was indicted for feloniouſly ſtealing, on the 4th day of May, one canvaſs bag, value 1d. one half guinea, value 10s. 6d. and ſix ſhillings and ſixpence in monies numbered, the property of William Frogley.

WILLIAM FROGLEY *ſworn.*

I was faſt aſleep at my own houſe, on the 4th of May, between eight and nine in the evening, in a chair, by the fire-ſide; my wife awaked me, and James Lukin, a lodger, as ſoon as ſhe found my pocket turned inſide out, and the button torn off; my wife and the priſoner and the children were there; I had in my purſe half a guinea, and five, ſix, or ſeven ſhillings; and my wife took the priſoner with a conſtable, with the purſe and the money; I was not quite ſober, nor in liquor; I know I had the purſe in my pocket.

MARY FROGLEY *ſworn.*

The priſoner ordered a pot of beer to my houſe; one of the children ſaid there was a fire, and he went out before me, and I followed him; he came in before me, and I went out to look; when I came in, I ſaw his hand come from my huſband's pocket; ſays he, *if I had been burned in the fire, I ſhould not have been here; but if I was to be hanged to morrow, it is my time come*; I ſtood talking to him a quarter of an hour, I had no apprehenſion he would rob me; I followed him and the watchman into the public houſe; his back was towards me; this was after the money was miſſed; I told the watchman that was the man that robbed me, and had my huſband's purſe; he then dragged out the purſe, and ſaid, that is Frogley's purſe, *I am all over done, I will be d——ned if I am not.*

*Priſoner.* Did not you pick your huſband's pocket yourſelf?—I took out ſome money for a quartern loaf; I put the purſe back again, and buttoned his pocket; I called the lodger.

JAMES LUKIN *ſworn.*

I went home very wet one night; I lodged with this man, and the woman cried out, for God's ſake, come down, *I am done*; I ſaw the proſecutor's pocket turned inſide out.

*(The purſe depoſed to.)*

PRISONER's DEFENCE.

This good man and I had been at work together; my wife was not at home; ſays he, you ſhall go to my houſe; the man dropped aſleep, and his wife picked his pocket of two ſhillings; the man ſaid, has any body picked my pocket; I ſaid, yes; ſays he, take my money till to-morrow morning, then you can give it me; he took out his purſe, and ſaid, here is half a guinea, eighteen pence, and four ſhillings and ſixpence I have of my own.

*Court to watchman.* When you went to the public houſe, did the woman aſk him if he had got her huſband's money?—She ſaid at firſt, this is my huſband's purſe, and I will ſwear to it.

Is it true, that inſtead of claiming the purſe, ſhe aſked him if he had got her huſband's money?—I did not hear her ſay ſo; after he dragged me out of doors, he ſaid, this is Frogley's purſe, and, ſays he, take it, and go and fetch Frogley.

*Priſoner.* I have ſome witneſſes to my character.

*The priſoner called one witneſs to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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521. JAMES BARTLETT was indicted for feloniouſly aſſaulting Richard Payne on the King's highway, on the 22d of April laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one man's hat, value 10s. his property.

RICHARD PAYNE *ſworn.*

On the 22d of April, coming to my mother's door, between ſeven and eight in the evening, I heard a noiſe in the alley; I looked out at the fore door, and ſaw four men in the alley, one of whom was getting over the wall into our yard, and the priſoner was aſſiſting him to get over that wall; he had him by the legs, when I firſt ſaw him, and was actually aſſiſting him; and I aſked him what they wanted; and the man dropped from the wall, and ſhammed drunk; I had a candle, I went and aſked them what they wanted there; the priſoner ſaid, d——n you, do you think we want to eat your wall; the priſoner then knocked me down, and beat me ſeverely about the head and body, and they cut me over the eye, which I ſuppoſe I never ſhall recover; I cannot read now or write five minutes together; in five minutes, my mother and ſiſter, hearing a noiſe, came down to the door; three of the men run away with my hat, which had been knocked off in the ſcuffle, and I ſecured the priſoner.

WILLIAM LONG *ſworn.*

On the 22d of April, I came down to Mr. Payne's houſe, to ſee his mother; he ſaw one of the men upon the wall, and he went out to him, and aſked them what they wanted there, and they d—ned him, and ſaid, did he think they wanted to eat the wall; then he collared one of them; the priſoner ſtruck him, and beat him very much about the head and body; they knocked off his hat, when they beat him about his head; I am ſure it was one of the men which ran away with the proſecutor's hat.

PRISONER's DEFENCE.

I had been to Knightſbridge, to a maſter I had uſed to work for; my maſter treated me with two or three pints of beer; I was intoxicated; and in going along, I commonly go through this alley to my father's, and there were three men ſtanding in the paſſage, and this proſecutor came up, and he ſpoke to the three men; I ſaid, what, was you going to eat the gentleman's wall; the gentleman ſaid, no; but I ſuppoſe you was going to rob the place; ſays he, you are one of the gang, d——n you; and the gentleman ſtruck me on the left eye, and immediately a battle enſued between the gentleman and I; both our hats were loſt, I could not find my hat; then he took me to the Juſtice's; I never ſaw any of the men.

*Proſecutor.* The inſtant the three men ran away, I ſaid, where is my hat? ſays my mother, them three men have run away with it; I miſſed it before them three people came up; this was a brick wall they were getting over, about ſix or ſeven feet high; we have been robbed ſix or ſeven times, about this time in the evening, of linen in the yard; the linen was in the yard, drying.

GUILTY

*Of ſtealing the hat, but not of the robbery on the highway.*

*Court to Priſoner.* It is the duty of the Court, in apportioning the puniſhment of your crime, to take into conſideration the aggravating circumſtances under which that crime is intended; it is perfectly clear, that you came with three aſſociates, with a purpoſe of committing a felony, that you was interrupted and proceeded to extremities of perſonal violence, in a manner indeed which did endanger the life of an innocent man, defending his own and his family's property; in the proſecution of that unlawfull purpoſe, and that groſs violence, a felony of another ſort has been committed by one of your aſſociates, for which the law wiſely makes you anſwerable; therefore the ſentence of the Court is, that you be

*Tranſported to Africa for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. Recorder.

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522. JONATHAN SHERBUD and JOHN RALPH were indicted for feloniouſly ſtealing, on the 18th day of May laſt, a boiling copper, value 30s. belonging to Lawrence Watſon, affixed in a certain out-houſe of his, uſed with his dwelling-houſe.

*A ſecond count*, for feloniouſly ſtealing, a copper with a braſs cock, value 20s. his property; one linen ſhift, value 2s. one apron, value 1s. the property of Elizabeth Hare; and one towell, value 1d. his property.

LAWRENCE WATSON *ſworn*.

I keep the King's-arms on Green-bank; I loſt two coppers, one fixed and one not fixed in the waſh-houſe, the end of the waſh-houſe joins to the dwelling houſe; I loſt two copper ſaucepans, and one gallon pewter pot; the linen was produced before the Magiſtrate; I never ſaw the priſoners before I ſaw them at the Magiſtrate's; I miſſed the things the ſame morning; they were all ſafe in the waſh-houſe the night before they were taken.

MARY WATSON *ſworn*.

I loſt a copper that was fixed in the waſh-houſe, and a copper with a braſs cock, two ſaucepans, and one gallon pot, a large pot with two handles, one check apron, and one towell; the things were all miſſing: I ſaw them at nine, the night before, in the waſh-houſe; I ſaw the apron the next morning at the office, it was about ten; I knew the apron, I had not worn it a long time; there was another of the ſame ſort, that they left behind; I brought it into Court, they were left in the waſhing pan, in the water, they were wrung out, the one was taken, and the other left, there was only one towel, and I am ſure it is miſſing; one of the priſoners came to a club at our houſe; I ſaw him there the night before, but I do not know his buſineſs.

ELIZABETH HARE *ſworn*.

I am a ſervant at Mr. Watſon's; the things mentioned in the indictment were miſſing the Thurſday morning the 18th of April; I left the waſh-houſe at five at night on the Wedneſday; I was not in the waſh-houſe after; the apron has been compared with one that was left behind; I ſaw the towel there that belonged to my miſtreſs, it is ragged at one end, there is a hole in it; I can ſwear to it; I know a check apron was miſſing, and a towel of my miſtreſs's; I loſt a ſhift, and an apron; I know it to be mine by the patches; I can ſwear to it; I had ſuch a one in the waſh; the things were all wet, and thoſe and my miſtreſs's were there, it was the day the things were miſſed.

MICHAEL CATTLEY *ſworn*.

I am a watchman; on Thurſday morning the 18th of May, I ſaw the two priſoners come out of Knight's-court, which leads from Green bank, it is about a thouſand yards from the proſecutor's houſe, the priſoners had each a bag, but the priſoner Ralph had a bag on his left ſhoulder, and a copper on his head, holding it with his right hand, that was the copper that had been fixed; I do not know what was in the bag; I did not ſtop him; the priſoners followed one another; the priſoner Sherbud was firſt, he had a bag on his right ſhoulder, they were going from the King's-Arms; I did not hear them talking together, I aſked them what they were moving off? and they ſaid it was their own proper, and they ſaid, the reaſon of their moving ſo ſoon was, becauſe they were poor men, that they might not loſe a quarter of a day's work; they both ſaid ſo; I did not examine the bag, nor did I not take it from them; it was between three and four in the morning, I followed them into Broad-ſtreet; I did not know either of them before.

*Jury.* What did they give you to let them paſs?—They offered nothing; they promiſed the things were their own many times.

How long have you been a watchman?——A twelvemonth.

At this time in the morning do you uſually take thoſe anſwers to be ſatisfactory?——There was nobody elſe moving or ſtirring; I could not have taken them if I would; I am ſure the priſoners are the men.

Upon the oath you have taken, did they give you any money?——No, Sir, they did not, if they had offered me any money I would have ſtopped them.

**GEORGE FORRESTER** *ſworn.*

I am a conſtable belonging to Mr. Staple's office, Shadwel; I was with Mr. Elby, we ſaw two men about forty yards off, we went and met them, in about fifteen yards of the bottom, we met Sherbud with this bag on his ſhoulder, and as ſoon as he ſaw us, we ſaw it upon the flaggs, I did not ſee him drop it down; I am ſure it is the ſame bag, I picked up the bag, and Mr. Elby purſued him. *(The things produced and depoſed to.)* I went to ſearch Sherbud's brother's houſe, and there was Ralph, and he eſcaped.

**WILLIAM ELBY** *ſworn.*

Depoſed to the ſame effect.

PRISONER SHERBUD'S DEFENCE.

This bag was laying on the ground with ſome of the things out of it; I put the things in my pocket, and took up the bag, ſeveral people ſaw me.

PRISONER RALPH'S DEFENCE.

When they took Sherbud, they ſaid, who was it that was with you, was it your brother, or Richardſon?

*Forreſter.* I am ſure this was the man.

*Elby.* I have no doubt of that, we both know their perſons.

BOTH GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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523. THOMAS BEDELL, JOHN HURLEY, and JOHN HUGHES were indicted for feloniouſly ſtealing, on the 31ſt day of May, a red Morrocco pocket book with gold claſps, value 20s. a knife, with a gold handle, value 10s. a black lead pencil, with a gold top, value 2s. a pair of ſteel ſciſſars, value 1s. a box rule, value 12d. two ſteel pocket book keys, value 2d. two lancets, mounted in tortoiſeſhell, value 4s. the property of Sir Edward Vernon, Knt. privily from his perſon.

*A ſecond count,* for ſtealing privily a bank note for twenty-five pounds, his property, and the ſaid ſum of twenty-five pounds due thereon, then unſatisfied to the ſaid Sir Edward, againſt the ſtatute.

**Sir EDWARD VERNON, Knt.** *ſworn.*

I think it was the 31ſt of May that my pocket was picked; I think it was on Wedneſday laſt; it was between eleven and twelve, I cannot exactly ſay at what part of the town; I did not miſs it till I came home; I walked from Bond ſtreet, and on a perſon's coming in, and my going to the drawer to look for my pocket book, I miſſed it; I know nothing of the priſoners, only I think I ſaw Hurly in the ſtreet.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 31ſt of MAY, 1786, and the following Days;
Being the FIFTH SESSION in the Mayoralty of
**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
**And Publiſhed by Authority.**

---

NUMBER V. PART V.

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*LONDON:*
Printed for E. HODGSON (the Proprietor)
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S. BLADON, No. 13, *Pater-noſter Row*.
M DCC LXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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### *Continuation of the Trial of T. Bedell, J. Hurley and J. Hughes.*

WILLIAM BLACKETER *ſworn.*

I was going up Dean-ſtreet, and there is a little court that goes from Wardour-court to Dean-ſtreet, called Milk-alley, and I ſaw the three priſoners coming up the alley, and I obſerved the priſoner Hurley opening his breeches, and looking into them as he came up the court; there was nobody with me, and I hid myſelf under ſome harneſs till I jumped out upon them all three; I ſearched the other two firſt, and ſearching Hurley, I found this pocket book in his breeches, and he had that blue apron that is on the other lad over it; when I brought him to the office, it wanted a quarter of one; he ſaid, he found it at the Prince of Wales's ſcaffolding; I found a letter in it directed to Sir Edward, and I went there; the other priſoners ſaid nothing.

*Court to Sir Edward.* Had you been in Pall-Mall that morning?——I do not recollect.

Is that your pocket book?——Yes, I am certain of it; I had it in my right hand pocket; I paid ſome attention to that ſide and walked with my ſtick by my pocket for fear of loſing it.

*Priſoners.* We have nothing to ſay.

ALL THREE NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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524. LYDIA MONRO, PHEBE FLAWTY, and CATHARINE MOREING were indicted for feloniouſly ſtealing, on the 15th day of May laſt, thirteen yards of thread lace, value 13s. and eighteen yards of ſilk lace, value 12s. the property of Iſaac Brown, privily in his ſhop:

And RICHARD CHAPMAN, and ANN DRAVEMAN were indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

*There being no evidence, but that of an accomplice, the priſoners were*

ALL ACQUITTED.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

---

525. CATHERINE MEAD was indicted for feloniouſly ſtealing, on the 6th

day of May laſt, one double Glouceſter cheeſe, value 4s. the property of James Clarke.

*John Clarke* ſaw the priſoner take the cheeſe, and took it from under her apron.

GUILTY.

*Privately whipped and diſcharged.*

*Tried by the London Jury before Mr. Juſtice* WILLES.

---

526. JOHN PATERSON was indicted for feloniouſly ſtealing, on the 30th day of May laſt, twenty-four yards of carpeting, called ſtair-caſe carpeting, value 35s. the property of Thomas Rowley.

THOMAS ROWLEY *ſworn.*

I keep an upholſtery warehouſe in Princes-ſtreet Lothbury; on the 30th of May laſt, I loſt ſome carpeting; this is mine; I can ſwear to it by this, and being folded up, and by the length of it: I did not miſs it before Rigby the conſtable brought it in; I am ſure I ſaw it on the Monday evening; I know it by the make and the colour.

RICHARD PRITCHARD *ſworn.*

I have lived with Mr. Rowley theſe three years and a half; I know this carpet to be Mr. Rowley's property by the folding of it up; I rolled it up myſelf on the counter; I know the pattern very well.

EDWARD RIGBY *ſworn.*

I am a conſtable. On Tueſday morning laſt, a quarter after nine, I ſaw the priſoner come out of the proſecutor's houſe; I followed him; there was a piece of carpeting under his arm, which has been produced, and has been in my cuſtody ever ſince; I took hold of him, and he flung down the piece, after I came to him; then he tried to throw me down; I threw him down, and kept him till Mr. Beſt came to my aſſiſtance; I took him to the Poultry Compter directly, and I took the piece.

*(The carpet depoſed to.)*

PRISONER's DEFENCE.

A man aſked me to carry it at the pitching place.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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527. MARY DAVIS was indicted for feloniouſly ſtealing, on the 11th day of May laſt, two linen ſheets, value 8s. one dimity waiſtcoat, value 4s. one apron, value 3s. one pair of ſtockings, value 2s. the property of William Barlow.

SARAH BARLOW *ſworn.*

I loſt this property; I found it at three pawnbrokers; the priſoner was a ſervant in my houſe a very few days; ſhe went away on the 11th; I found ſix duplicates upon her, in various names; I have had them in my cuſtody ever ſince I received them from her: the officer deſired me to take the duplicates out of her pocket, I had no idea ſhe had them.

*(Several pawnbrokers produced the things, which were depoſed to.)*

*Priſoner.* I have nothing to ſay.

*Proſecutrix.* I believe ſhe is a poor girl, and had no friends.

GUILTY.

*To be confined to hard labour twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

---

528. LYDIA MONRO and CATHERINE M'CORD were indicted for feloniouſly ſtealing, on the 5th day of May laſt, one pair of women's ſtuff ſhoes, value 2s. 6d. the property of Archibald Smith.

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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529. RICHARD PRESTON and JOHN ARNOLD were indicted for feloniouſly ſtealing, ſix wooden hatches, value

ſue 4s. one wooden ſide bench, value 1s. the property of Charles Langſton, Arthur Hewitſon, and William Robinſon.

CHARLES LANGSTON *ſworn.*

We had a boat at anchor at Somerſet-houſe; on Monday laſt, Thomas Sedgwick called on me, and informed me ſomebody had ſtolen the hatches; I went to the boat where the priſoners were, and there I ſaw them; we took up five hatches which I knew to be mine, we marked them when we firſt had the boat new, in order that we might know her if ſhe went away; the things were found in Arnold's boat; he is a fiſherman; he confeſſed it was his boat; there was no name in the boat, for it was a peter boat; theſe hatches form a flooring to their boat, the ſame as they did to our's, and there are ſome little notches cut in them to make them fit, and ſome few of them are cut ſhorter; they appear to be newly cut.

*(Produced, and ſhewn to the Jury.)*

*Langſton.* Both the priſoners were in the boat; I charged Preſton, but he did not ſay he was guilty; but he ſaid Arnold was not; he ſaid it was pity to take the man, for he was not with him when he had them; I made him no promiſe at all; I went with Mr. Robinſon to the Bank ſide, and there we found the ſide bench, and the other wooden hatches in a boat.

Was Preſton's name on it?——No; I do not know that was Preſton's boat; he ſaid nothing about it.

THOMAS SEDGEWICK *ſworn.*

I am a fiſherman; I found five hatches in Arnold's boat; my ſervant has the care of this boat; I went along with a young fellow a ſwimming, and when I came back, I loſt the hatches out of my boat; there was a ſide-bench miſſing on the Thurſday following; theſe are the ſame that was taken out of the boat.

PRISONER PRESTON'S DEFENCE.

On Sunday night, Arnold ſhot ſome goods for me; he left me in care; about day break, a boat rowed by as faſt as he could; he ſays, halloo, fiſherman! have you got any gregs? ſays I, they are very ſcarce; d——n your eyes! ſays he, you ſhall have them, if there was a thouſand, and he ſhoved theſe things into my boat, and went off directly.

PRISONER ARNOLD'S DEFENCE.

I went on board, and ſaw two of the hatches lay; he ſaid, a waterman chucked them in upon him; I was in bed with my wife, when they were chucked in.

*The priſoner Arnold called five witneſſes, who gave him a good character.*

BOTH GUILTY.

*They were both recommended by the Jury.*

*Each to be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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530. JOHN JACKSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Andrew Green, on the 4th of May, about the hour of twelve in the night, and burglariouſly ſtealing therein, a man's cloth box coat, value 20s. the property of Elizabeth Harrowby.

The witneſſes called, and not appearing, the priſoner was

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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531. ANN GRIMSTON was indicted for feloniouſly ſtealing, on the 8th day of May, one yard of callico, value 3s. the property of John Humphreys and Griffith Humphreys.

——— BEST *ſworn.*

I am ſhopman to the proſecutor; the priſoner came into the ſhop; I was there, and the proſecutors; ſhe had a baſket in her hand, with ſomething like ſhavings; ſhe laid the ſhavings down on the ſhop-floor, and deſired to look at ſome remnants of printed cotton; there were twenty or thirty remnants tied up of printed cotton; Mr. Humphreys laid hold of them; the priſoner ſtooped to do ſomething about the baſket, and ſhe begged our pardon, and wanted to go out of the ſhop; Mr. Humphreys was ſpeaking to a cuſtomer, and the priſoner ruſhed by; he followed her, and laid hold of her; ſhe ſtruggled; he thruſt his hand into her baſket, and pulled out this remnant of Britiſh callico; I am ſure it is his property.

### THOMAS LEWIS *ſworn.*

Depoſed to the ſame effect; and ſaid ſhe was taken to the back part of the ſhop, and aſked how ſhe could do ſuch a thing in her old age, and ſhe fell on her knees, and ſaid it was the firſt crime ſhe had ever committed, and if they would forgive her, ſhe never would do ſo again; there were ſeveral pieces about the ſame length.

### PRISONER's DEFENCE.

I went into the ſhop to buy one of my children a yard of white cloth for a ſhift, and I had a few ſhavings in my lap, and ſome of them fell down, and I picked them up; I am innocent of the robbery, and I would not ſay that in the condition I am in.

*Court to Beſt.* Was the callico on the outſide of the baſket, or the inſide of the chips?——It was among the chips, and entirely covered.

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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532. JOHN TURPIN was indicted for feloniouſly ſtealing, on the 2d day of May, a ſilk handkerchief, value 3s. and two neckcloths, value 2s. the property of John Harrop.

### JOHN HARROP *ſworn.*

On the 2d of May, I was looking at ſome pictures, the corner of Cock-court, and I perceived a hand in my pocket; I ſaw the priſoner and another walking off from me; I purſued him immediately, and called out, ſtop thief! and Warren the conſtable took the priſoner, with the things upon him; he never was out of my ſight.

### THOMAS WARREN *ſworn.*

I took the things out of his boſom.

*(The things depoſed to.)*

*Priſoner.* I found the things the corner of Cock-court.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

---

533. THOMAS BRIDGEN and ELIZABETH BRIDGEN otherwiſe JACKSON, were indicted for that they, on the 12th day of May laſt, one piece of falſe, feigned, and counterfeit copper money, to the likeneſs and ſimilitude of the good, legal, and current coin of this realm, called an halfpenny, feloniouſly did make, coin, and counterfeit, againſt the ſtatute.

*(The witneſſes examined apart.)*

### JOHN ARMSTRONG *ſworn.*

I am an officer belonging to Juſtice Wilmot, and to Shoreditch pariſh; I was at this houſe, at No. 9, in Britannia-gardens, with Lucy, Shakeſhaft, and Harper; it was Friday, the 12th of May; I went in firſt, and I ſaw one Mrs. Beach, in company with another woman, ſitting in a room; I aſked her if ſhe had any lodgers; ſhe ſaid ſhe had, and their names were Bridgen, but they were not at home; I went away, and went again with Lucy to the ſide of the houſe, and there was a kitchen level with the ground; Lucy went into the houſe; there was a key in the kitchen door; I was in the garden; I then ſaw the appearance of a woman, but could not ſee her face, through the window; I returned to Mrs. Beach, and ſaid, there is a woman in the kitchen; ſays ſhe, it is the lady that ſat with me; I ſhewed her it was not that lady; then Mr. Lucy broke open the parlour-door; we came into the kitchen, and there was a falſe ſtep taken up, a trap-door, a little hatch beſides the ſteps, and a green quilt hung beſide the hatch; from the parlour, there were ſome ſteps went down into the kitchen; in the kitchen, there was a door, like a cupboard-door, and ſome ſteps that moved, I believe there may be two; and the brick-work was cut away through a nine-inch wall that led into the cellar, and a green quilt which hung on a little nail on each ſide of the wall, on the inſide of the cellar, the trap-door opened into the kitchen; there was a little door that opened ſideways; then we got into the cellar; there was a ſtamping-preſs, and ſome halfpence round the dies; I did not meddle with the dies, they were ſet; afterwards, we went up ſtairs, in company with Shakeſhaft and Harper, and we found the garret-door faſtened; we found nobody in the kitchen, and nobody in the cellar; Shakeſhaft ſhoved the garret-door open at laſt, and there was the priſoner Thomas Bridgen; we took him down ſtairs; he had a clean ſhirt apparently on, but his hands were exceedingly black, and his face ſmutty; there was nothing in the garret; he was without a waiſtcoat; his ſhoes were all clay, like the clay of the cellar; there was a well in the cellar, and a dam turned up by the brick-work of the houſe, to let the water, if it ſhould be wet, drain into that well; the clay in the cellar was wet; I told him to take off his ſhoes; he deſired to go down ſtairs, to the one pair of ſtairs, and there he put ſome more clothes on; at that time, Shakeſhaft called to me to look under the bed, and there was the woman priſoner laid on the ſacking of the bed, on her face, without any ſhoes; her hands and face were exceedingly dirty indeed, and this bed-gown on. *(Produces a dirty bedgown.)* She deſired to go into the ſame room where the man priſoner went, to put on ſome things, and in that room were ſome halfpence, which correſponded with the die; I did not ſee them fitted; a young woman, a viſitor, was diſcharged.

*Mr. Garrow, priſoners counſel.* What was her name?—I do not know.

Do not you know her name was Jackſon?——I do not know.

Did not you know that the man was there for fear of being areſted?——I never heard that.

Do not you think the woman is his wife?——I have reaſon to think otherwiſe; this is a dark cellar; there were no candles burning, but there were two that were warm, as if lately burnt out, but we could not obſerve the ſnuffs; they were by the ſide of the preſs.

*Court.* You ſay this woman goes by the name of the man?——That is the name ſhe gave in at the office.

What reaſon have you to believe ſhe is not his wife?——By what I have been told.

JOHN LUCY *ſworn.*

I went with the other officers, on the 12th of May laſt, to No. 9, Britannia-row; Armſtrong went into the garden firſt, I ſurveyed the premiſes; when we firſt went into the houſe, I found in the cellar a preſs complete for coining, and an halfpenny between the dies that I have here; there was a quantity of halfpence about, ſome ſtamped, and ſome blanks; in the kitchen were boiling a large quantity of halfpence in a net; it was a complete preſs for ſtamping, there were candles fixed, the ſnuffs were out, they were out, but the cloſeneſs of the place might make them warm; after they were in cuſtody by the other officers, I went up to the one pair of ſtairs, the left hand ſide where Mr. Bridgen was putting on his clothes, there I found a ſack with ſome ſaw duſt in it, and in it a piece of halfpence, that is thirty ſhillings worth, made up, which correſponds with the die; and in a baſket in the ſame room were ſome looſe, not made up into a piece, correſponding with the dies; I found a very dirty ty ſhirt in the room where the priſoner was found; I did not ſee the woman till they were both in cuſtody.

JAMES SHAKESHAFT *ſworn.*

I produce the dies, and the blanks, and ſome halfpence; theſe dies were ſet; there were crucibles, and a net, that was in a pot with ſome halfpence, I believe they exactly anſwer the die; there is a flaw in the die, and that flaw is in the halfpence; theſe halfpence I found round the dies in the preſs; I have a pair of dirty breeches and a coat; the man priſoner had the appearance of being at work, his hands were very dirty; I found a woman under the bedſtead, laying on her face, without her ſhoes, and without a cap; her hands and face were all ſmutted over, and her bed gown ſhe pulled off, which Armſtrong has, which is very dirty; I found ſome good halfpence, and theſe bad halfpence upon her, there were ſome blanks that Lucy found in a hole in the cellar, that I believe correſpond with the other.

JOHN CLARKE *ſworn.*

Are any of theſe tower halfpence?——They are not; they are boiled with brimſtone to make them black; here appears to be a flaw, that appears to be ſtruck with this die; with reſpect to this halfpenny found between the die, it has received a blow, but not the impreſſion, it ſeems as if theſe halfpence were not ſtruck by this die with the flaw.

*(Handed to the Jury.)*

Mrs. BEACH *ſworn.*

I live at No. 9, Britannia-gardens; I know the two priſoners, they were my lodgers; they had one ſide of the houſe, and this cellar was on that ſide; I never was in the cellar; the priſoners had the parlour, bed room, and a garret; they paſſed for man and wife; I never knew any thing to the contrary.

*Mr. Garrow.* What is become of Johnſon?——I do not know him, I never ſaw him but once, after he took the lodging.

Then it was Johnſon that took the lodging?——It was; he ſaid he took it for his ſiſter and her huſband; he ſaid, he ſhould be there himſelf likewiſe.

I believe this poor man was afraid of being arreſted?—That was what Mr. Johnſon told me, that he came there becauſe it was retired.

Did you ever know the woman priſoner go by the name of Jackſon?——No.

*Court.* I am clearly of opinion that the woman is entitled under this evidence to the benefit of a married woman.

PRISONER THOMAS'S DEFENCE.

I had a writ out againſt me, and Johnſon ſaid, I might go to Hoxton; theſe gentlemen pulled me down ſtairs, and dragged me into this room; I did not go there; and they took two ſhillings and threepence out of my pocket, and all good halfpence; on my firſt examination they never produced theſe three or four bad halfpence.

*The priſoner called one witneſs to his character.*

THOMAS BRIDGEN, GUILTY.

*Fined* 1s. *and impriſoned twelve months in Newgate.*

ELIZABETH BRIDGEN, otherwiſe JACKSON, } NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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534. THOMAS JONES was indicted for feloniouſly ſtealing, on the 31ſt day of May, four linen ſhirts, value 4s. the property of Thomas Day; and three ſhifts, value 3s. the property of Mary Lowe.

A ſhirt was found on the priſoner, who was taken the day after the robbery, but it could not be identified.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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535. CHARLES YARDLEY was indicted for feloniouſly ſtealing, on the 18th day of May laſt, a leather trunk, with an

iron lock, value 30s. the property of John Clements, Eſq.

**THOMAS GREEN** *ſworn.*

I was ſtanding oppoſite to Mr. Clements's, and one M'Carty informed me, that a man had taken a trunk; I ran after him, down the church-yard, and overtook him juſt round the corner in Watling-ſtreet; he had the trunk under his left arm, he was brought back.

**PHINEAS M'CARTY** *ſworn.*

I ſaw the priſoner take a trunk from Mr. Clements's ſhop; to the beſt of my knowledge, it is the ſame man that was brought back with the trunk.

**ROBERT SEABROOK** *ſworn.*

I am ſhopman to Mr. Clements; on the 18th of May, about a quarter after eight in the evening, I was in the ſhop, and I heard ſomebody in the ſtreet ſay, ſomebody had ſtole a trunk; I followed, and ſaw the priſoner ſtopped with the trunk under his arm; he was brought back; it was Mr. Clements's.

*(Depoſed to.)*

*Priſoner.* A man aſked me to carry it.

GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

536. THOMAS EBBOURN was indicted for feloniouſly ſtealing, on the 1ſt day of June, a metal watch, value 20s. a chain, value 6d. a ſeal, value 2d. a key, value 1d. two ſmall iron keys, value 1d. a hook, value 1d. the property of George Crawford.

**GEORGE CRAWFORD** *ſworn.*

On Thurſday laſt I loſt my watch about two in the afternoon, the corner of St. Paul's church-yard; the children were coming out of St. Paul's, and there was a crowd; I got huſtled, and I found my watch was gone out of my pocket; I had my eye upon the man, at the ſame time my hands were pinioned down among the crowd; as ſoon as I got my hands at liberty, I laid hold of the priſoner, I charged him with having my watch; I ſaw my watch in the priſoner's left hand, he afterwards dropped the watch; the conſtable aſſiſted me to take him, and the watch was picked up; I am ſure the priſoner is the man in whoſe hands I ſaw the watch.

**JOHN BUTLER** *ſworn.*

I had been at Guildhall, and was coming home, I ſaw a great mob of people many of whom I knew, eight or nine in a gang; I ſtopped about four or five minutes; the proſecutor ſaid to the priſoner, you have got my watch, accordingly I looked, and ſaw the watch in the priſoner's hand, I was going to lay hold of his hand; and I am lame, which ſtopped me a little; but I ſaw him drop the watch, he ſeemed to put it back for ſome of his comrades to lay hold of, but there were none; I delivered him up to the patrol.

**WILLIAM FORSYTH** *ſworn.*

I took the priſoner.

*Proſecutor.* It is the ſame watch that was picked up from the ground, it is my watch.

*Priſoner.* I know nothing of it.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

537. JOSEPH FARRINGDON was indicted for feloniouſly ſtealing, on the 24th day of May, a ſilk handkerchief, value 2s. the property of Henry Maddox.

**HENRY MADDOX** *ſworn.*

On the 24th of May, I loſt my handkerchief about twelve, I felt ſomebody at my pocket, I turned round and caught the priſoner with my handkerchief under his coat.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

538. ELEANOR ANDREWS otherwiſe HENDRY, otherwiſe SNELLING was indicted for feloniouſly ſtealing, on the 13th day of May, a linen ſhift, value 1s. two pillow caſes, value 2s. a pair of cotton ſtockings, value 1s. a handkerchief, value 3s. three child's linen ſhifts, value 1s. and three child's caps, value 1s. the property of Thomas Harper.

THOMAS HARPER *ſworn.*

The priſoner was hired to me as a ſervant, about ten or twelve days; on Saturday the 13th of May, ſhe was ſent out of an errand, ſhe did not return for ſome time, I went after her, ſhe made a frivolous excuſe, that the money I gave her was bad, and ſhe had been round to ſeveral places to try to paſs it; I ſuſpected her, and went to ſome pawnbrokers in the neighbourhood.

ELIZABETH HARPER *ſworn.*

I had occaſion to ſend her out of an errand, I gave her a ſhilling; I ſaw her pocket very full of ſomething, and I ſuſpected her; ſhe ſaid, on her return, I had given her a bad ſhilling; a gentleman came into the ſhop, and ſhe went down into the cellar, I called her up and taxed her about what ſhe had in her pockets; another gentleman came in, and ſhe went down ſtairs again, I followed her, and found theſe things under the ſtairs by the cellar where ſhe had gone down, and one of the caps under her ſtays; the things had been in my drawers locked up, ſome of them had never been out ſince ſhe had been at my houſe; ſhe had ſeveral keys about her which ſhe pulled out of her pocket when I charged her, and I found this key on the kitchen ſtairs, where ſhe ſtruggled to get from me, that opened the drawers; there had been no violence uſed to the drawers, but the key fitted them exactly; ſhe ſaid, I had given her the things at the beginning of the week to waſh.

THOMAS ELLIOT *ſworn.*

I live with Mr. Salkeld at Temple-bar, a pawnbroker; the three articles in the indictment were offered to me to pledge by a perſon ſomething like the priſoner, I cannot ſay whether it was her or not; the conſtable has the things; ſhe ſaid, ſhe lived in Lombard-ſtreet, therefore they were refuſed to be taken in.

SAMUEL GRAVES *ſworn.*

I was ſent for to take the woman into cuſtody, the things were delivered to me by Mrs. Harper; I ſearched the priſoner, and found ſome duplicates in her pocket, but they were her own property.

*(The things depoſed to.)*

PRISONER's DEFENCE.

My miſtreſs ſent me out for ſome tape, with a bad ſhilling, and I went down ſtairs, I knew nothing of the things being there; ſhe took the cap out of her own ſtays in a paſſion.

*The priſoner called two witneſſes to her character.*

GUILTY.

*To be privately whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the London Jury before* Mr. RECORDER.

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539. ROSE FITZPATRICK was indicted, for feloniouſly ſtealing, on the 29th day of April laſt, one black ſilk cloak, value 2s. the property of Joſeph Hammer, two aprons, value 6d. one other apron, value 1s. a lawn apron, value 1s. one other apron, value 2d. three child's callico ſhirts, value 1s. a bed-gown, value 1d. a neck handkerchief, value 1d. and a quarter of a yard of brown ſilk, value 2d. a waiſtcoat, value 1d. a pocket, value a halfpenny, three ſhirts, value 1s. the property of Thomas Thrill Wynd.

MARY THRILL WYND *ſworn.*

On the 29th of April, I loſt the things mentioned in the indictment out of a drawer. *(Repeats them.)* They were all kept in one drawer, except the cloak, which was on the ground floor.

JOSEPH HAMMER *ſworn.*

I loſt my wife's cloak, it was on the priſoner's back when I took her, which was about ſixty yards off the houſe; I found the things upon her.

*(Depoſed to.)*

LYDIA SALKELD *ſworn.*

I am ſervant to Mr. Wiltſhire; I ſaw the priſoner go in and out of the proſecutor's houſe on Saturday, between three and four; I ſaw nothing in her apron.

PRISONER's DEFENCE.

I was buying them of a muffin man, when the proſecutor came and knocked me down.

*Proſecutor.* She was offering them for ſale to the muffin man.

GUILTY.

*To be privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the London Jury before* *Mr.* ROSE.

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540. DANIEL MARSHALL was indicted for feloniouſly ſtealing, on the 29th day of April laſt, a ſilver ſhirt buckle, value 14d. the property of Joſeph Stevens.

JOSEPH STEVENS *ſworn.*

I loſt a ſhirt buckle the 29th of April, between four and five; I was in my ſhop, the priſoner came to look at ſome plated ſhoe buckles; I ſhewed him ſome, he fixed on a pair, and aſked for ſome knees to match them, I turned round, and he got a ſilver ſhirt buckle over his little finger, he had not time enough to hide it, I ſaw him put it into his waiſtcoat pocket; I ſhewed him a pair of knee buckles that would match them, he ſaid, theſe will do, make out a bill, and I will call again, and he put down two ſhillings; and I ſaid, there was no occaſion for that, he took it up again, I ſaid, you'll pleaſe to give me my ſilver ſhirt buckle out of your pocket; he ſaid, your ſhirt buckle! and out he ran, I ran after him, and ſeveral more; before I could get to the turning, he came upon me, ſays he, you may ſearch me if you pleaſe, and ſee if I have got any thing of the kind; I ſaid, I ſuppoſe you have hid it now; and I offered five ſhillings to any body that would find it, and ſome perſons went to look, and found three of my ſilver thimbles, and a perſon brought the ſhirt buckle.

*Mr. Garrow, priſoner's counſel.* What is this value of it, without faſhion?——I ſuppoſe about ſeven pence.

WILLIAM HARRIS *ſworn.*

I found this buckle in the Bull Inn coach yard, and gave it to the proſecutor.

THOMAS WHITHERS *ſworn.*

This is the ſame buckle that was delivered to me.

*(Depoſed to.)*

*Priſoner.* I leave it all to my counſel.

*The priſoner called four witneſſes to his character.*

GUILTY.

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before* *Mr.* RECORDER.

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541. ROBERT BARNARD was indicted for feloniouſly ſtealing, on the 4th day of December laſt, a cloth coat, value 5s. a waiſtcoat, value 2s. 6d. a cloth ditto, value 2s. two ſhirts, value 20s. two lawn cravats, value 5s. the property of John Hardcaſtle; and two ſhirts, value 20s. and two cravats, value 5s. and two waiſtcoats, value 5s. the property of William Skafe.

WILLIAM SKAFE *ſworn.*

I live in Duke's-court; I was returning from Tooting; the cloak bag that contained the property which I muſt identify, was buckled on before the poſt chaiſe, I did not miſs my cloak bag till Mr. Hardcaſtle ſtopped at his own door in Thavie's-Inn, that was about ſix o'clock, it was a dark cold drizzling night; it contained the things in the indictment.

*(Depoſed to.)*

SAMUEL ROBINSON *ſworn.*

I am conſtable and beadle of St. Sepulchres;

chres; on the 4th of December I was fetched out of bed near ſeven; I received information that ſome bundles were gone into a houſe in Fleet-lane, when I came there, Mr. Scott, Mr. Wilſon, and Mr. Graham had got a parcel of linen looking over, they are here; they have been in my cuſtody ever ſince, I ſpoke to Watkins, but I was dubious about taking him up.

*Mr. Garrow, priſoner's counſel.* Did you ſee the people that were with Mrs. Watkins at the time?——No, I only ſaw in the houſe the ſecond time, Mr. Watkins, and the property, the parties were gone; I have ſeen the priſoner ſeveral times before and ſince the 4th of December; I believe his father lived next door to Watkins; I have told Scott and Graham that I believed I had ſeen the priſoner ſince December laſt.

How long have you known Mr. Scott?——Some time.

Did you ever know any good of him?—I never knew any harm of him.

Do you believe him a man to be believed upon his oath?——Upon my oath, I do not know to the contrary.

Is not he the man that proclaimed war againſt the French?—I heard ſo.

Have you ever had the misfortune to hear Scott examined upon his oath?—No, Sir.

ALEXANDER SCOTT *ſworn.*

I am engine keeper of St. Andrew Holborn, and live in Union-court; about half after ſix, on the 4th of December laſt, which was on Sunday evening, I had information, and I went to Watkins's; I knocked at the door and went backwards, I heard a huſtling, and I looked into the ſhop, and in the back part of the ſhop, there is a kind of a little parlour, there I ſaw the priſoner ſitting on the ſide of Mrs. Watkins, and there was another man; then I ſaw the priſoner lay hold of theſe clothes in his hands, and he held them up to Mrs. Watkins, ſays ſhe, that will do very well, put that down; then he handed up a ſhirt, ſhe ſaid, that will do very well, put that down.

Could they ſee you at the time?—I do not know that they did, I was in the dark, in the ſhop, and the room was light where they were; Watkins was gone, I do not know where; then I ran into the room; and I laid hold of the priſoner by the collar; ſays I, and you will do very well; when I got hold of him the other ruſhed out, he ſlipped out of my hand; I then underneath the table found theſe things, I tied them up and gave them to Roberts.

*Mr. Garrow.* Well Maſter Scott, are we to have war or peace with France?——That is neither here nor there.

They ſent you to the compter?—Yes.

Mr. Watkins opened the door for you?——Yes, in a moment.

How is this ſhop parted from the parlour?—Cloſe together, only the window.

You went there to ſearch for ſome ſcarlet cloth?—Yes.

So Mrs. Watkins and the priſoner went on deliberately?——Quite quietly.

The ſcarlet cloth was in the houſe at the time?——Not to my knowledge.

How many minutes might you be in the ſhop looking in the parlour?—About three minutes.

How did the priſoner eſcape?——How do I know, out at the front door, Mr. Graham was behind me, and he knocked Mr. Wilkins aſide, who was at the door, and they both got away.

Why is not Mr. Wilkins here?—I do not know.

Was he here on the trial of Watkins?—I cannot tell you, I am ſhort of memory at this preſent time.

Now I will bruſh up your memory, do you believe he was not here and examined?—I believe he was.

Have the goodneſs to tell thoſe gentlemen, who are to decide on this man's caſe, and your oath, why this Wilkins was not here to day?—I do not know, I was ſubpœned.

*Mr. Hardcaſtle.* I ſubpœned him becauſe I thought he would not come.

*Scott.* I was offered ten pounds to *ſcreen* up the matter, and not to bring the thing into queſtion.

*Mr. Garrow to Scott.* Do not you know Mr. Wilkins is not here, becauſe he would ſay that the priſoner at the bar was not the man?——How do I know that.

Upon your oath, have you not heard Wilkins ſay ſo?——He was in the ſtreet, and it was dark.

Was you ſworn?——Yes.

Upon your oath, have you never heard Watkins ſay that the priſoner was not the man that was in Watkins's houſe?——I know nothing at all about it; I cannot ſay, indeed.

But you ſhall ſay, one way or the other? ——I never heard him ſay ſo.

Where did this man live?——I do not know.

Do not you know he lived with his father in Fleet-lane?——I do not know.

Do not you believe it?——I do not know.

Do not you believe it?——I do not know it.

Where did his father live?——I heard, after he was taken up, that he lived in Fleet-lane.

Then, do not you know now, that this man lived with his father, next door to Watkins?—I do not know that this man's father lived next door to Watkins, ever ſince this affair; I do not know it, nor do I believe it, upon my ſoul; I tell you the truth; it may be ſo.

### DANIEL GRAHAM *ſworn.*

On Sunday night, the 4th of December, I went to Mr. Roberts, and gave information of theſe things carrying in, of this red cloth to Mr. Watkins's; I did not ſee the priſoner go in with any thing, as I know of; I told Mr. Scott to come along with me; Scott knocked at the door, Watkins came to the door himſelf; I aſked, what goods went in there; Watkins ſaid, there was no goods; immediately, Mr. Scott came in; I followed him, and went backwards; there is a little room; the priſoner was ſorting out ſome wearing apparel with Mrs. Watkins; I am ſure I ſaw the priſoner there; there was a candle in the back room; Scott ſaid, this will do; and immediately the priſoner bruſhed out, and gave Scott a ſwing round; he turned round, and I ſaw his face; he run out; Mr. Wilkins ran out, but could not catch him; the things were upon the table when Scott came in, and ſaw them chucked down.

*Mr. Garrow.* How many minutes did you wait at the door?——About a minute; three or four knocks, and the door was opened; Scott knocked pretty ſoftly, the door was opened, there were two or three bolts undone; I heard Mrs. Watkins ſaying, that will do; I heard no further, I heard it but once, that was before the things were put under the table; I was cloſe to Scott.

If ſhe had ſaid any thing elſe, you would have heard it?——May be not ſo ſoon.

Did you hear her ſay, that will do very well, I will give you three guineas and an half for it?—No.

Did you know that young man?——Yes, very well; after we were out, I ſaid that is Barney; in the evening, I ſaid ſo to Roberts and Mr. Wilkins, and Mr. Scott and Mr. Singleton.

Was you a witneſs on the trial of Mrs. Watkins?—Yes.

Where did Barney's father live?——I believe, in Fleet-lane.

When did you ſee Mr. Wilkins?——I ſaw him to-day in St. Paul's church-yard; I told him I was coming here, about Barney; he ſaid he was not ſubpœned, and the children kept him away.

Do you know John Manby?—Yes, by ſight; he lodges in Watkins's houſe.

*Priſoner.* I leave it to my counſel.

### JOHN MANBY *ſworn.*

I live in Fleet-lane, and was a lodger at Watkins's houſe in December laſt, and am now; I am a butcher in the market.

Do you recollect the night when the officers, Mr. Scott and the reſt of them, came about ſome ſcarlet cloth?—Yes.

Did you ſee them?—Oh, yes, yes; I

ſaw Scott and Graham, and Wilkins; I do not remember Roberts.

Had you any talk with Scott about the people that were below ſtairs?—The firſt thing that Scott ſaid to me, was, Manby, I charge you to aid and aſſiſt, and mind theſe things.

What things were thoſe?—They were a coat and waiſtcoat, and ſuch things as theſe; accordingly, I did ſo; then Scott ſays to me, ſays he, Manby, do you know any of thoſe parties that were in the houſe? no, ſays I; ſays he, can you deſcribe either of the parties, or tell either of their names?

What parties was he ſpeaking of at this time?——He did not ſpeak of any parties particularly; it was thoſe people that he found with Mrs. Wilkins; I told him it was out of my power to do any thing of the kind, for I was up two pair of ſtairs; ſays he, if you can deſcribe either of the parties, or tell ever a name, by G—d I will give you ten guineas.

That was Mr. Scott?—Yes; he knows me very well, and has done for many years.

Did not Scott tell you, that he knew the perſon that was below ſtairs, was Ned Barney?—No; he ſaid to Graham, Graham, ſhould you know either of them? to which Graham ſaid, no; ſhould you know them, Scott? no, ſays Scott, they turned me round like a top, and were gone in a minute, by G—d.

How near did Barney live to them?—The next door.

Did Scott know Barney at that time, think you?——Yes, as well as he knows me; I have ſeen Scott go by him a hundred times; he has ſoled and heeled ſhoes for me ſince.

*Court.* It ſeems to me not to be a caſe that you can convict the priſoner upon.

*Jury.* My Lord, we are very well ſatisfied.

NOT GUILTY.

*Tried by the London Jury before*
*Mr. Juſtice* WILLES.

542. CHARLES JOHNSON, JOHN JONES, and HENRY LEE, otherwiſe LEVY, were indicted for feloniouſly ſtealing, on the 29th day of April laſt, ſeven linen ſhirts, value 40s. eight table-cloths, value 20s. ten napkins, value 10s. three pair of ſheets, value 20s. twenty-four duſters, value 5s. two aprons, value 2s. two check ditto, value 2s. three pair of ſtockings, value 2s. an handkerchief, value 6d. a clothes-bag, value 1d. three pair of drawers, value 1s. and fifteen linen towels, value 2s. the property of Peter Calvert, Eſq; and one porter's knot, value 1s. the property of Charles Hall.

### CHARLES HALL *ſworn*.

I live in George-court, Croſs-ſtreet, No. 1; I loſt the things mentioned in the indictment, the property of Peter Calvert, on the 29th of April; I did not pack up the things, nor make the inventory; all the things were intruſted to me; they were tied up in a table-cloth or ſheet, and put into the baſket; and I put the things on my knot; I carried them from Duke-ſtreet, Mancheſter-ſquare; I was ſtopped by the gentleman, Mr. Johnſon; he was by himſelf, I ſaw no other perſon till I was at Sir Sampſon's; when he ſtopped me, he begged me to fetch him a coach, as he could not poſſibly leave the door; I received ſixpence of him, and went and fetched him a coach; I was not gone above twelve minutes; I pitched my things; the baſket was not on the ſteps; I left the knot laying on the baſket; when I returned, they were all gone.

### HENRY CROKER *ſworn*.

I produce the things; I found them on the priſoner Jones.

*Mr. Garrow, Priſoner's Counſel, to Hall.* Your wife waſhes for Mr. Calvert's family?—Yes.

You do nothing with reſpect to this linen, but merely to porter it?—No.

Did you compare the linen with the bill?——No, I did not.

What livery was the man in?——I ſaw no livery.

How was he dreſt?——I have only this to ſay, that he is near the matter of the dreſs that I ſaw him in at Sir Sampſon's.

What coloured coat had he on? now, I will tell you what you ſaid there; you ſaid, "he had on a livery coat, a handſome "light waiſtcoat, nankeen or buckſkin "breeches, and a tail wig."——Excuſe me, that never was my report; I never did ſay that word, that he was in a livery, or a white waiſtcoat, but I ſaid nankeen or buckſkin breeches, and a tail wig.

What waiſtcoat did you ſay he had? do not look at the priſoner. *(To the priſoner.)* Button up your coat.——I ſaid, he had a ſtriped waiſtcoat, I never ſaid, he had a white waiſtcoat, to my knowledge, I ſaid, he had a Monmouth-ſtreet great coat on, of a crimſon colour.

What coloured cape had it?—I do not know.

Upon your oath, you never have ſaid?—I never did.

What were the breeches, buckſkin or nankeen?—I cannot ſay.

How ſoon after you had been ſent for this coach did you ſee the priſoner?——It was the ſame day, at half paſt two I loſt the property, and I ſaw Johnſon about five.

How was he dreſſed?——He was dreſſed in a different dreſs; he was in a very genteel brown coat, and a very genteel waiſtcoat.

Had he buckſkin breeches on?—I really do not know.

How long was you with the man at his maſter's door?——I never ſtopped a minute.

Is there any one feature in that man's face, that you dare ſwear to?—I ſwear to his whole face.

Is there any one feature in his whole face that you know him by?——I know only this, that that gentleman, Mr. Johnſon, is the man that robbed me.

Yes, yes, but thank God, Mr. Hall, that is not the evidence by which Juries decide?——He was a thin faced man.

That will not do neither; why you might ſwear to me by that deſcription?——He is the man that robbed me.

What is there in his countenance remarkable, I aſk you, brown or fair?——Every man's complection alters according to the ſeaſon of the year.

Thank you, good Maſter Hall.

*Court.* What things did you ſee put into this bundle?——I ſaw ſhirts, ſheets, a breakfaſt cloth, a table cloth, and ten napkins.

Did you count them?——No.

Then how can you know?——Becauſe they are all here; I ſaw no other things.

Can you ſafely ſwear to the priſoner from the notice you took of him?——I can.

Did you ſwear to him as ſoon as you ſaw him at the Brown Bear?—I did, there were a number there, the tap room was full.

Did you pick him out from the reſt?—Yes.

### WILLIAM TRIPLEY *ſworn.*

On the 29th of April, I ſaw the priſoner Jones carrying a baſket of linen on his head, about half after two in the afternoon; I ſaw the three priſoners together till they got to the wild beaſt houſe in the new road, then I ſaw Johnſon take the baſket; I got a conſtable, and we ſtopt Jones and Johnſon, the other was on the other ſide of the way, at a diſtance; we aſked them who the linen belonged to, and Jones ſaid, a man hired him to carry it over the water; then we aſked him what water, he ſaid, he did not know what water it was; he ſaid, ſome man hired him to carry it for ſixpence, he ſaid, it was in ſome ſtreet in Marybone, he did not know what ſtreet; then the conſtable went after Lee, and brought him back; he ſaid, he did not know any thing.

Did you hear any converſation between Jones and Johnſon?——No.

Or with Lee?—No, we took the things to the publick houſe, and looked over them; I ſaw them examined; I ſaw ſome ſhirts, and ſome ſhifts, and ſome ſheets not finiſhed, ed, and ſome towels, and ſome duſters; Hall fixed on Johnſon directly.

Did he heſitate at all about him ?—No.

*Mr. Garrow.* How was Johnſon dreſſed then ?——He had the ſame coat and the ſame waiſtcoat, and leather breeches, rather greaſy.

Had he any tail wig on ?——No; I know that is him.

THOMAS HARDCASTLE *ſworn.*

I was the firſt that apprehended the priſoners, and took the things upon them.

*Court.* Are any of the family of Mr. Calverts's here ?—No.

*Court.* It is not neceſſary to put the priſoners upon their defence.

ALL THREE NOT GUILTY.

*Tried by the London Jury before Mr.* ROSE.

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543. THOMAS STONE was indicted for feloniouſly making an aſſault on John William Jones on the king's highway, on the 26th day of May, and putting him in corporal fear, and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one man's hat, value 5s. his property.

JOHN WILLIAM JONES *ſworn.*

On Monday morning laſt, between the hours of two and three, I was robbed of my hat in Elbow lane; I was going home, the priſoner met and ſeized me by one wriſt, with both his hands, and deſired me to go with him, in company with ſome looſe girls who were out at that time.

Were thoſe the words he made uſe of ?—Yes, they were; upon my refuſing to accompany him he knocked me down, and took my hat off my head, then I gave the alarm of ſtop thief, I purſued him very near to the highway, and in turning the corner of Elbow lane, he returned and knocked me down a ſecond time, and in the ſecond ſcuffle he dropped the hat; I picked it up; I repeatedly cried out ſtop thief, and murder, and the watchmen aſſiſted me, he then ran into a houſe in Elbow-lane; they would not let us in, but Mr. Orange the officer came up, and they let him in; he went into the back yard, and perceived a man's head in the neceſſary over the next houſe, he deſired to come to him, and he took the man.

*Court.* Was you ſober ?—I was.

Had you been drinking that night ?——No, Sir, I had not.

Where had you been at that late hour of the morning ?——I was returning home.

Where had you ſpent your evening ?——In a *private* houſe near to this place.

Had not you been drinking in that houſe? ——No, Sir,

Had you ſupped there ?——No.

Did this man take your hat off, or did it fall off in the ſcuffle ?——I will take upon me to ſay, that he took it, it did not fall off.

Did he demand any money of you ?—I cannot ſay he did.

Did he attempt any thing but your hat ? ——No, Sir, he ſnatched my hat immediately, and he knocked me down; I hallooed out immediately, and he ran away.

*Mr. Garrow.* Had you any watch at this time ?——No, Sir, I left it at home.

Do you uſually leave it at home ?——Very often.

When you viſit in that neighbourhood ? ——No, Sir, not particularly on that occaſion.

Do you mean that you had not ſupped, nor drank that evening ?——Perhaps I had my ſupper.

Had you ſupped at this adjacent houſe?—I had ſupped there.

Had you drank nothing at your ſupper ? ——I drank ſome table beer only.

No other liquors, nor ſpirits ?—No.

Had you been ſupping alone, or in company ?——I ſupped *alone*.

What time did you ſup ?——I cannot pretend to ſay.

I do this to try the probability and conſiſtency of your ſtory; now attend, at what time did you ſup ?——It might be between the hours of eleven and twelve, I believe it was.

Had you been long in that neighbourhood ?

hood ?——I was returning from the city to that part of the neighbourhood; my houſe is in the pariſh of St. George's; I came out of the city between nine and ten; I took a walk after ſupper.

When the priſoner came up to you was not you talking to a girl at a window ?—I was talking to nobody when he came up, there was a girl putting her head out at a window as I paſſed by.

Was you talking to her ?——*I might ſpeak to her.*

How long did you ſtay talking to her ?——I did not ſtay talking to her any time, that I can minute.

Now perhaps it was an hour ?—I cannot ſay.

Do you believe it was more than ten minutes ?—It was not ſo much, it might be five or ſix.

It was in Elbow-lane that you ſtopped to talk to this young lady, this woman, this nymph, this goddeſs ?——I do not know, I did not ſee her.

How many pair of ſtairs high was ſhe ?——I do not know, I was not in the dwelling.

And you mean gravely to give that anſwer ?—I do.

You recollect, you are upon your o'—I do.

How far had you got from this lady's houſe before the priſoner came up to you ?——About ſix yards.

Upon your oath did not he tell you he was aſhamed that a man of your appearance ſhould be talking to ſuch a bunter, was not that the caſe, Maſter Jones ?—It was not.

Then what was it ?——I told you what it was.

Then tell it again ?——There is no occaſion for a repetition.

Yes, you muſt repeat it ?—He put both his hands to my wriſt, and deſired me to go to that young woman.

What that you was talking to ? what did you ſay to him ? I will tell you what it was; you ſaid you had no converſation with any ſuch creatures, was not that what you ſaid ?—I deſired the young man to deſiſt from me, and I had nothing more to ſay to him.

Did not he tell you, that you was a coxcomical puppy ?—He ſaid nothing; but he immediately knocked me down, and took off my hat.

Was you ſtunned by the blow ?—I was inſenſible at that time, whether he applied both his hands, or one.

Who are you, let us juſt know that ?—*I am Mr. Jones's ſon.*

He muſt be a very lucky man, to have ſuch a ſon ! who may this fortunate man be ?——He lives in Ratcliffe-highway; he is a chymiſt, I am in his buſineſs, and live at home.

Did you go home that night ?——Yes, ſoon afterwards.

How long after ?—Perhaps, it might be between ſix and ſeven; I came with Mr. Orange to the office after the robbery, and then I went home; there was a houſe-breaking committed, and I went with Mr. Orange *to ſee that.*

*Court.* What houſe was this that you ſupped at ?——At a perſon's houſe in Ratcliffe-highway.

On a viſit ?——No.

What then ?——I called there in my way home.

How came you to ſup alone ?—Becauſe the perſon of the houſe had ſupped before; *I was not alone.*

Who was you in company with ?—The gentleman's name is Nightingale; I ſupped at his houſe.

Elbow-lane was not in your way home afterwards ?——Yes, Sir, it was.

How far is Mr. Nightingale's from your father's ?—I cannot ſay the diſtance.

About how far may it be ?——I cannot clearly ſay.

Is it a mile, or an hundred yards ?——It might be about an hundred yards from my father's.

And how far from Elbow-lane ?——About twenty yards.

*Mr. Garrow.* Is not Nightingale called by the name of Donkin?—No, Sir.

Does not he keep a bawdy-houſe?——The perſon I ſupped with does not.

What buſineſs is he?—He is not in the profeſſion that you ſpeak of.

Is that, Sir, an anſwer to my queſtion?——The perſon I ſupped with is a publican.

What is his ſign?—I cannot recollect.

*Court.* Did not you tell me, juſt now, that it was a *private houſe* you ſupped at?—*No, Sir, I did not.*

### JOHN ORANGE *ſworn.*

I heard the alarm between two and three; I dreſſed myſelf, and went into Elbow-lane; there were two watchmen; I opened the back door, and went into the back-yard, and perceived a man in the neceſſary.

What did the proſecutor charge him with?——Stealing his hat; but he had got his hat when I ſaw him.

Was he ſober?—He ſeemed ſo; it was not above a quarter before three; there is Nightingale, a ſhoemaker, but I do not know Nightingale the publican; and I am pretty confident there is no ſuch perſon; the proſecutor told me he was ſtanding talking to a woman out of the window, and as he was talking to the woman out of the window, a man came and took him by the wriſt, and knocked him down.

Do you know this Donkin?——He did live in the pariſh, he kept a bawdy-houſe, but he was diſturbed; he was called *Donky die*; the proſecutor went with me to the watch-houſe, and then to the White Swan in New Gravel-lane, and then he went with me to Spring-ſtreet; when I came to the White Swan, about ſix in the morning, I found him there.

*Court to Jury.* Gentlemen, you will conſider whether you can ſafely place credit in ſuch a ſtory ſo told, as to convict a man of a capital offence; if you have any doubt, I will put the priſoner on his defence; I will ſum up the evidence.

*Jury.* We are ſatisfied.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. RECORDER.*

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544. CHARLES LEE was indicted for that he, on the 1ſt day of January laſt, in the pariſh of St. George the Martyr, being a working goldſmith, did falſely, fraudulently, and feloniouſly remove from four knee-buckles to four other knee-buckles, certain ſtamps, marks, and impreſſions, to wit, the King's Head and the Lion Rampant, with intent to defraud the King, againſt the ſtatute.

*A ſecond count*, for tranſpoſing and removing the ſaid ſtamps, marks, and impreſſions, from one buckle to another.

*A third count*, for cauſing the ſame to be removed from four knee-buckles to four ſhoe-buckles.

*A fourth count*, for cauſing the ſame to be removed from one knee-buckle to one ſhoe-buckle.

*A fifth count*, for ſelling four ſhoe-buckles, the ſame marks and ſtamps having been tranſpoſed and removed, knowing the ſame to have been ſo removed.

*A ſixth count*, for expoſing the ſame for ſale.

*(The caſe opened by Mr. Shoen.)*

### FENWICK RUSHFORTH *ſworn.*

I am deputy warden of the aſſay office——

*Priſoner.* I wiſh the evidences to be examined apart.

*Mr. Silveſter, Priſoner's Counſel.* If you chuſe it, they ſhall; but all the world may be here, for any thing it ſignifies.

*Mr. Garrow, another of the Priſoner's Counſel.* You need not give yourſelf any anxiety about it.

*Court.* If you deſire it, they ſhall.

*Priſoner.* I do deſire it.

*Mr. Ruſhforth.* Theſe four buckles I produce, had the hall ſtamps; they are not put on at the hall in the ſhape they are; they have the marks of the Goldſmith's

Company upon them, but not the ſtamps, as put on at the hall; the two marks on the ſhoe-buckles are cloſe together, when we ſtrike them, one on one ſide, and one on the other; it has been done ſo for ſix or eight months; with reſpect to the knee-buckles, they are put cloſe together; theſe ſhoe-buckles appear to me to be marked as knee-buckles; the ſtamps are both on the ſame ſide, and the marks are bottom upwards; I really do think that theſe buckles were not marked at the aſſay-office; theſe buckles are ſilver.

*Court.* Before theſe laſt eight months, were the marks on ſhoe-buckles in a different form?——When the duty firſt took place, we marked them pretty near together.

Then, for ought you know, theſe might be marked then?——I do not apprehend they could; if they had been marked in a finiſhed ſtate, there would have been *a ſink* round the ſtamp.

*Mr. Silveſter.* One is the King's mark, the other is the aſſay mark?—Yes.

It is a lion paſſant?——Yes.

*Mr. Garrow.* Then, I ſubmit there is an end to the indictment, for it deſcribes it to be a lion rampant.

*Court.* You muſt acquit the priſoner.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

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545. **WILLIAM STONE** was indicted for feloniouſly ſtealing, on the 28th day of April laſt, one woman's ſilk gown, value 2l. 2s. a worked apron, value 2l. 2s. three ſhirts, value 3l. 10s. one ſilk mode petticoat, value 1l. 14s. one dimity petticoat, value 14s. a handkerchief, value 9s. a linen ditto, value 4s. two pair of ſilk ſtockings, value 1l. a pair of worſted ditto, value 2s. a pair of black breeches, value 2l. 2s. one white cloth waiſtcoat, value 12s. a pair of leather pumps, value 1s. two pair of lace robins, value 9s. the property of Joſeph Clapp.

*(The witneſſes examined ſeparate.)*

Mrs. CLAPP *ſworn.*

I came from Hackney, with this box of linen; the things were loſt on the 28th of April, about twelve at noon; I left this box at the houſe where this coach ſtops, which is Mr. Stewart's, a perfumer, in Threadneedle-ſtreet; I ſent a gentleman's ſervant, Samuel Robinſon, for it at one; the box contained wearing apparel; the boy returned in half an hour, without the box.

SAMUEL ROBINSON *ſworn.*

I was ſent by Mrs. Clapp to Mr. Stewart's for the box; Mrs. Stewart delivered it to me; as I was coming down the Old Jewry, the priſoner at the bar ſtood at a door, upon the ſteps inſide, right oppoſite Frederick's Place, and coming paſt, he ſaid, young man, are you in a great hurry? I ſaid, no particular hurry; he aſked me if I would go to the top of the Old Jewry, and call a coach; he ſaid he had two ladies waiting, and he could not leave them; I went to the top of the Old Jewry, and beckoned a coach, and brought the coach to the door, and I went in, and ſaw the gentleman of the houſe, and I aſked him where the young man was that wanted a coach, that ſtood at the door, and the gentleman ſaid there was no coach ordered there, nor he never ſaw a young man; the priſoner and the box was gone.

How did the priſoner get the box?——He told me he would take it into the warehouſe while I was gone to get a coach; he ſaid I need not be gone a minute, he ſaid he would give me a ſhilling when I came back; Sir Sampſon Wright's people found him laſt Sunday was a week, going over Blackfriar's-bridge; he ſtood withinſide the door, and the warehouſe-man ſaw him, but ſaid he could not ſwear to him, without he had the ſame clothes on; I never ſaw him before, but I knew him by his impediment in his ſpeech, and I knew his face; I am quite ſure he is the man, I have no doubt at all; the things were never recovered.

*Mr. Garrow, Priſoner's Counſel.* Were

theſe things ever advertiſed?——I believe not; there were handbills, and notice given at the public office; it was three weeks after, when he was taken.

Have not you had a good deal of anger about loſing this box?——Yes.

Did not your maſter tell you, you muſt do all you could to find out the box and the perſon?——Yes.

When you went to the public office, this man was in cuſtody?——Yes; I knew him the moment I ſaw him; I fixed on him before I heard him ſpeak.

### Mrs. STEWART *ſworn.*

I delivered this box to Dr. Rutherford's ſervant-boy, about ten minutes before one; I ſaw no more of him; the box was left by Mrs. Clapp.

### PRISONER's DEFENCE.

I have no further to ſay, than I was at home at the hour. (N. B. *The priſoner ſtuttered very much.*)

### ELIZABETH HILL *ſworn.*

I live in Eaſt Harding ſtreet, Gough-ſquare; the priſoner lives in the ſame houſe; my father lives at Newington Butts; the priſoner and me keep houſe together.

Do you know where the priſoner was on the laſt Friday in the month of April?——With me, and dined with me.

What day of the month was it?—The 28th.

Did he ſleep there the night before?—Yes.

What time did he go out the next morning?—Some time after eleven.

What time did he return?——Exactly about twelve.

What time did you dine?—Much about one, or it might be a quarter before one.

What had you for dinner?——Stewed eels; there was nobody but he and me, and my father.

Who attended you?—My ſervant; her name is Chriſſey Smith.

Was there any other perſon in the houſe?——Nobody but the waſherwoman; her name is Jane Hearn.

How long did the priſoner continue in the houſe after he had dined?—Till about four in the afternoon.

Did he go out with any body then?—With my father.

How long did he continue out then?—Till about five.

Do you uſually dine ſo early?——Very ſeldom; the reaſon was, it was waſhing day, it was a large waſh, but I moſtly put my waſhing out.

What liquor had you?——We had porter and the beſt part of a bottle of red wine after dinner.

Are you quite ſure as to the day?—Yes.

How was he dreſſed?——In a blue coat with yellow buttons, blue and buff waiſtcoat, and harrateen breeches, the ſame dreſs he has now; I have known him very near two years.

Have you ever ſeen him in a green ſhag waiſtcoat?—Never in my life.

*Court.* What is the priſoner?——A watchmaker and engraver.

What is your father?——My father is a brewer, but he does not work at his buſineſs.

Is he a houſe keeper?——No, Sir, not at preſent, he lives with my brother and ſiſter at Newington, they are hair dreſſers and perfumers.

How long have you and the priſoner lived together?——Very near two years.

Is there any family but one maid ſervant?—No.

What time did your father come there?—About eleven; he was not out with the priſoner from eleven till twelve; he called about eleven, and ſtaid till very near four.

You dined early on account of the waſh?—Yes.

Where did the waſherwoman dine?—In a room adjoining to me.

Not in the ſame room?—No.

Before or after you?——Much about the ſame time that I dined; they had victuals from an eating houſe, we had ſtewed eels for dinner.

Were they at board wages?——No.

Had you any vegetables?—No.

Do you recollect what the waſherwoman had for dinner?——To the beſt of my recollection it was roaſt veal hot, and ſome greens, from the eating houſe, and we had two pots of beer, one for ourſelves and one for them.

Did you give the waſherwoman a glaſs of wine?——I gave my ſervant a glaſs of wine, I cannot be punctual to the waſherwoman whether I did or not; about four my father and the young man went out.

### CHRISSEY SMITH *ſworn.*

I am ſervant to Mrs. Hill.

Do you recollect where the priſoner was on the 28th of April?——He was at my miſtreſs's lodgings, he has lived there ever ſince I have been ſervant there, that has been five months; it was a remarkable day, it was our waſhing day, my miſtreſs very ſeldom has a waſherwoman, her name is Jane Hearn.

Did the priſoner and Mrs. Hill dine at home that day?——The priſoner Mr. Stone, on the 27th of April, on Thurſday night, ſlept at our houſe, on the Friday we waſhed.

Did he dine at home on Friday?—He went out about eleven, and came home about twelve, and from that time he did not go out till about four.

What time did he dine?——About one.

Who dined together?——Mr. Stone dined with my miſtreſs and her father, they had ſtewed eels; I dined with the waſherwoman in the back room, we had ſome veal from the cook's ſhop.

What had the family to drink?—They had a pot of porter, and ſome wine afterwards.

What had you?——We had a pot of porter.

Did either you or the waſherwoman taſte the wine?—I had one glaſs of wine after dinner, but the waſherwoman had none; the priſoner ſtaid at home till about four, then he went out to a publick houſe with my miſtreſs's father, juſt by; it happened to be a waſhing day, ſo we dined earlier; I am ſure of the day; my miſtreſs never had a waſherwoman but twice; I never took an oath before, and I would not do it now to a falſity.

How was he dreſſed?——A blue coat with yellow buttons, a blue and buff waiſtcoat, with ſtriped harrateen breeches.

*Court.* What time did your miſtreſs's father come there?——Between eleven and twelve.

Did he go out with the priſoner before dinner?—No, he did not.

Had they nothing for dinner but ſtewed eels?——No, nothing elſe, only the dinner the woman and me had from the cook's ſhop.

### JANE HEARN *ſworn.*

I am a waſherwoman; I waſh for Mrs. Hill; the laſt time was on the 28th of April, it was on a Friday.

Was it the laſt Friday in April?—That was the day of the month, it was Friday, and not Saturday.

Do you remember the priſoner at the bar being there that day?——Yes, Sir, the beſt part of the day, Mrs. Hill's father was there, he dined there, and I was there waſhing; Mr. Stone, and her father, and her dined together, the maid and I dined together.

What had the family for dinner?——They had ſtewed eels.

Had you any of them?——A bit or two, we had ſome roaſt veal, becauſe it was a buſy day, from the cook's ſhop.

What had you to drink?—We had ſome porter and the remains of a bottle of wine that was in the houſe.

Had you any wine?——I believe I had about half a glaſs.

How much porter was drank at both tables?—I believe they had a pot, and we had a pot.

What time did you dine?——Between twelve and one; the priſoner continued there as near as I can gueſs, till near four, and then the father and him went out to ſmoak a pipe; I have known her this year and half; ſhe puts out a great many clothes.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 31ſt of MAY, 1786, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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[PRICE NINE-PENCE.]

# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of William Stone.*

Have you waſhed for her at all ſince the 28th of April?——Yes, a little; but this was a great waſh, ſhe never has had ſo great a waſh ſince or before; the old gentleman is not here, he is very infirm and lame.

*The priſoner called two witneſſes to his character.*

*(Mrs. Hill ordered to ſtand up again, and the two other witneſſes, Hearn and Smith, ſent out to the door.)*

*Court to Mrs. Hill.* You remember diſtinctly how the priſoner was dreſſed that day?——Perfectly well; exactly the ſame clothes he has on now.

How was your father dreſſed?—I believe my father had a half mourning coat, a red waiſtcoat, and half mourning breeches.

*(Criſſy Smith called in again.)*

How came you to recollect ſo particularly how the priſoner was dreſſed that day?—Becauſe it is a dreſs he ſo uſually wears; I never ſaw him but in three coats ſince I was there; I never ſaw him in any other dreſs all that week.

How was your miſtreſs's father dreſſed?——I believe it was a dark brown, or old black coat, and cloth waiſtcoat and breeches; I do not recollect the colour.

How was your miſtreſs dreſſed?——She had a ſtriped wrapper on; ſhe had not put on her gown; ſhe had a cap on, no hat nor bonnet, her hair undreſſed, ſhe was quite in a diſhabille that morning.

What coloured ſtripe was the wrapper?—It was a kind of a buff.

Are you ſure the father had a black coat?—Yes.

*(The witneſs Hearn called in.)*

How came you to be ſo particular in the priſoner's dreſs?——I took notice of his handkerchief about his neck when I bruſhed his coat.

Do you pretend to know exactly from this diſtance of time how he was dreſſed?——I am very particular in that point; he only wore them clothes.

Do you know if any body elſe was there, except the priſoner; how was the old man dreſſed?—In a greeniſh coat, a red waiſtcoat, and red breeches; but I am not ſo very particular, becauſe he was only at dinner.

How was your miſtreſs dreſſed?——In a ſtriped looſe gown, of a buff colour, and reddiſh ſtripes.

Had ſhe a hat on?—She was not out, her hair was not dreſſed; ſhe had a cap on, but ſhe had no hat.

*Jury.* Was you directed, before you came here, to ſay what you have ſaid?—No, I was not, upon my oath.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

546. CATHERINE WAYLIN was indicted for feloniouſly ſtealing, on the 6th day of May laſt, a flannel nightgown, value 3s. a waiſtcoat, value 3s. one hundred yards of ribbon, value 30s. and other things, the property of James Joſeph Coppin:

And JUDITH WAYLIN was indicted for feloniouſly receiving the ſaid waiſtcoat, knowing it to be ſtolen.

The proſecutor left a box, containing the various things mentioned in the indictment, with one Mrs. Davis; and the priſoners, who were both children, went to play with Mrs. Davis's children; and the priſoner Catherine confeſſed ſtealing the things, and that ſhe had thrown down the neceſſary at her mother's houſe thoſe things which ſhe could neither pawn or ſell; her mother was out a nurſing.

*James Micaſtor*, a pawnbroker, produced ſome of the things.

*(Depoſed to.)*

CATHERINE WAYLIN, GUILTY.

*Recommended, on account of her youth.*

*Court.* Let her be ſeverely whipped with a rod by ſome woman, and then diſcharged.

JUDITH WAYLIN, NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* WILLES.

547. MARY MOON was indicted for feloniouſly ſtealing, on the 5th day of May laſt, nine yards of black ſilk lace, value 40s. the property of Thomas Wilkinſon and Co.

*A ſecond count*, for ſtealing the ſame things, the property of other perſons.

ROBERT DUFTON *ſworn.*

I live oppoſite to the proſecutor in Taviſtock-ſtreet; the proſecutors are haberdaſhers, in partnerſhip; on the 5th of May laſt, I obſerved two girls, the priſoner and another, paſs and repaſs by the proſecutors ſhop, between ſix and ſeven in the evening; I obſerved the other leave the priſoner, and the priſoner went cloſe to the window, and I obſerved the priſoner had her hand in the window, and I obſerved the priſoner unravel the black lace from the card that lay in the bottom of the ſhop-window; I ſaw her take it from her left hand to her right in the ſtreet, and put it under her cloak; I informed the proſecutor, and Mr. Jones went after her, and took her, three doors off; nothing was found on her; ſhe had an opportunity of conveying it away after ſhe was taken; the lace was never found again.

HENRY JONES *ſworn.*

I purſued the priſoner; nothing was found on her; there was a card which was removed, and ſome lace was wanting on it, nine yards; there was blood on the glaſs.

*Priſoner.* I know nothing of it; I ſell things in the ſtreets; I have no friends, I am fourteen.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* PERRYN.

548. MARY COLE was indicted for that ſhe, on the 22d day of May, ſeventy-one pieces of falſe and counterfeited copper money coin, to the likeneſs and ſimilitude of a farthing, not being then melted and cut in pieces, did ſell, pay, and put off, to one Lewis Abrahams, at a lower rate than they were worth, to wit, for one ſhilling, againſt the ſtatute.

LEWIS

### LEWIS ABRAHAMS *ſworn.*

*Mr. Garrow, Priſoner's Counſel.* Pray, what name do you go by?——I go by that name; I never went by any other name in this place, but for a nick-name, they call me *Buckero*; my proper name is Lyon Lewis.

How long is it ſince you was convicted of felony?—About eighteen years ago.

Your puniſhment was tranſportation?—Yes, ſeven years, which I ſuſtained.

*Court.* I think the puniſhment having been ſuſtained, reſtores the witneſs to competency.

*Mr. Reeve, Counſel for the Proſecution.* Where do you live?—In Wingfield-ſtreet, Petticoat-lane; I know the priſoner, I have ſeen her at one Fonſeca's in Gravel-lane; on one ſide, on the right hand, is a little bit of a chandler's ſhop, and on the left-hand ſide, a room to ſell bad money in; I had bad farthings of this woman, on the 22d of May; Hannah Maſſias was preſent; I bought theſe farthings of the priſoner; when I went in, ſhe and Fonſeca ſat together; ſays I, let me have one ſhilling's worth of farthings; ſhe counted me out eighteen-pence; I went with them to Mr. Clarke the next day; here are eighteen pennyworth of farthings for one ſhilling; there ſhould have been ſeventy-two, but there are but ſeventy-one.

*Mr. Garrow.* Then ſhe ſold them you at the rate of eighteen-pence for a ſhilling?—I aſked for a ſhilling worth of farthings, ſhe gave me eighteen pennyworth.

As many as would count for eighteen pennyworth?——Yes; I thought I had ſo many.

*Mr. Garrow.* My Lord, I ſubmit there is an end of this, on the face of the indictment.

*Court.* The evidence amounts to this, that ſhe ſold ſeventy-two, and delivered but ſeventy-one; I am rather inclined to think the evidence is not ſufficient to ſupport the indictment.

NOT GUILTY

*Tried by the London Jury before*
*Mr.* RECORDER.

549. **NICHOLAS WATERS** was indicted for feloniouſly aſſaulting Samuel Stretton on the King's highway, on the 31ſt day of May laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one guinea, value 1l. 1s. one half guinea, value 10s. 6d. and 3s. in monies numbered, his property.

### SAMUEL STRETTON *ſworn.*

I live at Dartford, in Kent; on Wedneſday laſt, coming from the rehearſal at the abbey to a houſe in Weſtminſter, it was about twenty minutes paſt four, the King and his family were coming round the corner of Bridge-ſtreet, and I ſaw the crowd ſo great, that I did not chuſe to come into it; I was huſtled into it by three, four, or five, of which the priſoner was one; he was one that forced me.

Was you huſtled in that way that people are when they are preſſed with a crowd, or did it appear to you as if theſe people puſhed you into the crowd on purpoſe?—I think it was, I cannot ſpeak to a certainty; when I got into the crowd, there were three or four turned me about ſeveral times.

Can you ſay with certainty that the priſoner was one of them that turned you about?——Yes, I ſwear to that; I found the priſoner's hand, and the money dropping out of my pocket.

Had he turned you about more than once when you found his hand in your pocket?—I was turned about to the priſoner; the priſoner turned me one way, and the others the other; and then the priſoner picked my pocket; he was one that turned me about, but how many times I cannot ſay; when the money dropped from his hand, the other witneſs, Bowyer, came up, and ſaid, you are robbed; and I ſaid, yes, pointing to the priſoner; the priſoner was on the ſide of me when the money dropped from him; he was taken to Bow-ſtreet; I never ſaw him or Bowyer before; I loſt a guinea and a half, and ſome ſilver; when the priſoner was in Bow-ſtreet, he aſked me what I was robbed of, and he ſaid he would return me the money if I could tell the exact ſum; I did not ſee the half guinea drop; but at the time it dropped I was ſhoved by the priſoner, it was all done in half a minute; the priſoner wiſhed me not to expoſe him; I cannot ſwear to the half guinea that I loſt; I put my hand in my pocket about ten minutes before I was robbed.

*Mr. Garrow, priſoner's counſel.* What is your name?——My name is Samuel Stretton; I live at Dartford; I am no profeſſion nor buſineſs, I live as a private gentleman; I have retired from buſineſs about fourteen or fifteen months.

Which of the officers is related to you?—Moſes Morant.

Which of them was it that adviſed you to indict this man for a capital offence?—They all told me, nobody told me about the reward; I never heard of it till you tell it me now, nor I will never receive any; Morant ſaid, he hoped I would not let the law eſcape, for the good of my country.

Did not he tell you not to let the reward eſcape?——He did not, I have heard on it upon the road; I gave no inſtructions for the indictment, nor did Bowyer; I told my ſtory to the clerk of the indictments, and he filled up the indictment; the priſoner came on the left hand ſide of me, and the others turned me round, he came from my right and turned me the other way; and he came from my right ſide and picked my pocket.

WILLIAM BOWYER *ſworn.*

I conduct a party of the patrol belonging to Bow-ſtreet; on Wedneſday juſt as the King paſſed from the abbey to Bridge-ſtreet, I ſaw the priſoner; I was on this ſide Bridge-ſtreet, I ſaw a huſtle of people at the corner oppoſite; I had been to Bridge-ſtreet, and had ſeen the priſoner there before; I ſaw him huſtling the gentleman on one ſide, and three or four men on the other; I am poſitive the priſoner was one; I knew him before; the priſoner's hands were down towards the proſecutor's thighs; this was in the middle of the huſtle; I croſſed the way, and before they had left off huſtling; when I came the priſoner knows me, and deſiſted huſtling immediately; I aſked the proſecutor if he had been robbed; the priſoner was then ſtanding within a yard of him; the proſecutor then ſaid, he had been robbed of a guinea and a half and ſome ſilver; the priſoner was inclining on the left ſide of the proſecutor, one of his hands was down on his right thigh, or near it, one hand was down to one ſide, and one to the other; he was partly facing of him, but inclining to the left ſide; the proſecutor coming out of New Palace-yard, and the priſoner puſhing againſt him, as if he wanted to go into New Palace-yard; on the proſecutor charging him, I took the priſoner into cuſtody, he wanted to ſettle it with the proſecutor very much in going up to the office; the priſoner frequently entreated me to go into ſome tavern, he offered the proſecutor his money, and me a guinea.

*Mr. Garrow.* Had you heard the money drop before you aſked the proſecutor whether he had been robbed?——I cannot be particular, I rather think I had.

Had the proſecutor hold of the man at the time you came up?——I really cannot ſay; when I came up they were cloſe together, he might have hold of him then, but when I aſked him if he had been robbed, he had not hold of him then; I took him into cuſtody.

Who gave inſtructions for the bill of indictment?—I did not.

Who did?——Mr. Johnſon put it himſelf, he was told how the affair happened.

Do not you know that the deſcribing this makes all the difference of forty pounds?—No doubt but the law allows it.

Do not you know if he was only convicted of common larceny, that the contrary would be the caſe?——A man muſt be a fool that does not know that.

*Priſoner.* I leave it entirely to my counſel.

*The priſoner called five witneſſes, ſome of whom*

*whom had known him many years, and gave him a very good character.*

GUILTY

*Of ſtealing, but not of the robbery.*

*To be privately whipped, and confined ſix months in the Houſe of Correction to hard labour.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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550. JOHN BINGHAM was indicted for feloniouſly ſtealing, on the 28th of April laſt, a cloth great coat, value 20s. two ſilk waiſtcoats, value 20s. a pair of ſilk breeches, value 20s. a pair of velveret breeches, value 20s. the property of James Chambers, and one cloth coat, value 30s. a ſhag waiſtcoat, value 5s. the property of Robert Chambers; in the dwelling houſe of William Blake.

JAMES CHAMBERS *ſworn.*

I am a taylor; I lodge in the houſe of Blake in the one pair of ſtairs back room, other people lodge in the houſe; we go in at one common ſtreet door, the priſoner is a taylor, he lodged in the ſame room with me; we had one bed; and my brother loſt the things mentioned in the indictment; he came to town about three weeks before, and put the box into my room; the great coat I value at twenty ſhillings, the two waiſtcoats, twenty ſhillings, the two pair of breeches forty ſhillings; I had the breeches on the Sunday before; they were locked in my box in the morning; the box was broke open in the room; and the next day I went to the publick office in Bow-ſtreet; and the priſoner and my brother went with me; I did not ſuſpect the priſoner at that time; they adviſed me to go among the pawnbrokers, but I found nothing of them; we went into Rag-fair, and the priſoner ſaid he had a couſin there he had not ſeen a long time, he would go and ſee him, and have a pot of beer; we ſtaid there till night, he would not leave the place; he ſaid it was of no uſe to ſee after them, for they were not there; I went with him, and ſtaid at a publick houſe with his couſin; I believe we might get there about two, and ſtaid till ſeven or eight at night; coming through Rag-fair we ſaw nothing of them; but I heard of them laſt Monday; the priſoner continued to lodge in the ſame houſe till laſt Monday, but I ſuſpected the priſoner two or three days afterwards; two or three days afterwards, Mrs. Blake aſked me whether I had found my clothes, and the priſoner ſaid, d——n it, I hate to hear a d——nd parcel of women meddling with what they have no buſineſs with.

*Mr. Garrow, priſoner's counſel.* He was drunk then?——I think he made himſelf worſe than he was; I heard of my things laſt Monday; I was looking in my drawers where the priſoner's breeches were, and there I found his waiſtcoat with ſomething hard, like cards or duplicates in the breeches pockets, I put my hand in and took the duplicates out, and there were four or five duplicates, and I gave them to my brother to read, I cannot read writing properly; I put the reſt in again; *(read)* three coats, three waiſtcoats, three pair of breeches, value 1l. 16s. and John Wright was upon it; there was a coat and a pair of breeches belonging to himſelf in that duplicate, I went to Litchfield-ſtreet office, and ſhewed it to the clerk, they told me where it belonged to, and directed me to go to Curſitor-ſtreet, the pawnbroker's name is Conner, they were pawned in the name of John Wright; the pawnbroker has had the things in his poſſeſſion ever ſince; I was going to look at them, and the pawnbroker ſaid, Sir, if you are not going to take the things out, I will be glad if you will pay the intereſt of them before you look at them; the intereſt was one ſhilling and threepence, I laid him down one ſhilling and ſixpence, and he gave me threepence, I then claimed the things belonging to me, a coat, two waiſtcoats, and two pair of breeches; the conſtable and my brother was by.

*Mr. Garrow.* How long have the priſoner

ſoner and you lived together in the ſame houſe?——A twelvemonth.

He worked for Mr. Fell?——Yes, and had done ſo for ſome time.

You did not work for Mr. Fell?—No, I was in employ.

You have ſucceeded him?——Yes; he went out firſt, and left me at home, and I locked the door, when I returned, I found the door locked, but I could not find the key, I put the key under the mat when I went out; the priſoner ſtill continued at his work, and ſtill continued to lodge in his room till he was apprehended; I found this duplicate about a month after I loſt my things.

Was that drawer locked in which you found the priſoner's breeches?—No.

No perſon was preſent but you and your brother?——No.

I believe you are better ſituated at Mr. Fell's than you was when you firſt went to him?——I do not know for that.

Tell us the name of the young woman you and the priſoner paid your addreſſes to?——Her name is Frances Payne.

I believe the priſoner had the good fortune, or the bad fortune as it has turned out, to make rather more advances in Miſs Payne's affections than you did?——No, my Lord, no, he did not.

A little piece of jealouſy?——She and I fell out about three or four months ago.

That was about the time of the trial of the Brighton taylor I ſuppoſe?—I do not know.

Was not the reaſon that Miſs Payne and you fell out, becauſe ſhe liked him better?——I did not know of it then, I found it out ſince.

Had you any ſort of enmity to the priſoner at the bar?——I never had till now.

You never declared that you had?—No, I never ſaid I ſhould hang him or tranſport him.

What did you ſay to Mrs. Blake and Mrs. Croſby about hanging him for making love to Miſs Payne?—Nothing that I know of, I do not know that I ſaid any thing about hanging him, to Mrs. Blake nor to Mrs. Croſby, I will ſay ſo.

Was Mr. Conner one of the pawnbrokers that you went to when you loſt your things, did the priſoner go with you to that ſhop?—We did not go to that ſhop, it did not fall in my way; we went from ten o'clock till night.

Do you recollect ſaying after you loſt your things, that you wiſhed that if they were pledged any where, that the perſon who pawned them would put the duplicate under the mat?——I ſaid, if I got them again, I would forgive them; Mrs. Blake ſaid to me, ſhould not you wiſh to have the duplicate put under the mat where the key is put? yes, ſays I, I ſhould.

Was that in the hearing of the priſoner?—No, it was not.

How many people went into this room where this drawer was?——As many as pleaſed, when the door was open.

How many had acceſs to the key?——There were four, the landlady, my brother, myſelf and the priſoner; I do not know whether Mrs. Croſby knew where the key lay, every body knew where the key was laid after the things was loſt; I do not know how many people live in the houſe, there are many lodgers.

At the diſtance of a month uſed your clothes to be kept in the ſame box?——Yes.

Might not it happen very well that a perſon having got that duplicate intending to reſtore it to you, might put it into theſe breeches, ſuppoſing them to be yours?—I do not know that.

ROBERT CHAMBERS *ſworn.*

I am brother to James Chabers; my box was left in my brother's lodging about three weeks before the robbery, when I came to town, I ſet it in there, it was locked; my box was broke open, at the ſame time I loſt an old coat, and a ſhag waiſtcoat, I valued the coat at twenty ſhillings, and the waiſtcoat at fifteen ſhillings; I went with my brother to Mr. Conner's, the pawnbroker's, that was Monday laſt; we went with the conſtable; I did not go in at firſt; when I went in, I ſaw my coat and waiſtcoat.

*Mr. Garrow.* I ſuppoſe you know Miſs Payne?——I have ſeen her ſince we came here.

### ROBERT CONNER *ſworn.*

I am a pawnbroker in Curſitor-ſtreet, Chancery-lane; this duplicate is of my own hand-writing; here is the fellow to it.

Who pawned the things?—The priſoner at the bar, on the 28th of April, in the morning, between ten and eleven; I am confident of the priſoner; I never ſaw him before.

*Court to James Chambers.* What time did you go out on the 28th of April?——About ten minutes paſt ſix; my box was not then broke open; I did not return till ten at night, when I came home, thinking to find the key; ſays I to the landlord, perhaps the child has got it; then he got two bunches of keys, and tried to get in; we could not; and tried to get in at the window, and could not; then I ſent for a blackſmith; the key was not found at all.

*Conner.* I lent the priſoner three pounds ſixteen ſhillings; I aſked the priſoner how he came by the things; he ſaid, the grey coat and the thickſet breeches were his own; the others, he ſaid, he pledged for a friend; theſe things have been in my cuſtody ever ſince.

*(James Chambers depoſes to two ſilk waiſtcoats, a great coat, and a pair of velveret breeches, and a pair of ſilk breeches.)*

*Court.* Do you ſwear theſe clothes to be worth four pounds?——Yes.

*Mr. Garrow.* You have preferred two indictments againſt this man, I underſtand there was a miſtake in the firſt, it was in a wrong name?——I did not know it, till after it was taken up to the Grand Jury.

Did not the clerk to the indictments tell you, before it was taken up?——I did not know it.

You was not told it by the clerk?——I do not know whether I was told ſo or no; I cannot ſay whether I did, or did not.

Why did you increaſe the value in the ſecond indictment, to what it was deſcribed to be in the firſt?—I valued them at four pounds in the firſt; the clerk wanted me to put down more.

*Mr. Garrow to Conner.* Is your ſhop partitioned off?——There are two boxes; the perſon who pledged them came into one of theſe boxes; he was a quarter of an hour in the ſhop; no other perſon was in the ſhop at the time.

What ſize is your ſhop?—A ſmall ſhop; it was originally a parlour, it is light.

Look at the witneſs James Chambers, and the priſoner?——The priſoner is the man.

Will you venture to ſwear that James Chambers was not the man that pledged the things?——I ſwear the priſoner is the man.

How was he dreſſed?—I cannot aſcertain his dreſs particularly; there was that heavineſs in his eyes that appears now.

Look at the heavineſs in James's eyes, is there any thing elſe?—Nothing elſe.

Cannot you deſcribe any part of the man's dreſs?——Not any part of it; but to the beſt of my knowledge, it was the dreſs he has on now.

Then, you believe it was a blue coat and a black waiſtcoat?——I believe it was; I cannot ſwear it, I believe it.

If you had ſeen him now in a white coat, ſhould you then have recollected he was in a blue one?—I cannot ſay that.

*Court.* You are ſure that is the man?—I am confident, I ſwear it.

Then, you are ſure it was ten o'clock?—It was early in the morning, it was between the hours of breakfaſt and noon, and I believe about ten.

*Court to Robert Chambers.* Look at theſe things, and ſay which is your's?—This waiſtcoat and this coat is mine; this was the priſoner's coat and waiſtcoat; I know them to be the priſoner's.

*Mr. Garrow.* Had you got into place before this happened?—Yes.

Are you in the ſame place?——No; I am with my brother; my brother and I both left that ſhop that the priſoner worked in.

*Priſoner.* I leave it to my counſel.

### THOMAS JONES *ſworn.*

I am a taylor; I worked with the priſoner two years and a half; the morning when theſe clothes were taken, ſome time after ſix, the priſoner came to work at Mr. Fell's; he ſtaid all the morning; in the courſe of the morning, he ſaid he wanted to go Smithfield in his dinner hours, and aſked me if he could go there and back, and get his dinner at a public houſe; I told him I thought it poſſible he might; he went off, but whether he went to Smithfield or no I do not know; he was his hour gone, and dined in the ſhop when he came to work again, and he ſeemed very much fatigued, as if he had been running hard.

What time did he go from his work?—Twelve o'clock; I had no further converſation with him then; in the courſe of the next week, the priſoner had wrote to his brother-in-law, informing him he had loſt his clothes; he had loſt his clothes as well as the proſecutor; his brother came to town; I had a trifle to make up, and I aſked a man to lend me half a guinea; he ſaid it was not convenient; the priſoner put his hand in his pocket, and pulled out ſome money; there was gold and ſilver, I cannot tell how much, and pitched half a guinea into my lap as I was at work.

*Mr. Garrow.* So that from ſix to twelve he continued working with you?—Yes.

How long had the priſoner worked for Mr. Fell?——I do not know; he was out of town ſome time, he worked there before I came.

What has been his general character as to honeſty?—I never heard any thing amiſs of his character at all.

Where does Mr. Fell live?——In St. Martin's-lane.

*Court to Conner.* You ſay, you cannot exactly ſay to the time?—It was between breakfaſt and dinner time.

What time do you dine?—Between one and two, nearer two.

*Mr. Garrow.* Do you keep a regular book?——We do not make any entry before the afternoon.

### RICHARD WORRELL *ſworn.*

I worked with this young man, the priſoner, at Mr. Fell's; the priſoner related to me, that ſince the robbery was committed, it would be the laſt day he ſhould work with me; that was about ten days after the robbery was committed; it was his own converſation to me; he worked with me after.

*Court.* That applies to nothing.

*Mr. Garrow.* How long have you been a ſhopmate of his?—Better than two years; I never heard any thing diſhoneſt by him.

### THOMAS SHEFFIELD *ſworn.*

I am foreman to Mr. Fell; I know nothing reſpecting the robbery, I am come with the time-book.

*Proſecutor.* That is to ſhew how much time he loſt lately.

*Mr. Garrow.* He loſt time in courting Miſs Payne, and that gave you pain.

*Court.* This book is nothing at all.

*Mr. Garrow.* Was not he remarkably induſtrious, and employed in carrying work home?—Yes; I have been with Mr. Fell eleven years; I have known him four years, I never heard any thing amiſs of him.

Was you at home on the morning of the 28th of April?—I do not recollect.

### MARY BLAKE *ſworn.*

The priſoner and Mr. Chambers both lodged at our houſe.

Do you remember Chambers going out on the 28th of April, in the morning?—They go out early in the morning, before I get up; the priſoner came home that day between twelve and one.

Had you any converſation with him?—Yes; he came into the ſhop a little after twelve, and put his hand, as uſual, to take the key down; the key uſed to hang up in our ſhop, they put it under the mat at the foot of the ſtairs, when they got up, that I ſhould get it to make their bed when I got up; when I had made the bed, I uſed to hang it up in the ſhop; the ſhop was not open in the morning when they went out; I ſaid, Oh, Mr. Bingham, I thought you was in your room, for I have not had the key to-day; I did not find it under the mat that morning.

*Mr. Garrow.* Your Lordſhip recollects that Chambers went out laſt that morning, and locked the door.

*Mary Blake.* I told Mr. Bingham, perhaps Chambers is up ſtairs, not well; then he went up to the door, and came down again, and ſaid the door was locked; I then ſaid, perhaps the key may have been left on the three pair of ſtairs; he came down again in a little time afterwards, and I ſaid, have you found the key; and he ſaid, no; I ſaid, I thought you had, becauſe you ſtaid up ſtairs; and then he ſaid he got into Mrs. Barker's room, in the two pair of ſtairs room, and had been chatting with them.

How long did he ſtay up ſtairs?—I cannot ſay; it was more than ten minutes, but I cannot ſay.

At that time, had he any bundle with him?——None at all; I ſaw him have none; at night he came home, and could not get in, and they ſent for a man to break the door open; then they found the boxes broke open, and the things gone; Mr. Chambers told me he ſuſpected Bingham, and he told me he did not chuſe to lodge with us, if Bingham ſtaid; I told Mr. Chambers, if it was diſagreeable, and that he ſuſpected Mr. Bingham, I would give him warning to quit; Chambers ſaid, I will tell him firſt that I ſuſpect him; I did not give Mr. Bingham warning, becauſe Chambers told me he would ſpeak to him firſt: the priſoner had lodged with me upwards of a twelvemonth; I always looked upon him an honeſt, induſtrious young man, and as ſuch I always found him, I never heard any thing to the contrary; I did not ſee Chambers go out on the morning of the 28th; when he came home at night, he ſaid he had put the key under the mat, as uſual.

Do you know Fanny Payne?—I have ſeen her.

She was a ſweetheart of Chambers's?—God knows, I do not know, for I do not trouble my head about ſweethearts; Mrs. Barker is a lodger of mine, and Elizabeth Croſsby is her niece.

*Court.* Can you tell whether the priſoner had been in any other part of your houſe, before he came into your ſhop?—I cannot tell; it was a little after twelve.

*Mr. Garrow.* Does the ſtreet-door open into the ſhop?—It is juſt by the ſhop; perhaps I might have ſeen him, perhaps not.

*Court to James Chambers.* You went out laſt on this morning, on the 28th?——Yes, as far as I know, without he concealed himſelf in the houſe; my brother went with me; I put the key under the mat, as before.

### ELIZABETH CROSSBY *ſworn.*

My aunt's name is Mary Barker, ſhe lodges at Mrs. Blake's; I ſaw the priſoner on the 28th of April, about twelve, in my aunt's room, up two pair of ſtairs; Chambers lodges in the one pair of ſtairs; he ſtaid in our room, as near as I can recollect, about twenty minutes talking.

Had he any bundle at that time?—Nothing at all; after he went out of our room, I heard him go up to the one pair of ſtairs, and knock at the door; there was no one at home; he came down ſtairs, and went away.

*Court to Mrs. Blake.* Did the priſoner uſed to come home in the middle time of the day?—Sometimes.

How far is your houſe from Mr. Fell's ſhop?—Our houſe is in Little Windmill-ſtreet.

Did he come home often in the middle of the day?—No; ſometimes he did, and ſometimes Mr. Chambers did.

*Mr. Garrow.* There was nothing extraordinary in his coming home at that time of day?—Nothing at all.

FRANCES

### FRANCES PAYNE *ſworn.*

You are acquainted with the priſoner?——Yes; I have known him a year and four months; I ſaw James Chambers from Mr. Bingham's bringing him to me.

Mr. Chambers, Madam, took it into his head to make love to you?——I firſt ſaw the priſoner at a perſon's houſe that I know, a friend of mine, who had known the priſoner four years; I went to ſervice, and in Bond-ſtreet I was taken very ill; the priſoner went to get me a coach; I aſked who he was; ſhe gave him an exceeding good character; we became intimate, where I have been three or four days; he told the proſecutor he ſaw a perſon from the town where he came from, and he wiſhed him to go and ſee me; Mr. Chambers and me continued friends till about three months ago, a perſon who had got acquainted with the priſoner perſuaded me to quarrel; the proſecutor got the priſoner to write to me.

Then Chambers wiſhed to be his ſucceſſor in your affections?—Chambers did every thing in his power to make himſelf agreeable, but I could not find him ſo; I let the proſecutor come and ſee me at times as an acquaintance of Mr. Bingham's; before I dropped acquaintance with the proſecutor, he told me, if ever I was going to be married to any perſon, let him be whomſoever he would, that he would prevent it for a little, if not for a conſtancy.

Upon your turning off Chambers the priſoner came into favour?——Yes; on the 20th of laſt February, I left my place and went down to North Shields to my ſiſter, who is here, I returned laſt Wedneſday was a week; I went down with a promiſe of marrying the priſoner upon my return, and Chambers told me when I returned again the day after the priſoner was taken up, he was taken up after I came to town, Chambers knowing I was to be married to him on my return laſt Tueſday; when the priſoner was taken up the Monday before; on the Tueſday night at ſeven o'clock, the proſecutor came with Mr. Dexter, who is here, to me.

What buſineſs did you follow?——I have been a nurſery maid from twelve years old.

Are you in ſervice now?—No, I was down in the country ſeeing my friends, and when I came up, I took a room with intent of being married to the priſoner; Chambers told me, he came to inform me out of friendſhip what the priſoner was taken for; that he had taken up the priſoner; he aſked me if I was married to him, but I did not anſwer him, he ſaid, he pittied me; then he told me he always reſpected me, and was glad for my ſake that I was not married to him, he certainly would proſecute the priſoner as far as he could, and for my ſake he would not wiſh to ſee him hung, but would proſecute him as far as he could, and tranſport him, if in his power; he ſaid, if I was not married, he was glad, if ſo he ſhould be ſorry; one of the witneſſes here, gave him a letter to bring to me; the priſoner had given another perſon a letter, and the priſoner had deſired Dexter to come and tell me, Chambers choſe to come with him, and Dexter had not leave to ſpeak.

### JOHN DEXTER *ſworn.*

I am a taylor; I know the proſecutor and the priſoner; I work at Mr. Fell's; upon the priſoner's being taken up, he deſired me to go to Miſs Payne to inform her; I did not deſire Chambers to go with me, Mr. Chambers being with me at the Bear when the priſoner was committed, deſired I would learn where Miſs Payne lived; when we came there, the account Miſs Payne gave, is ſtrictly true; I have known the priſoner four years.

What has been his general character as to honeſty?—I never heard any thing amiſs of his character; on the 28th of April laſt, from ſix in the morning or a few minutes after, I ſaw Mr. Bingham till twelve; he returned to work at one, and continued there till eight; I went out with him from Mr. Fell's at half paſt eight, and we went acroſs the way to a publick houſe, then he went on his maſter's buſineſs, and carried ſome clothes to the Rev. Mr. Smith's, by Portland-chapel, and to another place in Oxford-road, and we both returned to the publick houſe, and ſupped together, he ſtopped with me till half paſt ten, and then went home.

**WILLIAM KNIGHT** *ſworn.*

I am a taylor; I work with Mr. Fell, the priſoner overtook me as I was going to work in the morning, he went with me and continued till twelve.

*Mr. Baron Perryn.* It appears it was very imprudent to leave theſe duplicates in a drawer that was unlocked, expoſed to other perſons at the diſtance of a month.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

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550. The ſaid JOHN BINGHAM was again indicted for feloniouſly ſtealing, on the 28th day of April laſt, one cloth great coat, value 20s. two ſilk waiſtcoats, value 20s. a pair of ſilk breeches, value 20s. a pair of velveret breeches, value 20s. the property of James Chambers; and a cloth coat, value 30s. and a ſhagg waiſtcoat, value 5s. the property of Robert Chambers.

*Proſecutor.* That is a wrong indictment, I do not wiſh to proceed upon it.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* WILLES.

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551. HENRY BLAND was indicted for feloniouſly ſtealing, on the 25th day of May laſt, two pair of white cotton ſtockings, value 2s. a cambrick neck handkerchief, value 2s. a muſlin ditto, value 1s. a ditto, value 2s. two landſcapes, value 3s. two decanters, value 2s. a carpet, value 6s. a teapot, value 1s. two Mancheſter valences, value 4s. a pair of ſheets, value 8s. a quilt, value 1s. a pillow, value 3s. a ſet of inſtruments, value 2s. and a diaper napkin, value 1s. the property of William Ayres.

*(The caſe opened by Mr. Knowlys.)*

*(The witneſſes examined apart at the requeſt of Mr. Garrow, priſoner's counſel.)*

**WILLIAM AYRES** *ſworn.*

The priſoner had been with me as a porter pretty near three quarters of a year, at the time of his marriage with my ſervant, it became neceſſary he ſhould be on another footing; they have been married between four and five months; I have every reaſon to ſuppoſe, that ever ſince that time they have been robbing me; I loſt a damaſk table cloth and charged him with it; I know nothing but what Mrs. Ayres informed me; in conſequence of ſome ſuſpicions, I got a ſearch warrant, and I was coming with it, and I was ſtopped by an officer and detained though a bankrupt; Mrs. Ayres ſearched the apartments; I had ſeveral times enquired of the priſoner where he lived, and he equivocated, and never particularly told me; I found out by an acquaintance where it was, and I went with Parrot the officer to his apartment, that was after they had been ſearched before, and there I found a pair of vallences that I believe to be my property; the ſearch warrant was the 25th of May; I ſaw a pair of bedſide carpets, that appeared to be cut off a roll of carpeting that I had in my warehouſe, but I have not ſeen the roll ſince.

*Mr. Garrow, priſoner's counſel.* Was it a pattern you kept for ſale?—Yes.

You now are a bankrupt?—Yes.

How long is it ſince the commiſſion iſſued?——The 2d of laſt month I think.

Your time for paſſing your laſt examination is not expired?——I ſurrendered the firſt day of meeting; I have not undergone any examination.

Was it a friendly commiſſion?—No, I do not ſuppoſe it is, at leaſt I hope it will be friendly to me; I have been very much ill uſed by the world, in conſequence of a partnerſhip I had; my partner having left me, my attorney told me that nothing but a commiſſion of bankruptcy would clear me; and ever ſince that I have been endeavouring to bring this partner forward; it has coſt me a great deal of money in law; I ſuppoſe I broke for about a thouſand pounds.

You kept an auctioneer's and upholſterer's ſhop in Holborn?——I did.

May be the bankruptcy came upon you by ſurpriſe?—I was out of the way; I was confined.

Did you happen to be at home on Sunday the 23d of April?——I do not recollect.

Do you recollect about that time giving the priſoner any orders to draw any cyder for any body?—No; I will tell you the whole of that.

Did you on that Sunday 23d of April cauſe the priſoner to draw any large quantity of cyder?—No, I did not.

Did you tell him to carry a quantity of cyder to Mr. Wordſworth?——I told him to bring it to me; the cyder was very flat; it was ſeventy-two gallons; it was ſent to Mrs. Ayres.

Did you give this man directions to take ſixteen gallons to Mr. Wordſworth on Sunday morning?—No.

Did Mrs. Ayres deſire him in your preſence?——I do not recollect; but I drink it now every day; there were no orders.

Did he bring you any champaign?——Not that I know of; the priſoner continued in my ſervice till my bankruptcy.

From the time of the priſoner's marriage, you began to ſuſpect him?——Upon my word, and my oath, the reaſon why I did not take him up, was becauſe of my reſpect to him.

For what purpoſe, and under what pretence, did you order the carpets to be ſent to Mrs. Wordſworth's?—To cover a debt of Mrs. Parr's, my mother-in-law; ſhe is a poor woman.

When were theſe removed?——Much about that time; the order was not given at the time that the order for the cyder was given.

Was it before or after?—I do not know, I cannot ſay, I will not ſay; I can ſay it was not at the time.

What might be the amount of Mrs. Parr's debt?—Twenty-one pounds.

What became of the carpets after they were taken to Mr. Wordſworth's?——Mrs. Parr had them; they were under twenty pounds; there was ſome carpets and ticking; I underſtood afterwards that it was not right, and they were returned.

What was it you underſtood, that it was wrong to pay your mother in this way?—It was before the firſt meeting, I mentioned it to the aſſignees, and they were very ſorry it ſhould appear that I had endeavoured to cover one more than another, as I had a partiality for her.

Who told you this was a wrong thing?—I cannot tell; I did not think it of any conſequence to keep in my head; I cannot tell who told me ſo.

Did you pay any body elſe in this way?—I do not recollect.

Will you ſwear you did not to any body?—I beg your pardon; my Lord, I think this interferes with my laſt examination.

*Court.* I have been very attentively watching his queſtions, with a view to ſtop him the moment any thing tended to criminate you; the removal of your effects before bankruptcy, and giving a preference to creditors, though an improper one, is not ſuch as will hurt you, provided you make a full diſcloſure on your future examination.

*Proſecutor.* My Lord, I ſtand here without accounts; Mr. Garrow comes to queſtion me about circumſtances; I can go no farther than my recollection; but upon my word and honour, every thing that comes to my recollection, I will bring forward.

*Court.* Mr. Ayres, if you are unintentionally incorrect, from not having your accounts and papers with you, that cannot be imputed to you.

*Mr. Garrow.* You cannot fail to recollect to whom you have delivered goods; now, tell me to what other creditors you have delivered goods about that time?—None, as I recollect.

Can you venture to ſwear, upon your recollection, that you have not delivered any goods whatever to any perſon ?——I will ſwear that I do not recollect.

Will you ſwear poſitively that you have not done it ?—I will ſwear that; but goods ſent to my warehouſe on commiſſion, I have a right to ſend back.

That has been ſince the commiſſion ?—I think it was; an attorney, I forget his name now, in Bartlett's Buildings, ſent me ſome pictures, upon commiſſion; theſe pictures I was to ſell for him on commiſſion, and thoſe not ſold, returned; I believe I returned them ſomewhere about that time, which I am ſure I had a right to do; it was before I ſurrendered myſelf to the commiſſion; it was while I was at the officer's houſe, that I gave the orders about the cyder; it was before the docket was ſtruck; the priſoner continued in my ſervice till the commiſſion iſſued.

What wages were due to him ?——Twenty-eight ſhillings; he claimed four pounds.

Where did he apply to you for it ?——In Ivy-lane, at Mr. Wordſworth's.

Did his wife apply to you too ?——Yes; it was before the ſearch-warrant; his wife came and behaved impertinently to Mrs. Ayres, and I came and gently put her out of the room.

What ſort of impertinence was it ?——She ſaid enough to hurt the feelings of any woman in that ſituation; and told Mrs. Ayres that now ſhe was but a little better than herſelf; I could not bear it; I did not mind it to me.

Was this before the ſale of your goods ?—Yes, I think it was.

And before the ſearch-warrant ?—Yes.

And three months after your ſuſpicions ?——Yes.

I believe the priſoner had the impudence to come himſelf after his wages ?—He did, and he was not a little ſaucy; he ſaid he muſt have his wages.

Upon your oath, did not the priſoner threaten at that time that he would diſcloſe your concealments ?——No, I do not recollect he did; he did not, I ſwear poſitively; when I ſpoke to him, and told him he muſt go to the commiſſioners, he ſaid no more, but went out of the door.

Upon your oath, before the ſearch warrant was obtained, did not the priſoner threaten you that he would diſcloſe your removal of the property in the way you have ſtated ?——He never ſaid any thing of the kind to me upon any occaſion.

Did he to Mrs. Ayres ?—I do not recollect; I heard ſomething of it.

Did not your wife tell you of it ?——Upon my oath, I do not recollect it; I have heard it, that is ſufficient.

No, it is not ſufficient; upon your oath, did not your wife tell you of it ?——I do not recollect ſhe did; I will not ſwear ſhe did not; there was a deal of converſation.

What do you believe ?——I do not believe any thing about it.

But I will make you ſay ſomething about your belief ?——It is very probable ſhe might.

Did not ſhe, upon your oath ?—I will not ſay, upon my oath, becauſe I cannot.

You ſhall ſay whether you believe ſhe did ?—I do not know.

What do you believe ?——I believe ſhe did.

What do you believe ſhe ſaid to you about it ?—I do not recollect.

Where do you believe it was that ſhe told you ?—I do not recollect any thing about it.

Did not Mrs. Ayres tell you that a man threatened to charge you with concealing your effects ?——I believe ſhe did.

How long before the ſearch warrant was applied for ?——Upon my word, I do not know.

Was it a week, or two or three days ?—Oh, it was more than that, it was a fortnight; the priſoner came to me ſome time before the bankruptcy, not a fortnight; he ſaid he wanted his wages; I told him he ſhould be paid; he immediately ſaid to me, very well, I am ſatisfied, and went away; then he came down a day or two after the bankruptcy, and ſaid he wanted his wages; I told him it was entirely out of my power; then his wife came down, and behaved ſo ill to Mrs. Ayres, I could not bear it.

Was it at that time that the wife had threatened you with diſcovering the concealing of your effects?——It might be the ſame day.

Do you believe it was?—I cannot keep it in my head.

Do you believe it was not?——I do not believe any thing about it.

Oh, but you muſt believe one way or the other?——I do not believe it was the ſame day, and I have no reaſon to believe the contrary; I do not recollect when it was.

Was Mrs. Parr preſent when your wife told you that?——I do not remember.

Within the laſt two months, what other perſons had you delivered your goods to, either as returning them as belonging to them, or as paying off a debt, or any other way?——To no one; I do not recollect any thing of the kind; I am pretty ſure, I think I can ſwear.

### Mrs. AYRES *ſworn.*

*(Mr. Garrow deſired Mr. Ayres to remove out of the view of his wife during her examination; he went out of Court.)*

The priſoner was a ſervant of our's; I never had any ſuſpicion of him, till I ſaw a neckcloth of mine about his neck; it was one of my habit neckcloths; it was a week or a fortnight before I diſcharged his wife, and that was about the 1ſt of March; I think this was about the 10th; the next day, he came in a ſilk handkerchief, which increaſed my ſuſpicion; I ſaid, Harry, I ſhould be glad you would aſk Ann whether ſhe has miſlaid any neckcloth; he took no notice of it; I never learned where he lived from himſelf, but I enquired, and found it out; and when the ſearch warrant was taken out, I went with the officers, and it was in Angel-ſtreet, St. Martin's le Grand, in a two pair of ſtairs fore room.

*Mr. Garrow.* Is it the ſame ſtreet that Mrs. Wordſworth lives in?——It is; I found two China plates, and a China bowl; I ſaid, there is ſome part of my property; he fell down on his knees two or three times, and ſaid, Mrs. Ayres, for God's ſake, do not hurt me, I will deliver you up all your property, but do not take me to priſon.

*Court.* Was the officer preſent when he ſaid ſo?——He was, and likewiſe the porter who fetched the things, his name is Thomas Hopkins; that part of the property that is found, I know to be mine; there is a mark on one neck handkerchief; I know it perfectly well; and the ſtockings are marked W. A. Here is the fellow to the handkerchief, they are remarkably fine, I do not think there is ſuch another handkerchief; I did not mark it myſelf; theſe other things are all freſh marked with the priſoner's mark; ſays I, Harry, this is the very handkerchief I have been in ſearch after; ſays he, Madam, I do not know how I came by it, I believe it is your's.

*(The things depoſed to.)*

*Mr. Garrow.* What did he ſay?——I aſked him how he came by that bowl; ſays he, Madam, I took it; he fell on his knees, and ſaid, I will pray for you as long as I live, if you will not ſend me to gaol; I ſaid nothing to him, before he fell on his knees.

How long did the wife of the priſoner continue in your ſervice, after he ceaſed to be in the houſe?——I cannot ſay how long.

Was it a conſiderable time?——He was our ſervant to the very laſt; but I really do not know; I cannot give you a full anſwer, I believe it may be about two or three months; I ſuſpected him from the time he would not tell me where he lived; I had communicated my ſuſpicions to moſt of my friends, and I mentioned about the handkerchief to every body that knew me.

Do you recollect, after your huſband became a bankrupt, any application being made by the priſoner and his wife for the wages that were due to them?—Yes.

How long was that before the ſearch warrant?——Why, Mr. Garrow, I cannot ſay; I believe it was about a fortnight before the ſearch warrant.

The man came firſt, and then the wife?——Yes.

His wife behaved very rudely to you?—She did.

She was turned out of the room, I believe?——She was.

What did they threaten to charge your huſband with?——I never heard them ſay any thing of the ſort.

At no time?——At no time.

*Court.* Recollect yourſelf, and do not be haſty in anſwering the queſtion, nor be entrapped by it.

*Mr. Garrow.* I am ſure, my Lord, I do not wiſh ſhe ſhould; my queſtion to you, Mrs. Ayres, is, whether at any time they made threats of charging your huſband with diſcovering any concealment of his effects?—I never heard it from either of them.

Did you ever hear of it, till now that I mention it to you?——No, Sir; I never heard of it till the day before yeſterday; I never heard of it before the ſearch warrant.

Then, of courſe, you are ſure you never told Mr. Ayres that they had made ſuch a threat?——I do not think I ever did ſay ſo.

Can you be ſure that you never did?—I cannot be ſure that I did not ſay it ſince, but not prior to it; I was under no fear of any thing of the ſort.

Had you ever, before the day before yeſterday, or before laſt Thurſday, told your huſband that you had heard that they had made ſuch a threat?——No, Sir.

Are you quite ſure of it?——I believe I may ſay I am quite ſure of it; I am, till within this week.

Did you ever hear any body elſe tell your huſband that ſuch a threat was made?——No, Sir, I never did.

So, after waiting March, April, and May, at laſt, in the latter end of May, a ſearch-warrant was applied for?—After I miſſed this handkerchief, I aſked Harry where he lived, and he refuſed to tell me; ſays I, in caſe you are wanted, it is very odd you do not give me a direction where you are to be ſent for; I aſked one Walter that lives at No. 45, and he did not know, and I aſked another perſon, and he did not know; I made ſeveral enquiries, and I was told that Nanny had been ſeen go in at the green ſtall; I enquired there about a month ago; I ſaid, Harry, I deſire I may know where you live; ſays he, I live up in the Upper Turnſtile, Holborn.

Did you apply for a ſearch warrant as ſoon as you knew where he lived?—I certainly did.

How did you find out where he lived?—It was by mere chance that a gentleman ſaw him go in with a box; had I been to have acted for myſelf, I ſhould have been after them at any rate; Mr. Ayres would not ſuffer me to entertain the idea that they were diſhoneſt.

Did you ever apply to a Magiſtrate for a ſearch warrant before?—No.

About what time was it that your huſband was arreſted?—About the middle of April.

He was in cuſtody about a week, and then diſcharged?—I cannot ſay whether it was March or April.

How long before the bankruptcy?——Above a month.

Do you recollect being at your houſe in Holborn, and giving any directions about cyder, and champaign, and carpets, any time about the 23d of April?——

*Court.* The only defence would be, that theſe identical things were ſent.

*Jury.* Did you aſk the priſoner where he lived, and he denied telling you?——He would not tell me where he lived.

*Mr. Garrow.* Do you recollect giving any orders for the removal of any of the goods, after your huſband had been arreſted, and after he had been in the cuſtody of the officer?—No, Sir.

Do you recollect ordering ſome carpets and ſome ticking to be carried?—I do not believe I ordered them; there were ſuch things came down to Mr. Wordſworth's; we had an apartment there.

Do you recollect any champain and cyder carried any where?——There was ſome cyder that was ſent me out of the country.

Do you recollect giving ſuch orders?—I deſired him to carry about a couple of dozen to Mrs. Wall, as a preſent.

Was none carried to Mr. Wordſworth in Angel-ſtreet?—Yes, there was, but not by my orders.

Without your knowledge?—Yes.

What were your orders?——To take about a dozen and an half, or two dozen of the cyder to Mrs. Wall.

Had he orders to bring down the carpet and the ticking, or did he bring them without orders?—He had orders to bring them down.

What did you ſay to him when you gave him the orders?—It was, Harry you muſt take that carpeting down to No. 9, Ivy-lane.

What had paſſed between you and him about removing things?——I will be upon my oath he never had any general order; he had no orders; he never brought any thing down to me but theſe things; he never removed any thing to another place by my order, or Mr. Ayres's to my knowledge; I do not recollect giving him the order about the pictures to Bartlett's-buildings.

*Mr. Knowlys.* When you gave any particular orders to the porter, you thought he was bound to obey them?—As a ſervant he certainly was.

### EDWARD PARRAT *ſworn.*

I went with a ſearch warrant to the place, when I firſt found the china plates, Mrs. Ayres challenged them to be hers; he fell on his knees, held up his hands, and owned them to be hers; the pictures and ſome other things, he ſaid, he bought himſelf, ſome from No. 45, and the bowl, he ſaid, he bought himſelf; he was for an hour on his knees; he begged of her not proſecute him for the ſake of his wife.

*Court.* Did he ſay a word that he had an order to bring them there?——Not a word, he was an hour and upwards on his knees.

### THOMAS HOPKINS *ſworn.*

I am a ſervant to Mr. Ayres's brother; I was at the priſoner's houſe when the things were brought away; I brought them away myſelf; I heard the priſoner ſpeak to Mrs. Ayres, and beg her pardon, and own he had the things; he down on his knees, two or three times in the room.

Did he ſay he had any orders to bring them away from her houſe?——I did not hear him ſay any thing of that ſort, he ſaid, the things were hers.

### PRISONER's DEFENCE.

What I did, I did by my miſtreſs's orders, and by nobody elſe, only the carpets, which I took to No. 9, Ivy-lane; what I had in my apartment, and particularly the china bowl, was by my miſtreſs's orders.

*Jury.* What made you go down on your knees?——Becauſe I was frightened, I never had been before a magiſtrate, ſeeing a conſtable come into my apartment, frightened me beyond deſcription.

How came you to conceal your lodging from your miſtreſs?——I did not conceal it; becauſe when the commiſſion was taken out, I left my number where I lived with Mr. Naylor the attorney, I told him to call on me.

*The priſoner called ſeven witneſſes, who gave him a very good character.*

### WILLIAM WIGHTMAN *ſworn.*

*Court.* When was you firſt applied to or conſulted by the priſoner?——A little more than three weeks.

When was the ſearch warrant?—The 25th of May; this was before the ſearch warrant, becauſe they came to me again when the warrant was taken out; it muſt be the beginning of May that he applied to me firſt, to know how he could recover his was wages; I told him I would mention it to the aſſignees; he then mentioned his having threatened Mr. Ayres with reſpect to the concealment of his effects; he ſaid, in plain terms, that he looked upon it to be concealing of his effects from his creditors; I told him I hoped Mr. Ayres, and thoſe people that took them in, were aware of the conſequences; it was a capital offence in Mr. Ayres, and in the people that received them, it was a very heavy penalty; that ſeemed to deter the young man from going any further in a diſcloſure, excepting that he did mention a place in Ivy-lane; I told him it will not be very material at preſent, if Mr. Ayres diſcloſes theſe things at the time of his final examination, it is very well; if not, you will recollect what things you have carried, and we will ſee into them; upon the ſecond meeting when the aſſignees were choſen, Mrs. Parr appeared, and proved a debt of twenty pounds, and on that occaſion, ſhe told the aſſignees that ſhe had ſome goods in her poſſeſſion.

**GUILTY.**

*Court to Priſoner.* You have been convicted of a felony on very clear and ſatisfactory evidence, and after a very minute and attentive examination, and under circumſtances of as great aggravation as I remember to have occurred in any caſe; your crime is that of a ſervant robbing his maſter, and not content with plundering him in a time of diſtreſs, robbing him alſo of his character, and ſetting up a charge againſt him that might ultimately have affected his life; under ſuch circumſtances, therefore if you had been capitally indicted by your maſter, who in this caſe has proceeded mercifully; there appears to have been very little reaſon to conclude, that his Majeſty, (however in general inclined to mercy) would have thought your life one worthy to be ſpared: the Court therefore think it their duty to pronounce upon you as ſevere a ſentence, as the law enables them to do, which is, that you be

*Tranſported to Africa for ſeven years.*

*Tried by the London Jury before*
*Mr.* RECORDER.

# MISDEMEANORS.

552. **WILLIAM SNOOKS** was indicted for obtaining, on the 24th day of April, one hundred mackerell by falſe pretences.

**GUILTY.**

*Fined 1s. and impriſoned one month in Newgate.*

*Tried by the London Jury before*
*Mr.* RECORDER.

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553. **JAMES HAYLOCK** was indicted for wilful and corrupt perjury in his evidence, on the trial of James Kirby and John Carr, at the laſt ſeſſion at the Old Bailey.

*(The indictment opened by Mr. Knowlys.)*

*Mr. Shelton*, clerk of the arraigns, proved the record of the conviction of James Kirby, and William Carr, in the laſt ſeſſion.

*Mr. Hodgſon*, the ſhort-hand writer, read the evidence of the priſoner on the trial, from his notes as follows: "JAMES "HAYLOCK *ſworn.* I am a runner, I "took the priſoner Carr, *he was not in* "*a run, he was in a kind of a walking,* "*juſt by the Cock door.*"

## THOMAS BURLEY *ſworn.*

I attended at Litchfield-ſtreet before the Juſtices; the priſoner now at the bar was examined, and bound over to proſecute; when the priſoner Carr was apprehended, Haylock made uſe of a very bad expreſſion, he ſaid, b——ſt my eyes and limbs, the b——r could not have run worſe, for he ran plump into my arms; he has more than once ſaid thoſe very words.

I believe when the trial was here, your little boy was abſent, and the Court waited for him?——Yes.

Did you ſend him back upon any occaſion?——No, I did not, I was in the court, and Haylock came in to me, and put up his hand, ſays he, here is a pretty meſs we are in, now that bloody rogue Blacketer has ſent your apprentice away.

*Priſoner*. Did not I deſire you Mr. Burley to ſtand up and get the trial put off the value of an hour?——He came in at that door; and I ſtood there; he did deſire me to ſpeak to the Judge concerning the matter that the boy was ſent away; but he laid it on Blacketer.

Do you know what he ſwore before the Juſtice?—No.

## WILLIAM BENNETT *ſworn*.

I am an apprentice to Mr. Burley; and attended the trial of Kirby and Carr, here the laſt ſeſſion; I was out of the way when the trial came on.

Who ſent you out of the way?—Blacketer and the priſoner came both together, and aſked which was Burley's boy, I ſaid, there he is; I thought they meant the little boy, they ſaid, no, the apprentice; Blacketer ſaid that; then Haylock told me, that my maſter was in court, and he had ſent out word, that I was to go home for ſome beef ſtakes, I am ſure it was Haylock that told me ſo; I was at the Juſtice's in Litchfield-ſtreet, and going to the watch-houſe, I heard the priſoner ſay, that Carr ran right plump into his arms; I took Kirby.

*Priſoner*. Whether Blacketer did not ſend this boy home to fetch the bag that the meat was in?——They did not ſpeak about the bag at firſt, they told me it was about beef ſtakes; I did not mention how many, but that I was to bring enough for them, and they told me, to mind, and be ſure to bring the bag along with me; that was the bag that the priſoners Kirby and Carr left in the ſhop.

Did you bring the bag?——Yes, along with the ſtakes.

Was it produced in evidence?—It was not called for, only my maſter ſhewed it.

Was it the bag they ſent you for or the beef ſtakes?—The beef ſtakes, and then they told me to bring the bag.

## JOHN CROUCH *ſworn*.

When Carr ran out of the ſhop, I purſued him, and cried ſtop thief; when he came to the corner of the Cock, this priſoner laid hold of him; I am ſure he was running then the ſame pace that he did all up the ſtreet; he was running away from me; Sanderſon came up to me next, and Mr. Brandy afterwards.

Did you go afterwards to Litchfield-ſtreet?——Yes, the next day, and at the watch-houſe, this priſoner made a bad expreſſion, and ſaid, he ran into his arms.

What did he ſay?——B——ſt my eyes he ran into my arms; I am confident he was running, not walking, and this priſoner told me the night before the trial and ſeveral other times, that if I ſaid, I loſt ſight of him when he turned round the corner; I ſhould have a guinea or two.

Did you loſe ſight of him?——No, only turning the corner, I got ſight of him inſtantly; I gave account at the Juſtice's in the priſoner's hearing, that I never loſt ſight of him, and it was after that, that he made me this promiſe; at the Juſtice's, he ſaid, he knew both the men, that they were both brothers.

## JOHN SANDERSON *ſworn*.

I am going of fifteen; I remember the time when Carr was apprehended for ſtealing ſome meat out of Burley's ſhop; I did not ſee him ſtopped, he was running when he went round the corner, very faſt; the priſoner ſaid, Carr came quite into his arms, he opened his arms, and ſaid, he came right into his arms, he did not ſay with what pace; I cannot ſay whether he walked or run paſt the Cock.

*Court to Jury*. The caſe of perjury, and high treaſon, are the only caſes, in which the law defines how many witneſſes are neceſſary; therefore whatever opinion we may form of the conduct of this man; it is impoſſible to convict him on this evidence, though it leaves no doubt, yet the law will not permit, that a man ſhall be convicted of perjury, unleſs there are two witneſſes.

Not Guilty.

*Tried by the London Jury before Mr.* Recorder.

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554. WILLIAM HASLAM was indicted for that he, on the 18th day of December laſt, one piece of linen cloth, containing twenty-four yards of printed callico, value 3l. 12s. and five yards of printed callico, value 20s. the property of John Acton and Gillingham Eyre, by a certain perſon then before feloniouſly ſtolen, feloniouſly did receive, and have, well knowing the ſame to have been ſtolen, and the perſon who ſtole the ſame not having been convicted.

*(The indictment opened by Mr. Garrow, and the caſe by Mr. Silveſter.)*

*(The witneſſes examined ſeparate.)*

THOMAS FENNER *ſworn.*

*(Examined by Mr. Fielding.)*

I apprehended the priſoner at the Horſeſhoe in Newgate-ſtreet, on a Sunday, about two months ago; that was before I went with a warrant to ſearch his houſe; it was much about church time; I ſent him to the Compter; about two days after, I ſearched his houſe, No. 42, Noble-ſtreet, up two pair of ſtairs in a front room; I went with Mr. Eyre; his daughter was there; we diſcovered two pieces of Iriſh, and a muſlin apron, and ſundry other things, which I ſhould know again; they are here in Court. I believe I ſaw the priſoner with a taylor of the name of Jones; he was unwilling to be taken away.

GILLINGHAM EYRE *ſworn.*

My partner's name is John Acton; I had a ſervant of the name of Rogers; we are wholeſale linen-drapers, in Friday-ſtreet; he came the 26th of November, and on the 29th of January, on a Sunday night, he came home about eleven, it was his Sunday to be out; I thought him a good deal in liquor; on Monday morning I gave him warning; the general mode is a month's warning, but when a ſervant has warning, my rule is to get another as ſoon as I can, and ſend them away; I gave him this warning on the 13th of January, and he continued till the 11th of February, which was Saturday, when I told one of our clerks to ſettle with him; he carried ſeveral truſſes that day, and particularly one which was to go to York, and another which was to go to Tadcaſter; I diſcharged him for coming home drunk, and frequently ſleeping out; I had at that time no ſuſpicion of his diſhoneſty; but that very day, before he was gone, Mr. Acton found out that he was robbed; we ſuſpected ſome workmen, but they ſoon ſatisfied us; and we ſent to the priſoner, and ſearched his houſe; the day week after he was turned away, he came to my houſe, in conſequence of a meſſage that was left for him; he came on Saturday, the 18th of February, and I applied to Mr. Clarke, and I took him to Bow-ſtreet, and there were ninety guineas and an half taken from him.

Did you make him any promiſe, that if he would diſcloſe all that he knew, that you would not proſecute him?—I was very loth to do it; I rather apprehend that the promiſe came in this very place; he ſent for Mr. Bill, while the examinations were going on, he came back, and ſaid to my Lord Mayor that he had confeſſed the whole; I had not ſaid any thing; I believe Mr. Cole made him a promiſe, I apprehend ſo.

*Mr. Cole.* I certainly did, but I do not know whether there was any previous diſcovery or not.

*Court.* I muſt know as accurately as I poſſibly can, how the matter ſtands with reſpect to Rogers's confeſſion, before I examine him as a witneſs.

*Proſecutor.* He never made a full confeſſion, till I and Mr. Metcalf went to the Compter, and told him he ſhould be perfectly ſecure and ſafe, if he declared the whole.

Had he made any confeſſion of having robbed you himſelf, before he was aſſured that nothing would happen to him, if he did confeſs?——I do not believe he had; I believe he did it to ſave his life; ſo far from it, there never was a more obſtinate man in this world; he never confeſſed a ſingle thing, till he thought his life was in danger: I found theſe things at the priſoner's apartments in drawers; in taking our ſtock over again, we miſſed a piece out of the box of Thomas Sinclair and ſon, who are the bleachers in Ireland; it was our own property; and this piece that was found at the priſoner's has the ſame mark, though a great deal of pains has been taken to waſh them out; it has not been waſhed in the ordinary way; it agrees as to fineneſs; ſome of it was cut off, and the other nicked for ſhort lengths; I have no doubt but it is mine; this print is a pattern of our own, and this; they were found in the drawer with the linen.

*Mr. Shepherd.* Had not Rogers a ſum of money offered him to confeſs?—No; I never heard Mr. Bill or any other of my friends ſay ſo; Mr. Bill is not here.

*Court.* Send for him.

*Mr. Shepherd.* You do not mean to ſay that Sinclair and Co. bleaches no other linen but what you deal in?—No, Sir; they bleach a great deal more; by taking of ſtock over again, I miſſed a piece of yard-wide linen.

*Court.* Does this linen found, correſpond with the quality as well as the marks?—Exactly.

You do not mean to ſtate that there is no other mark to the linen, beſides the bleacher's?—I wiſh there was; he bleaches or many other houſes.

ELIZABETH HOLMES *ſworn.*

I bought this piece of callico of Mr. Haſlam; Mr. Haſlam is a porter; I gave him one guinea for the piece, which is the full value of it; I never bought any thing of him before; I did not aſk him how he came by it.

WILLIAM HOLMES *ſworn.*

I am the huſband of the laſt witneſs; I have known the priſoner about three years; I have known Rogers ſince the month after Chriſtmas; I never ſaw him above four or five times in my life, I never ſaw him in company with the priſoner, I ſaw him in my own tap-room; I keep the Hoop and Falcon in Mouldmakers-row, St. Martin's-le-grand; the priſoner was not at my houſe above four or five times the outſide, and then I had always an opportunity of ſeeing him; he was in company with another porter; I underſtood the priſoner to be a porter; I believe my wife bought this patch of the priſoner; I never had any converſation with him, to my knowledge; I might be poſſibly backwards and forwards in the room, I cannot poſſibly ſay, I believe I was in the room.

Did you pay for it, or your wife?——I did not, nor I did not ſee her pay for it, I did not ſee it produced, it was about a month or ſix weeks after Chriſtmas, I ſuppoſe it might be about a fortnight before he was taken up; I keep the Hoop and Falcon ſtill; I was licenſed laſt licenſing day.

Do you know whether the priſoner's wife takes in plain work?——No.

JAMES PRICE *ſworn.*

I keep the Horſe-ſhoe in Newgate-ſtreet, I have ſeen the priſoner ſeveral times; I have ſeen him and Rogers there together; Mr. Rogers has been at my houſe but a few times to my knowledge; I was at my houſe when the priſoner was apprehended, he came into our tap room, and the officer with him; the officer called for ſixpenny worth of brandy and water; he came in quietly, they both went out quietly, and about ten minutes after I heard a noiſe in the paſſage, I ran out, and the officer and the priſoner were ſcuffling, and the officer ſays, Price aſſiſt me; he was rather *ruſty* on the buſineſs, I adviſed him to go with him, this was on Sunday, about eleven o'clock; the priſoner often came through my houſe with linen, it appeared to me to be ſhirts and ſtockings; and his wife worked for the people about; but I did not ſee what it was; the priſoner uſed frequently to aſk me whether Rogers had left any thing for him, any ſhirts or things for him, as he left things for him, I never ſaw what things they were.

Do you know of Rogers's leaving any thing for him there?——No, Sir, I do not.

What ſort of people were they?——They were porters.

Had ſuch people aſked whether the priſoner had left any ſuch thing for them?—They have mentioned linens.

Name ſome of the perſons that ſo made enquiries?——There is one Jones particularly, who uſed to leave parcels for him, and Galland was one of the porters who uſed to uſe the houſe.

Now recollect another name?——Upon my word and honour I cannot.

What do you ſay to Mr. Kent?——I have ſeen him at our houſe; I do not recollect that he ever left a parcel to my knowledge.

What do you think?——Williams has, and Ned Jones has.

*Mr. Shepherd.* Who were theſe parcels generally left with?——They were left in the bar, the people they were left for came to receive them, they were tied up in handkerchiefs.

## WILLIAM BILL *ſworn.*

I ſaw Rogers when he was taken up; I never knew any thing of him before; I had no converſation with him at Sir Sampſon's, only I aſked him whether he was guilty or not, he ſaid, he was not.

The priſoner ſent for you?—Yes, when he was in the compter, I went in conſequence; he was chained to the bed, and he ſaid, he was not guilty; I ſaid, you had better confeſs, I believe you are guilty; he did not make any confeſſion whatever.

*Mr. Shepherd* objected to Rogers being ſworn; and the Court obſerved it would be ſheltering a felony to let in a miſdemeanor, and that the objection lays in admitting an evidence who is a felon to be an evidence againſt a miſdemeanor.

*Mr. Silveſter* replied to the objection, and the court over-ruled the objection, and reſerved the queſtion for the opinion of the Judges.

## RICHARD ROGERS *ſworn.*

I was hired as a porter to Meſſrs. Acton and Ayre; I went there in November laſt; about five or ſix days after I had been at my maſter's houſe, I was going out with a load and I pitched it in the Horſe-ſhoe paſſage; the houſe is kept by Mr. Price; I turned to the tap-room, and the priſoner and the man named Galland were both in the tap-room, and Galland being my countryman, I ſpoke to him; he was very well dreſſed; and he aſked me if I was gone to live at a draper's, I ſaid, I was; he ſaid, he had lived at a draper's, but had left it a little time ago; he ſaid, his maſther had loſt ſome goods, and thought it was him; he ſaid, his maſter lived in Gracechurch-ſtreet; he began ſaying, if I had a mind, he could put money into my pocket, and ſomething of that ſort; and ſome few words paſſed; I aſked him how, and he ſaid, if I had got a piece of goods, he would give me money for it; I told him I did nothing of that ſort, and I did not know how to do ſuch a thing; and I went away with my load; he aſked me if I could come that way at night, I told him, I dare not come out at night, but if I came that way with a load, I ſhould call; he ſaid, he would put me in a way to get rid of the things if there was a hundred pounds worth of them any day, he could get the money for them, I told him, I did no ſuch thing; I met Galland often, but this priſoner I had never ſpoke to, but at the Horſe-ſhoe; I ſaw the priſoner there every day after, and ſometimes moſt part of the day, he and Galland were moſtly together; and the priſoner and others at different times, many times aſked what time I opened the warehouſe, and that they would be coming that way, and if I would get a piece of goods ready they would call for it, as they went paſt, and nobody would take notice of it; I told him he muſt not come then, for our apprentice was always up firſt, and he ſtaid in the warehouſe; he ſaid, then if I would take ſomegoods into the private cellar, the ſmall beer cellar, then I might have a pocket like theirs, either a new coat made, or looſe pockets put into that; I believe the priſoner recommended that about the coat, and I was going by that or the next day, and they were there, and Jones the taylor was there; ſays they, that is the man that will either make you a new coat, or put pockets in that which you have on; the priſoner was there then, he was the firſt man that ſpoke about it, and Galland was there, and Jones came and ſpoke to me, and ſaid, he lived at No. 6, in the court, and he would meaſure me, and I went, and he meaſured me, and I had a coat with proper pockets that day or the next; and he aſked me whether I would have one pocket for a print, and the other for Iriſh; and he made that coat, he put in very large pockets; I ſaw the priſoner and Galland after I had the coat made, and they ſaid, the coat was not right, they would have the pockets altered, but they were not altered; whether Galland was there when he told me to bring ſome goods I cannot ſay.

When did you ſee this priſoner next?—Galland took me to the priſoner's houſe on Sunday morning, I believe about a fortnight after I was in place, the priſoner went with us from the Bell, he went up ſtairs, he did not ſay much then before Galland; there is a bell, and the priſoner told me to ring the bell, and come up ſtairs, he ſaid the people below would not take any notice; I only opened the door, I did not ſtop but a very few minutes; that was the ſhop I was to leave the goods in if Galland was not in the way; the next day, or within a day or two, I ſaw the priſoner, and he aſked me for piece of Iriſh; he was moſt mornings at the Horſe-ſhoe, and I believe a day or two, or three after, he had a piece of Iriſh of me, I took it from out of a box in the cellar, the furthermoſt box but two in the lower warehouſe; I took it to the priſoner at his own houſe, I think it was in the paſſage at his own door; I believe he went out and went down to the Bell, he ſaid, he wanted for his brother-in-law to make ſhirts, I do not know his brother-in-law's name; he gave me a guinea and a half for it; two or three days after he ſaid, lawns were much better things, they were wrapped in blue papers, they are not ſo long as Iriſh quite, if I could bring ſome of them, he could get more money for them; I had never lived with a draper before, I did not know them; and I believe the next he had, was ſome printed callico, I think it was a patch for a gown, or ſome muſlins; that is one that I gave him, he ſaid, he could not afford to give above a guinea and an half for the Iriſh; he ſaid, the higheſt number was the beſt; I afterwards took him ſome muſlins, that were ribs, he ſaid, he could afford to give more for them, for his wife could ſell them at the other end of the town; that patch was ſome of it I am ſure, and he told me he ſold this to Mrs. Holmes, that he never paid me for, but he ſaid, he ſold it to her for a guinea, and when ſhe paid him he would give me the money; I did not know the Iriſh, they always cut the marks out as ſoon as I came there, they always examined them, and undid them directly.

Here is a bit of paper that was in your pocket when you was taken?——I remember it, it was my memorandum, an account of ſome part of what I delivered.

### TIMOTHY HEALD *ſworn.*

The box ſtood in the cellar with a great many other boxes, I do not recollect its poſition.

*Mr. Shepherd to Rogers.* Where had you lived before you went to Mr. Ayres's?—In Alderſgate-ſtreet, at Meſſ. Dean and Rowlet's, brandy merchants; I was turned away from them for going after another place; I was in cuſtody five days in Tothill-fields, and three or four days in the Poultry compter.

Who made the firſt propoſal to you to diſcover?——My maſter, he ſent word by other people, by Mr. Bill, and Mr. Sureton, and Mr. Williams of Alderſgate-ſtreet.

Was any money ever offered to you to make this diſcovery?——Not as I know of, they ſaid there was a reward, and brought a paper to me; I did not underſtand I was to have it, or think about it.

Why did they ſhew the paper to you?——I do not know, I did not think I ſhould have a reward, I never refuſed, I ſaid did not know any thing at all about it; I did not make any diſcovery till after I heard of this reward.

Upon your oath, do not you expect to have a reward if theſe men are convicted?——I do not expect nothing, only about twenty-two pounds which I worked hard for, to be returned to me; I believe I received ſeventy-three guineas for the things which I took from my maſter's; they never promiſed to return me my money if this man was convicted.

JACOB JONES *ſworn.*

I am a taylor; I made a coat for that man Rogers by his directions.

Who were preſent?——Nobody but him, and me.

*Court.* Recollect that you are open to a proſecution yourſelf.

*Mr. Shepherd.* Have you ever had any converſation with Rogers ſince he was taken up?——Yes.

Did he ever ſay any thing to you about having this money offered to him to make this diſcovery?—Yes; he ſaid he was offered 100l. by Mr. Kureton, and his partner; and he ſaid he had received five guineas, but he did not ſay of whom, and if he did not make the diſcovery, he ſhould be hanged.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Court to Jury.* Suppoſing I have done right in admitting the evidence, you have done right in determining from it; whether I have, or no, will be determined by higher authority; if they are of opinion with me, the priſoner muſt expect pretty nearly as ſevere a ſentence from the Court as their power will enable them to paſs.

---

555. HENRY GALLANT and JOHN MORRIS were indicted for feloniouſly receiving a quantity of muſlin, the property of Meſſrs. Acton and Eyre, ſtolen by a certain perſon, knowing it to have been ſtolen.

*(The caſe opened by Mr. Silveſter.)*

There being no evidence, but that of Rogers, the defendants were

BOTH ACQUITTED.

---

556. JOHN MORRIS was again indicted for feloniouſly receiving, on the 3d day of February laſt, twelve yards of linen cloth for handkerchiefs, value 12s. the property of John Acton and Gillingham Eyre, by a certain perſon unknown then before ſtolen, well knowing the ſame to have been ſtolen.

*(The caſe opened by Mr. Silveſter.)*

GILLINGHAM EYRE *ſworn.*

I loſt twenty-eight pieces, and a vaſt number of half pieces for handkerchiefs; *(the handkerchiefs produced and depoſed to;)* which were bought from the priſoner for eight ſhillings and three-pence, by Clarke Marſh, who lives with Mr. Price at the Horſe-ſhoe; it was brought open; Morris denied before the Lord Mayor having ever ever ſold any long lawn.

—— ROGERS *ſworn.*

The priſoner had twelve handkerchiefs

of me in the Horſe-ſhoe paſſage; he gave me half a guinea for them; he had a piece of lawn out of one of the boxes in the Horſeſhoe paſſage; I cannot ſpeak to the lawn; I never ſaw it open, it was ſmall in bulk, and a fineiſh piece; he gave me fifty ſhillings for the whole piece; there were thirty-ſix yards.

*Proſecutor.* They were worth ſix pounds a piece.

*The priſoner called three witneſſes to his character.*

Guilty.

*Judgment reſpited.*

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557. ANN HASLAM was indicted for feloniouſly receiving, on the 20th day of December laſt, twenty yards of check muſlin, value 3l. 10s. ten yards of printed cloth for handkerchiefs, value 3l. 10s. the property of Meſſrs. Eyre and Acton, knowing them to have been ſtolen by a certain perſon.

Not Guilty.

---

558. WILLIAM HASLAM and ANN HASLAM were indicted for feloniouſly receiving, on the 1ſt day of March, thirty yards of long lawn, value 3l. 10s. and two muſlin ſhawls, value 10s. the property of Meſſrs. Eyre and Acton, knowing them to have been ſtolen by a certain perſon.

Both Not Guilty.

---

559. RICHARD NEWTON was indicted for feloniouſly receiving, on the 17th day of February laſt, one piece of lawn, value 3l. 10s. twenty-four linen handkerchiefs, value 40s. a piece of cloth, value 40s. ten yards of printed callico, value 30s. and three ſhawls, value 30s. the property of Meſſrs. Eyre and Acton, knowing them to have been ſtolen by a certain perſon.

There being no evidence, the priſoner was

Acquitted.

---

560. HENRY GALLANT was indicted for feloniouſly receiving, on the 12th day of December laſt, one piece of printed callico, value 3l. the property of Meſſrs. Eyre and Acton, knowing it to be ſtolen by a certain perſon.

There being no evidence, but Jones the taylor, he was

Acquitted.

*The preceding Miſdemeanors were all tried by the London Jury before Mr.* Recorder.

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*The Trials being ended, the Court proceeded to paſs Sentence as follows.*

*Received ſentence of Death*, 8, viz.

Edward Paile, Mark Powell, James Gaſteneaux, John Wilkinſon, John Delove, Mary Smith, Henry Aſſer, and Henry Palmer.

*To be tranſported for fourteen years*, 1, viz.

Thomas Bray.

*To be tranſported for ſeven years*, 47, viz.

Thomas Watts, Lemon Barber, James

Gough, William Wood, Peter a black man, John Jackſon, John Story, Thomas Smith (*Africa*), Joſeph Myers, Abraham Liolin, Benjamin Barker, William Oliver, Thomas Griffiths, Joſeph Baggally, William Browning, Daniel Higgins, William James Brown, William Lloyd, Mary Dixon, Matthew Brown, George Buckley, Francis Othello, William Pierce, Worley Warmſley, John Sympſon, James Robinſun, Abraham Solomans, William Williams, William Day, George Lambert, Samuel Sparkes, John Morgan, Thomas Livingſton, Peter Holton, George Roſier, John Bradford, John Symonds, John Hall, John Ingle, John Patterſon, James Bartlett (*Africa*), Jonathan Sherbold, John Ralph, John Turpin, Henry Bland (*Africa*), Thomas Ebbourn, and Joſeph Farringdon.

*To be confined to hard labour twelve months in the Houſe of Correction*, 11, viz.

George Morley, Charlotte Green, Sarah Lee, Ann Stainſbury, John Bamber, John Shemmell, Mary Winton, Mary Davis, Thomas Bridgen (Fined 1s.), Eleanor Andrews, and Roſe Fitzpatrick.

*To be confined to hard labour ſix months in the Houſe of Correction*, 14, viz.

Catherine Greathead, Elizabeth Connolly, William Plumridge, John Williams, Elizabeth Griffiths, otherwiſe Burkitt, Ann Rowin, John Williams, Mary Naſh, Richard Preſton, John Arnold, Ann Grimſton, Nicholas Waters, Daniel Marſhall, and Charles Yardley.

*To be publicly whipped*, 3, viz.

George Morley, John Williams, and Charles Yardley.

**The next Seſſions will begin on Wedneſday the 19th Day of July enſuing, at the Old Bailey.**

---

## *Mr.* *HODGSON*

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THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JULY, 1786, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
## UPON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; the Honourable Sir WILLIAM HENRY ASHURST, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable JOHN HEATH, one of the Juſtices of his Majeſty's Court of Common Pleas; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

*London Jury.*

John Hagger
William Portall
Humph. Th. Deacon
Marſhall Grompton
Hodgſon Clarke
Joſeph Gray
William Brookes
William Ilſton
James Sharp
Joſeph Popjoy
Joſeph Burrows
George Serjeant

*First Middleſex Jury.*

James Sheridan
William Babbs
James Rogers
Stone Tuppin
Edward Charles Hayley
William Inwood
William Leyper
Thomas Garnett
Thomas Allſop
Alexander Grant
Thomas Gifford
Alexander Donaldſon

*Second Middleſex Jury.*

Solomon Hudſon
Nathaniel Darwin
Humanitas Jackſon
William Williams
Robert Mawley
Francis J'Anſon
William Stoughton
Ambroſe Bradbury
Edward Mouſdale
*William Moſs
Thomas Hinds
William Lowe.

* William Thompſon *ſerved part of the time in the room of* William Moſs.

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561. EDWARD SAUNDERS was indicted for feloniouſly ſtealing, on the 3d. day of July, twenty pounds weight of lead, value 20s. belonging to Daniel Frazier, and fixed to his dwelling houſe.

JOHN FISHER *ſworn.*

I am a printer; on Monday was a fortnight

night as I was coming down ſtairs, I heard a noiſe; there is a window on the landing place; I turned my head, and ſaw the priſoner breaking this leaden pipe from the houſe; I ſtood to watch him; it was about half paſt ſeven in the evening; I then went into the yard, but before I got into the the yard, he took a knife and went into the neceſſary; I ran to the neceſſary door, and as I opened the door, he let the pipe fall down; I pulled him out and took him; I never ſaw him before.

PRISONER's DEFENCE.

I was going of an errand into Weſtminſter, and coming back, I met a man, who aſked me if I had ſeen a little child which he had loſt; I told him no; I waited for him, and I went into the yard, and this man ran out, and running out into the entry, one of theſe gentlemen ran out, and ſaid, I was breaking his pipe.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

---

562. WILLIAM BROWN was indicted for feloniouſly breaking and entering the dwelling houſe of Edward Leonard, between the hours of eleven and one, on the 24th day of June laſt, no perſon being therein, and feloniouſly ſtealing therein eight ſilver tea ſpoons, value 8s. one wooden box, value 1d. a crown piece, value 5s. two half crowns, value 5s. two ſhillings in monies numbered, thirty-ſix halfpence, value 18d. and a piece of foreign copper coin, value 1d. his property.

*(The caſe opened by Mr. Garrow.)*

MARTHA LEONARD *ſworn.*

My huſband's name is William Leonard; I live at Charlton; I know the priſoner, he is a neighbour's ſon; I went out on the 24th of June, about eleven in the forenoon, and left nobody in the houſe; I left the doors and windows all faſt and returned at three, I then found a pole by the eaves of the windows, and the one pair of ſtairs window was open but not broke, and it appeared to have been opened by a chiſſel; with the aſſiſtance of the pole, any body might get up to the window; I miſſed eight ſilver ſpoons, a crown piece, two half crowns, one ſhilling, two ſixpences, eighteen penny worth of halfpence; there was a Spaniſh piece of copper; the priſoner is the perſon, I have known him from an infant.

*Mr. Peat, priſoner's counſel.* Where is your houſe ſituated?——At Charlton in Middleſex.

Is that a town?——It is a village.

Before you left that houſe at eleven was you in that one pair of ſtairs room?——Yes, juſt as I went out, I was all over the houſe; I was the only perſon that was in the houſe.

How was the window faſtened?——With a hook on the inſide.

*Court.* Are you ſure that window was ſhut when you went out?——I am poſitive it was ſhut and hooked.

Attend to what I ſay, the priſoner's life may depend on this part of your teſtimony; therefore be cautious?——I am quite ſure.

THOMAS SPRIGGS *ſworn.*

I am ſervant to Mr. Taylor; he is a Magiſtrate; I ſaw the priſoner at the breeches-maker's in Sunbury; I did not take notice that I was after him; I went with him, and we had a pint of beer together; I aſked him if he was going home, and he ſaid, yes; I aſked him to ride behind; we went to another publick houſe, then he ſaid, we might as well ſtop there, and have one threepenny worth, I told him, I ſhould rather not, but he took me up to the publick houſe door, and we had this liquor; then I aſked him, if he was going home, he ſaid, no, he was going to have a game at bowles; I then told him he muſt go, for my maſter wanted to ſpeak to him; he ſaid, he ſhould not go then; I told him, I did not know what my maſter wanted; he ſaid, he would come to-morrow morning; I told him, that would not do, he ſaid, muſt I go? I ſaid, yes; then he made to turn to run away, and he walked with me, and going acroſs Sunbury-field I obſerved ſome money in his hand under the lap of his coat; I aſked him why he did not put his money in his pocket, he ſaid, it was nothing to me; when we came to Harwood-green, he ſaid, coachman walk gently on, I will run over to my father's; he ran twenty or thirty yards before me, and I ran after him and caught him, and brought him to my maſter, and my maſter ordered him to be ſearched, and there was no money found upon him, only a pair of cockfighting ſpurs; I aſked him what was become of the money, he ſaid he had none about him; I ſaid to my maſter, I would go and look for it; I went and looked, and found none, but the next morning I picked up a ſhilling, and I ſhewed my fellow ſervant the mark.

*Court.* What age is the priſoner?——I do not know, I believe about twenty.

What is his father?——A labouring man.

*Mr. Peatt.* You ſay he did not run in the firſt inſtance, and he ſaid, he would come in the morning?——Yes.

## WILLIAM SMITH *ſworn.*

I am another ſervant to Mr. Taylor; I went the ſame evening and looked in the ſame path-way my fellow ſervant ſhewed me, and I found nothing, I went the next morning and found a ſhilling, and in the evening I found a ſixpence, two halfpence, and a farthing, and this piece of copper coin. (*The money produced.*) This I found, and delivered it to Spriggs.

*Mrs. Leonard.* The copper coin is like that which I loſt, and the ſhilling and ſixpence were like theſe.

*Court.* Do you believe them to be the ſame?——I have no doubt of the copper coin, and the others are like what I loſt.

*Jury.* How long before you loſt this money had you ſeen it in your houſe?——On that very day, in a drawer locked; the upper drawer was not locked, and that was taken out, and the piece that divides the drawer was broke.

## WILLIAM DENHAM.

Do you know the nature of an oath?——Yes.

When you take an oath, what does it oblige you to do?——If I tell lies, God Almighty will not have me, but the devil will.

How old are you?——Nine.

Do you go to church?——Yes.

Can you ſay your prayers?——Yes.

Do you know that it is a very bad thing to tell a lie when you are ſworn?——Yes.

## WILLIAM DENHAM *ſworn.*

I live in Harwood; I know Mrs. Leonard, and I know her houſe; I know William Brown, that lad there.

Do you remember ſeeing him at any time?——I ſaw him about two o'clock come out of Mr. Leonard's garden.

What day was it?——On a Saturday.

Was you afterwards told that the houſe was broke open?——No, Sir.

Was it the ſame day you was before Mr. Taylor?——It was the Saturday before the Monday that I went before Mr. Taylor.

Where did he go from the garden?——Into his father's garden upon the Common; he had a chiſſel in his hand, and ſtooped down.

Where did he bring that chiſſel from?——I do not know.

Are you ſure the priſoner was the perſon you ſaw come out?——Yes.

Quite ſure of that?——Yes.

*Mr. Peatt.* How far was you from the priſoner?—I was upon the Common, about the length of this room.

How far is that from his father's garden?—Not far off.

It might be a ſtick he had in his hand?—I am ſure it was a chiſſel.

*Court.* What is it that goes round his father's garden?—It is a hedge and ditch.

Is it a high hedge?——Yes.

How did you ſee over the hedge?——I ſaw through the hedge.

*Jury.* How came you to take particular notice what he had in his hand?—

He had a chiſſel in his hand when he got over his father's gate; he paſſed by me when he came from Leonard's; I do not know what made me take notice of it; I told my mother firſt of it the ſame night.

How came you to tell your mother of it?—I do not know.

Had you heard this boy was taken up?—No, Sir.

Had you heard that Leonard's houſe had been broke open, before you told your mother?—I had not.

*Court.* Was there any thing particular in this?——Yes, I told her, I ſaw William Brown come over the hedge of Mr. Leonard's garden, and he went through the gate of his father's garden.

Did you ſpeak to him, or he to you?—He ſpoke to me.

What did he ſay?—He only ſaid, Denham.

### HENRY ASLETT *ſworn.*

I am headborough of Charlton; I was ſent by Mr. Taylor's orders, after the priſoner was in cuſtody, to his father's garden, and found a little box buried in the bank; it was the day after the houſe had been broke open; I have had it in my cuſtody ever ſince; there was nothing in it; and I found theſe ſilver ſpoons in the garden, about three or four yards apart, buried in the mould, about the depth of my hat under a turf; they have been in my poſſeſſion ever ſince; they have Mr. Taylor's ſeal upon them; they are the ſame that I found.

*(Produced and depoſed to.)*

*Mrs. Leonard.* They are marked S.W. they were my ſiſter's; I ſaw the ſpoons the very day I went out, and left them in the ſame drawer with my money; I have no doubt of them.

Do you know any thing of this little box?—It is my little boy's box, it was in the ſame drawer; there was a new ſhilling, and two new ſixpences in it; three of the ſpoons are quite new, they have never been uſed.

### PRISONER's DEFENCE.

I went into my father's garden; it is very near a quarter of a mile from his houſe, the road where the lad ſtood is three hundred yards off; I came along by the place; but in the place I never was, and I am totally innocent.

### JAMES JACKSON *ſworn.*

I am upper ſervant in the family where the priſoner uſed to work; I have known him theſe three years paſt that I have lived there; we had plate and other valuable things about when he was about the houſe, and nothing was miſſed; it was in his power to have taken property if he choſe it, I never knew any thing but a good character of him.

GUILTY,

*Of ſtealing the goods, but not of breaking and entering the houſe.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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563. WILLIAM JONES and PETER POVEY were indicted for that they, about the hour of one in the night of the 12th day of July, into a certain garden ground, belonging to one Samuel Phillips, unlawfully did enter, and ſix plants called melons, value 12s. belonging to him from and out of the ſaid garden ground without his conſent, unlawfully, feloniouſly and wilfully did break and deſtroy.

*A ſecond count,* For ſtealing the ſame.

### SAMUEL PHILLIPS *ſworn.*

I am a gardner at Bethnal-green; on Thurſday morning the 13th of July about two o'clock I got up to go to market, and I found my cart-houſe door broke open, and a quantity of onions ſtolen away; I then looked on my melon frames, and found the plants ſpoiled and deſtroyed, and the fruit taken away; I ſaw the fruit at half paſt ten that night, they were upon the frames, it was a hot bed, with a frame round it, but no frames at bottom; the melons are in court; after that when I went to

Newgate-market, I told Mr. Moſely the fruiterer, that I had loſt ſix of the melons; and on the Friday evening I was informed that theſe two melons had been offered for ſale by the priſoners.

*Mr. Garrow, counſel for the proſecution.* Did you go to Mr. Moſeley's?—I did not go that evening.

*Court.* What is the value of theſe melons?——Twelve ſhillings; I found three melons at Mr. Moſeley's; I loſt ſix.

Were they the ſame ſort of melons that you loſt?——The very identical thing, the ſame ſize and growth, the ſame ſort of fruit; I am ſure they are mine; the priſoner William Jones worked for me ſeven weeks ago, he left me about that time; I know nothing of the other man.

*Priſoner.* Are there not more melons that come to market of the ſame ſize, here is no particular mark upon them?—Here is a melon, with a particular mark here that I can ſwear to, a mouſe gnawed it an evening or two before it was loſt, that makes me more poſitive, or elſe I could not have ſworn to it.

THOMAS MOSELEY *ſworn.*

I am a fruiterer oppoſite the Manſion-houſe; on Friday laſt the two priſoners came into my ſhop and aſked me if I would buy any melons, I ſaid, yes; they aſked me eighteen pence for one; the value of this melon if ripe, and fit for ſale is fifteen ſhillings, that occaſioned me to have ſome ſuſpicions; I had not a doubt whoſe melons they were, for I knew the growth of the proſecutor's melons, and he ſpoke to me in the morning; I told them to fetch the reſt; when they came back, I aſked them where they got them; they ſaid, from one Mr. Smith of Iſlington, that a hog had routed them out, and they were to ſell them for two ſhillings a-piece; I knew Mr. Smith, and that he was not a melon grower, he is a floriſt; I took them into cuſtody, and before the Magiſtrate they ſaid, Mr. Smith lived at Kingſland, and the third day they ſaid, they met Mr. Smith in town.

What may be the value of the three?——About twelve ſhillings I ſhould imagine, but it is impoſſible to aſcertain a value, in the ſtate they are, becauſe they are utterly unfit to ſell; no man that grew them would cut them, nor any fruiterer buy them.

*Priſoners.* We have no witneſſes; Mr. Smith gave us theſe melons to ſell; he aſked us firſt to buy them; he told us he lived at Iſlington, nobody would go after him.

**WILLIAM JONES** } **GUILTY.**
**PETER POVEY** }

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* ASHURST.

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564. HENRY JAMES and JAMES ROBERTSON were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Charlotte Leſelire, about the hour of two in the night, on the firſt day of July, and burglariouſly ſtealing therein, a pair of brilliant diamond ear-rings, value 12l. a roſe diamond ring, value 8l. a gold wire ring, value 8s. a ſnuff box, value 40s. a ſalt cellar, value 5s. and three tea ſpoons, value 3s. her property.

And MARY STRICKLAND was indicted for feloniouſly receiving, on the 2d day of July, a gold wire ring, value 8s. part of the goods, knowing the ſame to have been feloniouſly ſtolen.

CATHARINE FRANCIS *ſworn.*

I take care of the proſecutor's houſe; I have lived in the family many years as houſe-keeper; ſhe and her ſiſter lives in Caſtle-ſtreet, Oxford-market, No. 49.

What is the proſecutrix?——She is a ſingle lady, and lives on her fortune; I remember her houſe was broke open on the 2d of July; there was nobody in the houſe but myſelf; the proſecutrix and her ſiſter were in the country; I went to bed about ten, and ſaw every thing was ſecure, they were obliged to break the wall to get in; I was diſturbed between one and two with a noiſe, I got up and opened my room door, and heard a noiſe in the houſe, and at the yard door I ſaw ſomething white lay, and at that moment the cat came up ſtairs, then I was certain ſomebody had been in the houſe to let the cat out; at the moment I called the watch; I ſaw ſome men get over the neceſſary, I did not know their number; I ſaw them go over the wall into the next yard, in that yard is a door that goes in Winſlow-ſtreet; I heard the watch ring his rattle, and cry ſtop thief; when they were gone over the wall, I ſtruck a light and came down ſtairs, and on the ground floor I found all the doors and bureaus broke open, I could not tell what was miſſed; I only miſſed three ſpoons, and a ſilver ſalt, till the ladies came to town; I afterwards ſaw a man in cuſtody of the watch, I cannot ſpeak certainly to him, it was candle-light; nothing was found upon him in my preſence.

*Mr. Garrow, priſoners counſel.* It was ſo dark you could not obſerve the number of perſons that were going?—No.

### DENNIS MURPHY *ſworn.*

I am a watchman near to the houſe of the proſecutrix; I was alarmed this night that the houſe was broke open; as I came to the houſe the woman that kept it told me there were thieves in the houſe, and I ſaw the priſoners come out of the next garden, I ſprung my rattle and purſued them, and took them, they were never out of my ſight; they ran about twenty-eight yards; I took James, he made a ſtop, and my brother watchman came up and we took him, the other two got out of ſight; there was nothing found upon him but a knife; we took him to the watch-houſe, and returned and ſearched the gardens, and there was a crow found in the next garden to her dwelling houſe, that was the garden from whence the priſoners came.

*Mr. Garrow.* What ſort of a night was it, was it dark or light?——It was a pretty clear light, and I could ſee twenty yards before me.

Was this pen-knife a fit inſtrument to break open a houſe?——It was a ſmall knife; I found no ear-rings about this man; he was not dreſſed as he is now; he ſaid, he was a drover, and had been drinking at ſome public houſe in the market; he never ſpoke a word about cattle; I did not look upon it that he drove cattle.

*Court to Francis.* How did you underſtand that theſe people got inſide of your houſe?—There was a little window at the ſide of the yard door, and they undermined that window, to get the door unbolted; there were two bolts and a bar, and they had put in their arm to get them down.

Was the bureau locked over night?——Yes.

What was inſide it, you did not know?——I did not.

### JOSEPH QUICK *ſworn.*

I am a watchman; I was alarmed by the rattle; I went to the proſecutrix's houſe; when I came to the corner of Winſlow-ſtreet, Oxford-market, Dennis Murphy had got hold of the priſoner, who calls himſelf Henry James, I told him to hold faſt; I ſearched him, and found nothing about him but this knife. *(A penknife produced.)* We took him to the watch-houſe, and when we returned, we went into the garden of an empty houſe, there I found this iron crow; after that we went and ſearched the proſecutrix's houſe, and found nothing but the drawers broke open, and a hole in the wall.

You ſearched this man the moment you came up?——Yes.

That is a knife that the drovers uſed to mark the beaſts?——I do not know.

### PETER DOBY *ſworn.*

I am a tripe-man; I was in a public houſe about two; I was coming out of the houſe about half paſt two; I met the two watchmen, and there was a man walking backwards and forwards; and Quick picked up the crow, and I found another crow.

### WILLIAM BLACKETER *ſworn.*

I belong to Litchfield-ſtreet; I went to ſearch the lodgings of the priſoner Robertſon;

loo; on the 4th of July I found him and took him; I found nothing about him; and I found in the pocket of Mrs. Strickland, who was in bed with Robertson, a file, which is a very remarkable one.

*(Produced.)*

THOMAS MUMFORD *ſworn.*

I belong to Clerkenwell bridewell; I went with Blacketer; I know no more than he.

*Sarah Smith called on her recognizance and did not appear.*

*Priſoner James.* I leave it to my counſel.

All Three Not Guilty.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* Heath.

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565. HESTER DAVIS was indicted for feloniouſly ſtealing, on the 29th day of May laſt, four bank notes, value 100l. each, the property of John Guidott, privily from his perſon; the ſeveral and reſpective ſums due thereon, being then due and unſatisfied.

*(The caſe opened by Mr. Garrow.)*

*(The witneſſes examined apart.)*

JOHN GUIDOTT *ſworn.*

I am no trade; I have been in the marine ſervice in the Eaſt-Indies between nine and ten years; I went out and came home with Sir Edward Hughes; ſince I came home, I have had a pretty conſiderable legacy; on the 29th of May as I was coming along juſt by the New Church in the Strand, I picked up two women, the priſoner was one.

Was you drunk or ſober?—I was pretty ſolid.

But a ſailor's pretty ſolidneſs we do not underſtand?——I was capable of remembering what I did; I picked up the priſoner and another woman, and went into Mrs. Flannagan's houſe in Bridges-ſtreet, Covent-Garden, there was a bowl of negus brought up, both the women went up in the room; we continued there about half an hour, I had about eight or nine guineas in my pocket, and I had four bank notes of one hundred pounds each, which I had ſeen about me three or four hours before; I had been along with ſome friends, and ſtaid a little too late; I am ſure I had them with me when I picked her up; it was in this pocket book, in my ſide pocket; I had not this coat on; I had my coat buttoned; I got off the chair, took hold of the bowl, and juſt wetted my lips, and I ſet down in the chair, *and I was no more, I loſt myſelf quite.*

Did you perceive it was intoxicating liquor?——Yes, I did; I awoke in half an hour, and the women were gone, my coat was unbuttoned, my pocket book was taken out, and found on the ground, and my hat taken off the table, the nine guineas and the notes gone; I enquired at the houſe; I ſaw theſe two women about a week after; my wife gave information at the public office on the Wedneſday following; I ſaw them on the Friday at Bow-ſtreet.

What length of time had you of obſerving them, before you picked them up?——No great length of time; I ſaw the priſoner, and knew her again; I have no doubt upon it; I was ſober enough to ſee and know the perſon of the priſoner; I have never recovered any part of my property; two notes were changed in the bank; here is a gentleman that knows how they came into the bank.

*Mr. Knowlys, priſoner's counſel.* Where had you been drinking?—At Iſlington; I was pretty ſolid.

Had you had no converſation with other people previous to this?——No.

Are you ſure that at the time you met theſe people in the Strand, you was not in company with another woman?—Before I ſaw them, I had no woman.

At what place were you, when you firſt came up to them?——At the New Church in the Strand.

I believe it was at the wall of Somerſet-houſe?—It was near that.

I believe there are thereabouts ſome low proſtitutes; now, was not you in company at that time with one of thoſe proſtitutes?

—No farther than with the priſoner, and the other woman; I was not picked up by any body before I met theſe two women.

Which of the two ladies did you ſelect for your companion?——The priſoner that ſtands there.

Are you as ſure of that as you are of any thing you have ſworn to day?—Yes, Sir, I am.

Upon your oath, will you take upon you to ſwear, that you did not deſire the priſoner to leave the *room*, and that you was in company with the other woman you picked up?——No, Sir, I did not, I was in company only with this woman; they were both in the room, and this was my companion.

Were not you behind a hackney coach that night?—Yes, I was.

Who did you *follow*?—I followed ſome gentleman and aſked him to ſtop; he aſked me what I wanted; I *ſaid*, Sir, I have no harm to you, but I have loſt ſome property and I thought it might be in that coach; I underſtood there were two ladies in the coach; I did not charge theſe two women at all; upon which the gentleman ſaid, I was going to rob him, and he gave charge of me, and the watchman ſaid, I was ſo much of a gentleman; as ſoon as I awoke, I came down ſtairs, I ſaw the ſervant maid and told her, I had loſt a large property, ſhe ſaid, ſhe knew nothing at all about it, and ſhe did not know the woman; I ſaw the priſoner about a week after I was robbed, and I ſaid, do you know me? I ſhewed her the pocket book, and ſaid, do you know this? and you have the property that was in it; then I threatened to ſend for a conſtable, and went out for one; I believe it was twenty minutes before I could get one, it might be half an hour, it might be three hours.

Was it twenty minutes, or was it three hours?——It was twenty minutes.

*Court.* How came you to ſay juſt now it was three hours?

*Mr. Knowlys.* Now take your choice, which of the two it is, the three hours, or the twenty minutes?——Twenty minutes.

Did you find theſe women in the ſame place?—Yes.

Waiting for you to apprehend them?—Yes.

What account did you give of this property when you arrived at Bow-ſtreet, what did you call it?——Four hundred pounds in bank notes.

Did you deſcribe it in the ſecurity it was veſted in?—Yes.

What ſecurity did you ſay?—A note on the bank.

Did not you ſay at Bow-ſtreet that they were Exchequer bills?——I received them from the Exchequer, I will now ſwear they were bank notes, and it was the priſoner that was with me.

How come you now, Sir, to ſwear they were bank notes?——I did not rightly underſtand them; the Juſtice proved that they were bank notes; my wife ſhewed me one of them, one that I happened to lay down, I miſlaid it, and they happened to find it; I received them at the Exchequer-office at Weſtminſter.

What time did you leave Iſlington?——At ſeven.

Can you tell us the places you was at between ſeven in the evening, and Somerſet-houſe?—Yes, Sir, I found myſelf in Cheapſide.

What did you do between ſeven and two?——I went from Iſlington to the Strand.

Was you theſe hours coming from Iſlington to the Strand?——Not quite ſo many hours.

You ſay you came from Iſlington at ſeven, and at two you picked up theſe girls?—Yes.

Will you ſwear you did not miſlay all the bank notes?——I will not ſwear that I did miſlay them all only one.

You can ſwear you did miſlay more?—No, Sir, I did not.

Will you, after having been ſo drunk, take upon yourſelf to ſay you did not miſlay any more but that one.

*Court.* Did you know that night that you had four or five?——I knew I had only four; I knew I had left one behind.

Did not you imagine the next morning when you ſaw your wife, that they were all five loſt?—I did not imagine ſo.

You will not tell me I ſuppoſe how many women you picked up from ſeven till two?——None but theſe two.

*Mr. Garrow.* Did you give either of theſe women any money while you was there?——Not to my knowledge.

Did you, or did you not?——Yes, I gave Hetty Davis a guinea; I put the reſt in my pocket; I am ſure they were left in my pocket when I went to ſleep.

*Jury.* I want to aſk you a queſtion or two, you was at the public houſe at Iſlington?—Yes.

How many people were there?—Three or four.

Friends and acquaintance, or ſtrangers?——There was no acquaintance of mine, I dropped in promiſcuouſly, they ſeemed to be gentlemen like.

You left it at ſeven o'clock?—Yes.

Where was the next houſe you went to?——At Cow-croſs.

Drinking there at a public houſe?——Not in company; the next houſe was in Cheapſide, I drank by myſelf, then I went to Whitechapel, then I came back to this end of the town; I was with nobody elſe till I came to the New Church in the Strand.

When you ſaw the woman of the houſe and you produced your pocket book, and ſaid, ſhe muſt know it, was any perſon preſent?——Yes, there was a man.

*Court.* You never ſaw theſe bank notes from the time you went into the houſe at Iſlington?——No, Sir, never after I left the houſe.

Did not you tell her you was going to get a conſtable to take her up?—Yes.

JOHN IBBETSON *ſworn.*

I am a horſe doctor; No. 11, Little-Bridges-ſtreet, I received information from Mr. Jones.

*Mr. Knowlys.* Have you been in court all the time?—Yes.

Then he ought not to be examined.

*Mr. Garrow.* I do not deſire to examine him.

I have Wood's account, in which he calls them Exchequer bills and not bank notes?——They were Exchequer bills, and I exchanged them for bank notes.

JANE FOY *ſworn.*

I am ſervant to Mrs. Flannagan; I remember the proſecutor coming to our houſe with two ladies on the 20th of May.

What time in the morning might it be?——About two I let them in, I ſhewed them into the firſt floor all together.

Did you carry them any thing to drink?—A bowl of negus.

Do you know the ladies?——I cannot ſay I know them, they did not belong to the houſe, the gentleman brought them in out of the ſtreet; I ſhould know them if I was to ſee them.

Look about?—There is one of the ladies.

Are you ſure of that?—Yes.

How long did they ſtay together?——About half an hour.

Did they all continue in the room?—Yes.

Who went away firſt?—Both the women, about half after two.

Did the man appear to be drunk or ſober?—Rather in liquor.

Was he ſo drunk as not to know what he was about?—He paid for the negus one ſhilling; it was a bowl of Madeira negus; he gave me half a guinea, and I gave him change.

Good negus?—I cannot ſay; I let the ladies out, I had no converſation with him.

Did they tell you whether the man was coming after them?—The man followed them direct; he came in with the women, but he did not come down with them, he ſtood on the ſecond or third ſtep on the one pair of ſtairs, they did not take leave of one another; they went out firſt; he ſaid, he had been robbed in their hearing; after the ladies were gone out, the gentleman

man followed them; he ſaid, he had loſt his property, I aſked him what? he ſaid, a brown paper parcel pinned; I did not go up any more that night; I have ſeen the priſoner, I know nothing of her, I did not know her name; I did not know where ſhe lodged; I ſaw her again at the Juſtice's.

Have you ever heard her ſay any thing about this?—No, I know nothing more.

You deſcribe his coming down almoſt inſtantly after?——Yes, immediately; he came down before I got from the door to the paſſage; he went out immediately after, as ſoon as he expreſſed theſe words.

### ——— THACKER *ſworn.*

The proſecutor ſold out a certain quantity of ſtock in the five per cents, and he bought in Exchequer bills; he went and received the money, I was not with him; I have been ſince he loſt them, and enquired about them; I did not know any thing of them previouſly.

*Proſecutor.* I have the number of the notes in my pocket, which I took down before I loſt them.

Had you made that memorandum before you loſt them?——Yes, Sir, I did.

*Jury.* What time did you ſee them laſt?—I did not put down that that my wife had, I had miſlaid it before I had taken the number of the others.

*Mr. Garrow to Thacker.* You went to the bank, and you only ſay what ſomebody told you?—No.

**NOT GUILTY.**

*Tried by the firſt Middleſex Jury before Mr. Juſtice* ASHURST.

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566. RALPH FORES was indicted for feloniouſly ſtealing, on the 1ſt day of June, twenty yards of tambour worked muſlin, vale 6l. and one neckcloth, value 6s. the property of Thomas Ballance, in his dwelling houſe.

(*The witneſſes examined apart.*)

### MARY BALLANCE *ſworn.*

I am wife of the proſecutor; the priſoner opened the outer door, and came into the kitchen, and aſked for a lodger, one Benjamin Pike, and he went out of doors, and Pike came in, and he came in directly after him, and ſaid, Oh you are at home now; they talked together, but I cannot tell what they ſaid; I heard them ſay ſomething about twelve; this was about a quarter after eleven at night; the priſoner ſtaid about five or ſix minutes, he went away and left Pike there, after he was gone Benjamin Pike aſked me for a light, and inſtead of taking one, he *douted* mine; the priſoner was in the houſe, and I ſaw Pike take the muſlin, which was in a frame, out of a chair, and give it to the priſoner, and a muſlin neckcloth they dropped in the entry; this was twenty yards of my maſter's property; my maſter firſt valued it at 5l. 18s. then he ſaid, as I was a poor girl he would abate ſomething; it was worth more than 40s.; we took the priſoner on Friday night; I have not been able to find Pike; they ſtaid in the entry till they folded it up into the frame; I alarmed the neighbours; I ſaw the priſoner one night before, he came and aſked for Ben's work? the muſlin was never found; the neckcloth was picked up in the entry by a young woman.

*Mr. Peatt, priſoner's counſel.* Pike aſked you for a candle?——Yes, they took away the frame with the muſlin, it was in the room in the arm chair, in one frame; it was very dark when the candle was out, but I could ſee by the light of the muſlin; it was very dark, and the window was ſhut; nobody came in but this young woman that picked up the neckcloth; I have twenty-four women lodge in the houſe, but they were all in bed; I always examine them all the laſt thing at night; the candle was out when this young woman came in; I was very much frightened when they came in; there was a young woman laid aſleep.

It was rather lightiſh out of doors that you could ſee by the ſtreet door.—It was light enough to diſcover any body in the entry, I diſcovered Ben. Pike going to the chair, and giving the muſlin to the priſoner; I had ſeen the priſoner about a fortnight before this, only once, I believe it was the 30th of May; the ſtreet door was wide open, but they ſtood in the entry.

### MARY SHAFFLE *ſworn.*

As I was coming home I ſaw Ben. Pike and the priſoner going into the proſecutor's houſe, where, I believe, they went in about eleven o'clock, within about five minutes as near as I can gueſs; I heard no cry, only a little talking as Ben. Pike and the priſoner talked together, but the proſecutrix made an alarm, and ſaid ſhe was robbed of her property.

Did ſhe cry out for ſome perſon to come to her aſſiſtance?—Yes; I ſaw Ben. Pike and the priſoner come out of the door with a bundle, but which of them it was I cannot ſay.

What ſort of bundle?—A hoop at top with an iron at bottom.

*Court to proſecutrix.* You ſay you ſaw Pike take this muſlin out of the chair?—Yes.

How near was the chair to the door?—As cloſe as that table is; I complained on the Friday.

### ISAAC RODEREVYS *ſworn.*

I am a butcher by trade; I have known the priſoner theſe nine or ten years, he has very often lived in my ſervice, a very upright young man as I would wiſh to hire.

What has been his character for this laſt twelve months?—Very good, he is known to be an upright man; theſe people that act in ſuch a cruel manner would have compounded this matter in a notorious manner, they made me that offer, they wanted 6l. 5s. and ſaid it was a pity; on the 2d or 3d of July, I was in court, he ſent for me, I came, I was informed that two men had robbed Mr. and Mrs. Ballance, they offered to take 6l. 5s. for the whole.

*Court to Mrs. Ballance.* Is that true?—No Sir, I told Mr. Staple what had been offered me, and he ſaid, do not take any money by any means.

### JOHN COSLETT *ſworn.*

I am a broker, I have known the priſoner twelve years; within theſe laſt twelve months he was clerk with me, he was exceedingly honeſt, I have truſted him with many pounds, he was admitted wherever I was, and always behaved well, he has bore a very good character.

*Court.* What are you?—A houſe broker.

What ſort of a thing is a tambour frame?—It is an hoop, and has an iron at the bottom.

**GUILTY, 39s.**

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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567. **WILLIAM SMITH** was indicted for that he, on the 22d day of April laſt, with a certain offenſive weapon called a knife, which he had and held in his right hand, in and upon David Howell, in the peace of God and our lord the king then and there being, did make an aſſault, with a felonious intent, his goods, chattels, and monies from his perſon, and againſt his will, feloniouſly to ſteal, take, and carry away.

*A ſecond count*, charging him with this aſſault, omitting mentioning it being made with a knife.

*(The caſe opened by Mr. Peatt.)*

### DAVID HOWELL *ſworn.*

I am a ſhoemaker; on the 22d of April laſt I was ſtabbed by William Smith, I went to Snow-hill with three pair of ſhoes about half paſt ſeven, and coming home about ten minutes before eight, I ſaw three men ſtanding together at the end of Field-lane, facing St. Andrew's church, one of them on each ſide, and one of them foremoſt, they followed me, as I paſſed by one of them ſearched me, and I aſked him in the name of God what do you want with me? he ſaid d——n you, you raſcal, I don't want any thing with you; that was him that was on the right hand ſide, then the priſoner, William Smith, who was on the left hand ſide, ſwore by his God he would do for me, and he ſtabbed me immediately, and I dropped immediately, and the perſon that was before me came back with intent to rob me; he came and ſearched me to ſee whether I had a watch about me; my breeches pocket was quite tight.

Did the priſoner do any thing to you but ſtab you?—Nothing; then I dropped down in the middle of Holborn; the people came and ſurrounded me, and deſired to take me to the doctor's; I was bleeding very faſt.

*Court.* What did Smith do immediately after he ſtabbed you?——He went off immediately.

Did he go off before the other ſearched you?——I cannot tell; Smith tried to open my breeches pocket, becauſe he was on my ſide.

You did not tell us that before; when did he try to open your breeches pocket?——As he was ſtabbing me, Smith was on my right hand ſide; he ſaw I would not give him leave to rob me, therefore he ſtabbed me; he tried before he ſtabbed me, *then I dropped down dead, and as I dropped down dead*, they deſired I might be carried to the doctor's.

Are you ſure as to the perſon at the bar?——That is the perſon that ſtabbed me.

How many moments might he be in your eye before the accident happened?—The value of ſeven or eight minutes; I have ſeen the priſoner many times; I have no doubt but that is the man, becauſe he made an acknowledgement to me when I was in my bed; the priſoner was taken on the Sunday evening, the 23d of April, when I was very bad, he was brought to me in bed.

*Mr. Garrow.* Was Sir Sampſon preſent?——No.

Who was?—I cannot tell their names; this man was.

Why is he in court? *(ordered out of court.)* Who were preſent?——Richards was one of them; I cannot tell their names; when the priſoner was brought to me it was between nine and ten; I was laying down on my bed; he told me in this way, your heart aches, and you are going to make my heart ache; and he deſired me for God's ſake not to go and ſwear his life away.

Did any thing more paſs?—That is all.

Did you know him then?——Yes; I ſaid nothing till I fully knew him.

Did you ſay you knew him?——Yes.

What did he ſay?——He ſaid nothing, but biting his lips.

*Mr. Garrow.* The perſon that you took to be the priſoner ſtood to your left hand?——Yes.

You was ſtabbed on your left ſide?——Yes.

Three people came behind you, they did not meet you?——No, Sir.

The two perſons that were on the ſide of you were not fronting you; which hand did the man ſtab you with?—With the left hand; I ſhall be glad to ſay as little as poſſible.

Why did not you mention that formerly?——I have had no converſation with the lawyers ſince laſt ſeſſion; the ſame man tried to rob me with his left hand at the ſame time that he was going to ſtab me.

So finding himſelf diſappointed in not being able to rob you, he inſtantly ſtabbed you with the ſame hand?——Yes.

What ſort of knife was it, a claſp or a caſe knife?——That I cannot tell.

Did he put his hand into his pocket after he had tried your pocket, or had he his knife in his hand?——I cannot ſay; the man that came in front of me tried alſo to ſearch my left hand pocket.

Did you hear the expreſſion, by G—d I will do for you, before he was trying at your pocket, or at the inſtant?—Before.

At the laſt ſeſſion have you ever ſaid in your life, that the priſoner is the man that tried your pocket?——Yes, I ſaid ſo when I was in bed, I always ſaid ſo from the firſt day I was ſtabbed, to this day.

When he had ſtabbed you, the man in front came up, and the man that ſtabbed you ran away?——They all three ran away; I was on the path way, it was ten minutes before eight, it was not half after ſeven before I went from my houſe; the next day this man was brought in cuſtody to our houſe.

And what he ſaid you took to be a confeſſion of his guilt?——Yes.

You was a conſiderable time in the hoſpital?——I was.

Who told you that the preſent indictment could not be ſupported unleſs you ſwore that the priſoner attempted to take your money?——Nobody; I never heard ſo from any body.

I aſk you this; has no perſon that is now in court, or any other perſon told you, that unleſs this priſoner was proved to attempt to take your money, this indictment could not be ſupported?——I was told that you was at the hoſpital door to enquire for me, whether I was out of danger; is your name Mr. Garrow?

Yes my name is Garrow?——I was told ſo by the people of the hoſpital.

Name a perſon to me that told you that; you muſt recollect that?——They told me that the counſellor that was employed by the priſoner enquired whether I was out of danger.

That perſon did not tell you any thing of Mr. Garrow. Upon your oath Sir, was not it your own ſolicitor that deſired you to ſay that to day?——I have no attorney.

I ſhall travel one ſtep higher; is not the perſon in court who deſired you to ſay that?——I am not able to ſtand.

Upon your oath is not the perſon preſent that directed you to ſay that?——Upon my oath nobody told me in the court.

Is not the perſon now in court that deſired you to ſay that?——I will take my oath that nobody in court told me any thing.

Did no perſon to your knowledge now in court, tell you to ſay that?——I will take my oath that the perſon is not here.

Who was it?——The nurſe of the hoſpital.

When was you told ſo?——Laſt Thurſday was a week the nurſe told the ſiſter, and ſiſter told me; they never mentioned your name, they ſaid the counſellor.

Why was it then when I aſked you the queſtion, juſt now, your anſwer to me was; is not your name Garrow?——Becauſe I have heard many people telling here the laſt ſeſſions, that you was to ſpeak for the priſoners.

Has no perſon that is concerned for you as a lawyer given you directions to day?——I will take my oath they have not, or God may ſtrike me dead.

Did any body tell you to ſay you was too feeble to anſwer my queſtions?——No.

Has nobody wrote it down.——No; it has been a fortnight ſince laſt Thurſday; I am not out of the hoſpital yet.

What is the name of the ſiſter that told you?——Her name is Soldier.

### MOSES MORANT *ſworn*.

I apprehended the priſoner; after he was apprehended I went to the proſecutor with the priſoner, as he lay in bed, and he looked at the man, and ſaid that was the man that robbed him; the priſoner ſaid do not ſwear to me, for I am an innocent man; nothing elſe material paſſed.

*Mr. Garrow.* How was the proſecutor's intellects at the time?——He appeared to be very ill, at the time, but he appeared to be very ſenſible; I never ſaw him but that time.

Had you ſhewed any other perſon to him before, as the perſon you ſuſpected?——I do not know.

Was Howell appriſed that you was coming with the man?——Yes, I think he was; becauſe his wife went in firſt and told him that one was come with the man; to which he inſtantly ſaid that is the man; and the priſoner inſtantly ſaid do not ſwear my life away, I am an innocent man; I apprehended the priſoner at the ſign of the Falcon, in Port-pool-lane; the proſecutor ſeemed to be in very great agony.

Have you had frequent converſations with Howell?——I do not know that I ſpoke to him about that matter till laſt ſeſſion; I did not hear his examination.

Have you ever had any talk with him about this buſineſs?—No, no particular talk.

Did you ever hear from him that he ſuſpected this to be in conſequence of ſpight; did he always repreſent the attempt to rob him to be before or after the ſtab?—I underſtood before.

He made nothing like a confeſſion?—On the contrary he always perſiſted in his innocence.

Who is the ſolicitor for the proſecutor on this occaſion.

*Mr. Peatt.* I will tell you, it is Mr. Moreton.

### MOSES COUZENS *ſworn.*

Was you preſent when this priſoner was apprehended?—Yes.

Did any thing material paſs?—I heard no words; I was not in the houſe; I was at the door.

### RICHARD AKUM *ſworn.*

I was preſent when the priſoner was taken.

What was ſaid by the priſoner?—He ſaid he was not the man; we brought him before Mr. Howell, and he ſaid he was the man; and the priſoner ſaid, now Sir your heart aches, and you have a mind to make mine ache.

### EDWARD MELLSOME *ſworn.*

I was preſent when the priſoner was apprehended, and when he was taken to the proſecutor's houſe; as ſoon as ever the priſoner came before Howell, Howell turned round and ſaid that is the man that ſtabbed me.

### GEORGE CORSHEAD *ſworn.*

I am a ſurgeon; I attended the proſecutor for a week; he was brought about eight in the evening, on a Saturday; if I recollect right, to my houſe, and at that time he had a wound in his ſide, which I dreſſed; I ſuppoſe it penetrated about two inches.

Did it appear a dangerous wound?—It appeared to be from a ſharp inſtrument, either a knife or a bayonet.

*Mr. Garrow.* It was before he went to the hoſpital that you atended him?—Yes; he ſaid ſomebody had ſtabbed him; I ſaw him on the Sunday; the ſymptoms of delirium I was informed on Sunday appeared, and on the Sunday evening he was ſcarcely ſenſible.

About what time on the Sunday evening did you viſit him?——I believe between eight and nine; the ſymptoms had then begun, and I was in again between ten and eleven, when they were worſe.

I have no doubt but you took all poſſible care; would not it tend to diſturb the frame to bring the man?——Not a doubt of it.

How long might the delirium continue?——He was exceedingly ill many days; I thought he would die; I did not ſee him after he went to the hoſpital; a young man that is with me is here.

### ——— PITTS *ſworn.*

I attended the proſecutor at the hoſpital; when I firſt ſaw him in the hoſpital, he was in a very dangerous ſtate, and continued ſo a great while; he was getting well, and he came to this court to attend the trial, and the trial was put off, and he came home exceeding ill indeed, a freſh inflammation, a cough, and a difficulty in breathing, and we have been obliged to give him the ſtricteſt regimen.

*Mr. Peatt.* Is he much weakened in conſequence of his wound?——He is.

I ſhould ſuppoſe he is capable ſince he got the better of that ſymptom that came on by attending here.

*Court.* Is there any more common ſymptom than that of his taking one perſon for another?—Wherever a man is delirious, his mind is deranged, and his ideas certainly.

But do you not in point of experience and fact, frequently find that perſons in a delirium fever take one perſon for another?——Yes.

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But do you not in point of experience and fact, frequently find that perſons in a delirium fever take one perſon for another?——Yes.

*Priſoner.* I leave it all to my counſel.

*Jury.* I think the proſecutor ſaid he had ſome previous knowledge of the priſoner?——Yes.

Would it be amiſs to aſk him how he knew him.

*Court to proſecutor.* You have no perſonal knowledge of the priſoner?—No, Sir.

You only mean to ſay that you have ſeen him more than once?——Yes, I have ſeen him more than once.

*Jury.* By that knowledge of ſeeing him different times in the ſtreet, can you ſwear now to him poſitively?—Yes.

*Court.* As far as you think under all the circumſtances of the caſe, that the proſecutor in the ſtate he was can be depended upon, he has ſworn that he was the man.

### REBECCA SHACKELL *ſworn.*

I keep the Falcon in Port-pool-lane; I am a married woman; the priſoner lodged in our houſe four months; he was a hackney coachman, during the time he lodged in our houſe he always bore a very honeſt character, a very ſober honeſt man as far as I knew; he drove for no perſon in particular; he was waiting for a place to drive for Mr. Earl, a coachmaſter, and he was to have gone the very next day that he was taken up to a job; Mr. and Mrs. Earl are not here; he was obliged to go out of town, and ſhe could not come on that account.

### WILLIAM FREEMAN *ſworn.*

Is Martha Freeman here?——Yes, ſhe is my wife.

Is ſhe out of court?——Yes, I live with Eſquire Harriſon in Brown's wharf, next the King's brewhouſe, St. Catherine's; I know the young man at the bar; on Saturday the 22d of April, in the evening, I ſaw him within about two minutes of eight, and after eight.

Where did you ſee him?—At my houſe in Aldgate pariſh, in what they call Upper Eaſt Smithfield.

How far is it from St. Andrew's, Holborn, to your houſe?——I ſuppoſe it is a mile and a half, and better; I ſaw him cloſe upon eight; I was very particular to the time.

What made you ſo particular?——Becauſe I have lived with Mr. Harriſon near upon five years, and I ſaid to my fellow ſervants, that I never knew ſuch a thing ſince I had been there; we had all got our monies and paid our ſcore, and parted and ſet off home, that made me remember; the priſoner had been at my houſe ſome time when I had got there, one of my little girls opened the door to me, and ſaid daddy, Bill is here; I ſaid what Bill? ſhe ſaid Bill Smith; I ſaid to the child, who is about eleven years old, how long, ſays ſhe to me he has been here about a quarter of an hour, then I ſaw him there; I knew his father, his ſiſter, and brother; I ſuppoſe he and I were about five minutes talking, and he got up to come away, and I ſays to him, Bill have a draught of beer, ſays I, you and I can drink a pot of beer, and I ſent for a pot, and he and I and my wife drank it; we had nothing to eat; then we parted, as near as I can gueſs, it wanted a quarter to nine; I think it was the Monday or Tueſday after I heard he was taken up; then I recollected I had ſeen him on the Saturday.

Are you ſure it was the 22d of April?——I think it was the Saturday before he was taken up; I am ſure to the time; my wife was there, and is here now; my daughter is not here; I have known the priſoner from a child; his father was a publican, and he was put apprentice to a carver and gilder, or ſomething of that, but I believe he did not ſerve much of his time; he is a hackney coachman, but I do not know what place.

### MARTHA FREEMAN *ſworn.*

*Court.* Let William Freeman go out of Court.

I am wife of William Freeman, of Brown-Bear-alley, No. 1, Eaſt-Smithfield; I know the priſoner, I ſaw him on the Saturday before he was taken up; I heard of it on the Monday; I ſaw him on the Saturday at my houſe, a quarter before eight; my huſband was not come from work, I ſuppoſe he might be come in about a quarter of an hour, he was waiting for my huſband, he aſked my huſband, if he had heard of a place, either of a horſe-keeper's place, or a coachman's place; my huſband drives a flour waggon for Mr. Harriſon; he wiſhed to be either a horſe-keeper or a coachman, then he ſaid he heard of a place to go to on Monday, he ſaid the name was Earle; my huſband aſked him to drink a draught of beer, and I ſent one of my children for a pot of beer, and he ſtaid and drank it, he wanted to go, and my huſband ſaid do not go till the beer is out; we drank it, we had nothing to eat with it at all, we ſtaid till nigh upon nine; and on Monday he ſent to let me know that he was taken up, which was a thing he was unguilty of, he begged that I would go down to him; my huſband ſaid you cannot go, you cannot leave the children; I am ſure as to the time of night; I have known the priſoner fifteen or ſixteen years, I never knew any harm of him in my life, an honeſt good-natured lad, I never knew him guilty of an ill-natured thing in my life.

GUILTY.

*Tranſported to Africa for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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568. **WILLIAM GREGORY** was indicted for feloniouſly ſtealing, on the 3d day of June laſt, eighty-ſix pounds weight of tea, value 20l. and one cheſt, value 1s. the property of Thomas Garrett, William Heathfield, and Thomas Higgins.

**EDWARD LARKIN** *ſworn.*

On the 3d of June laſt I cleared ſome tea for the proſecutors, among which was a cheſt of tea which I believe is loſt; it was left in the company's warehouſe in Fenchurch-ſtreet; I do not know what is become of it.

**—— CHAPMAN** *ſworn.*

I live with Mr. Wallis, a grocer in the Mint, on the 3d of June I went to the company's warehouſe for two cheſts of hyſon tea; Mr. Viney was the broker, and I believe about two in the day I got the two cheſts of tea, he ſhewed me the cheſts, and I put them in the cart, when I came to the corner of Fenchurch-ſtreet I aſked Gregory if he would take his cheſt of tea, the priſoner was no accquaintance of mine; I took it up an alley by his deſire, and put it in a room, I do not know what mark there was upon the cheſt, I objected to carry the cheſt of tea up the alley, becauſe I did not know that I had any buſineſs to carry it, and he told me he would give me ſome beer, we drank a pot of beer, and I let him ride as far as Mr. Saxelby's in the Borough; I know nothing more.

**ELIZABETH COOK** *ſworn.*

Gregory is an acquaintance, he brought a cheſt of tea to our houſe about duſk.

**THOMAS COOK** *ſworn.*

I was not at home when it was left, but about half after nine the priſoner came and fetched the cheſt away.

**JOHN VINEY** *ſworn.*

The priſoner lived ſervant with us about two years, during which time he has been entruſted with large ſums of money; I did not hear of the loſs of this cheſt of tea for ſome time after, which was the 3d of June, when I queſtioned the priſoner about it, he told me——

*Mr. Garrow.* Will you give me leave to aſk you if any promiſes have been made? —I do not know what Mr. Arthur did.

*Mr. Garrow to Arthur.* How is that matter?

*Arthur.* I certainly did.

*Court.* Then we cannot hear any thing of it.

**SARAH BALL** *ſworn.*

I was hired on Saturday the 13th of June to Meſſrs. Garret and Co. grocers at Moregate.

Do you attend the lading always?—Yes, thirteen cheſts ſhould have gone, but there was but twelve, not finding the cheſt, we waited till all the other carts came in to ſee if any miſtake had happened, there proved to be none, then we ſent home the dozen of cheſts, and we made as as much enquiry as ever we could, and challenged the young man ſeveral times, and he denied it.

*Court.* There is no evidence of the identity of the property ſufficient to convict the priſoner.

**NOT GUILTY.**

*Tried by the London Jury before Mr. Juſtice* ASHURT.

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569. **ELIZABETH RIGBY** otherwiſe **POWELL** was indicted for feloniouſly aſſaulting Lydia Allen on the king's highway, on the 10th day of June laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, ſeventy-five yards of printed callico, value 15l. and eighteen yards of muſlin, value 3l. 16s. two muſlin aprons, value 20s. five ſilk handkerchiefs, value 10s. four muſlin ſhawls, value 10s. twenty yards of dimity, value 3l. her property.

LYDIA ALLEN *ſworn.*

I go out with muſlins and gown pieces to ſell; they were my own goods, I did ſell them for a gentleman that I had the goods of, Meſſrs. Thorpe and Groves in Holborn, and I muſt anſwer for them; on Saturday the 10th of June, between two and three in the afternoon, as I was going down the king's high road, I paſſed the priſoner, ſhe was ſtanding againſt the pales; I ſaw no perſon with her; and as I was coming up from the Red-lion, near Moorfields, ſhe came up to me and drove away my bundle from under my arm by main force; I was in the middle of the road, and ſhe laid hold of my bundle, and ſwore an oath, and by main ſtrength took it away, and crept under the pales; I ſtrove, but her ſtrength was twice as much as mine; I ſtruggled as much as I could to ſave my bundle, it was all I had in the world; I cried out for help; there were ſeveral people came up, but nobody followed her, till one young man came up; I had ſeen her before at Bow, but I never had any converſation with her; at night a young man took me to her lodgings, but they were locked up, and as I was looking out of my window in Holborn, I ſaw the ſame perſon that robbed me, on the Monday following with a young man, I ran down ſtairs and cried out, and at the top of Saffron-hill I got an officer to take her; I begged her to tell me where my property was, ſhe ſaid, if I would put the officer out of the room ſhe would; and the young man that was with her called her bitch, and ſaid, ſhe knew nothing about it, I ſaid, if I could get my property again, I ſhould be very happy.

Did not you ſay you would be favourable to her?—I ſaid, I did not want to hurt her; I did not wiſh to have any more of her.

*Court.* Then you muſt not ſay any thing ſhe ſaid.

*Priſoner.* Did not you ſay you had been robbed by two boys?—About one I had a pint of beer and three-penny worth of ſalmon; my bundle was looſe; I went to tie it up, a gown dropped out, a little boy ran away with it, but I got it again.

*Priſoner.* Whether ſhe did not treat me with a glaſs of peppermint?—I never did.

*Priſoner.* Aſk her, if ſhe did not aſk me to go to Bow fair.

THOMAS LEE *ſworn.*

I am a ſhoemaker; I apprehended the priſoner, and took her to a houſe of ſafety, and this woman ſaid, for God Almighty's ſake reſtore it, if it is but half my property.

*Priſoner.* On the Whitſun-Saturday, at holiday time, I ſat almoſt facing Jewin-ſtreet, and where this woman ſaid ſhe was robbed, was at Mr. Sanſome's the bottom of the city road, of a piece of gown; ſhe took hold of a boy, and deſired to have her property, directly a man came up, I followed with my lobſters, I had nothing to do with it; ſhe aſked me to go into the baker's, and to go with her to Bow fair to ſell theſe things for her, I ſaid, no; and ſhe directly called a man, by the name of

Smith, and ſhe gave him a thing that the people play with.

*The priſoner called one witneſs to her character.*

**Not Guilty.**

*Tried by the firſt Middleſex Jury before Mr. Juſtice* Heath.

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570. WILLIAM ROBINSON was indicted for feloniouſly ſtealing, on the 20th day of May laſt, a man's woollen coat, value 3s. the property of George Rankin; a cloth coat, value 10s. a waiſtcoat, value 5s. the property of Michael Chew; and one ſilver watch, value 3l. a pair of ſhoes, value 3s. and eighteen pence in monies numbered, the property of Chriſtopher Nuby, in the dwelling houſe of John Zugge.

——— RANKIN *ſworn.*

I loſt my property the 20th of May; a coat made of woollen; my wife gave it to the priſoner to cover him; I told her to do it; I knew ſhe did it; I ſaw him take it from her; I ſaw it the 6th of July upon Robinſon's back; the great coat was very remarkable, the ſleeves have been changed; the priſoner went out the next morning.

What is the value of this coat?—Eighteen-pence or two ſhillings.

How long have you had it?——About three years.

MICHAEL CHEW *ſworn.*

I lived in the houſe; I am an apprentice there; it was the 21ſt I miſſed a cloth coat and waiſtcoat; when I went to get up about ſix they were gone.

Where was this cloth coat and waiſtcoat?—Hanging on the back of a chair, againſt the bedſide; I never ſaw it again; when I went to bed, the priſoner aſked me if they were my beſt clothes; he was laying atop of the bedſtead in the room; I ſaid, yes, they were my beſt clothes, I had no other but what was at my friends; he began examining about the bedſtead; he ſaid, he did not lay high enough, and I gave him two old great coats; in the morning about half paſt three, I awaked my bedfellow to ſee what it was o'clock; that was Mr. Nuby; we went to look at his watch and it was gone; then I fell aſleep; the priſoner was gone watch and all; I am quite ſure the priſoner was the man; I valued the coat and waiſtcoat at fifteen ſhillings.

CHARLES NUBY *ſworn.*

I lodge at the houſe of Mr. Rankin; on the 20th of May the priſoner came to me at twelve o'clock on the Saturday; Mr. Rankin knew him, but I did not; the priſoner ſaid, he had a ham and ſix bottles of wine from Rotterdam, they were in the ſhip, and he would fetch them to Mr. Rankin's houſe in the morning; Mr. Rankin kept him to dinner; he told me if I would go on board the ſhip, I ſhould drink geneva, *I tell him, I do no like it*, he tell me, I ſhall ſtay there all day, *I tell him, I do no like it*; I was in my room reading the Bible; Mr. Chew ſlept in the ſame room.

Did you loſe any thing that night?—Yes, I ſaw him in the night ſitting up in the bed; I loſt a ſilver *Engliſh* watch, and a couple of leather ſhoes, and eighteen-pence in ſilver; he took it out of my pocket.

What is the name of the man where you lodge?——John Zugge; my watch is valued at *three pounds and an half*, my ſhoes at 3s. I miſſed them in the morning as ſoon as I could ſee; *he tell me*, he could not ſleep for buggs; I ſaw nobody elſe there that night; he took the beſt ſhoes.

ROBERT MATTHEWS *ſworn.*

I am a ſmith; I lodged in this houſe in May laſt, I ſaw the priſoner go out in the morning; I heard ſomebody come down ſtairs, I thought it had been the apprentice; I heard a great buſtle at the door, and looked out of the window to ſee, and the priſoner was with Rankin's coat on, and the apprentice's coat under it; he was not ſtopped at that time; he did not run off, he walked; I am ſure they were the coats.

HENRY BIRGMAN *ſworn.*

I am a cabinet-maker; I work for Mr. Rankin, and I ſaw the priſoner; I ſaw him a fortnight after with Mr. Rankin's coat on.

JOHN YOUNG *ſworn.*

I am round houſe keeper of St. Giles's; the priſoner had this coat on; I have kept it ever ſince.

*(Produced and depoſed to.)*

PRISONER's DEFENCE.

Concerning the wine and ham; when I was laſt at Rotterdam, I ſaw an acquaintance of the proſecutor's, he ſaid, he would ſend him ſome wine and ham, if I would give him a direction; I gave him one; I then came to London, and I was in the ſpace of two months in expectation of finding theſe things; I called on the proſecutor, and ſtaid there till the evening, and he aſked me to ſleep in the houſe, and he gave me a blanket to ſleep in, on an empty bedſtead; his wife brought me up a great coat; I went away with it in the morning between five and ſix; I did not return again till I was made; and then theſe things were laid to my charge; the coat and waiſtcoat and watch, I am a ſtranger to.

GUILTY, 20s.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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571. MARY WADE otherwiſe COCLIN was indicted for feloniouſly ſtealing, on the 28th day of June laſt, ſixty-three yards of callico, value 10l. the property of John Aſhby and John Philpot, callico printers; laid, placed, and expoſed in their bleaching grounds to be printed.

JOHN ASHBY *ſworn.*

I am partner with John Philpot; on the 28th of June I loſt three pieces of nine eights Britiſh callico, value ten pounds and upwards; it was brought to our houſe to be printed; the callico was pawned by the priſoner; I ſaw it there the day before.

ROBERT DAWSON *ſworn.*

I am an officer; on the 15th of this month I received information, the priſoner had ſome callico; prior to that I ſaw the advertiſement of the proſecutor being robbed, and ſome hand bills; in conſequence of that I apprehended her; I was informed ſhe had pawned them at Mr. Mathews's in the Minories; I ſaw ſome callico there, I cut off a little bit, and I advertiſed it, and Mr. Philpot came and claimed it, and another piece I found at Mr. Windſor's a pawnbroker in the Minories, which appears to be a counter part of the other that I found at Mr. Mathews's.

—— MATHEWS *ſworn.*

I am ſervant to Mr. Mathews; I took in a piece of callico of the priſoner, on the 29th of June; I am ſure it was her.

ALEXANDER DICKSON *ſworn.*

I am ſervant to Mr. Windſor, in the Minories; I have another piece of callico which I took in from the priſoner on the 29th of June. *(The two pieces produced and depoſed to.)*

There never were but eight pieces of this pattern, printed in this manner, and this is not finiſhed.

PRISONER's DEFENCE.

I deal in Roſemary-lane, and have done ſo theſe fourteen years, and I bought theſe things of a man in the open fair; as I bought them and had no more money to turn my hand upon, I pawned them.

*Court to Jury.* The act of the 18th of George the ſecond, makes it a capital offence for ſtealing of goods above ten ſhillings, from any bleaching ground, which had been brought to be printed and expoſed there.

GUILTY, Death.

*N. B.* The above act having left the Court a diſcretionary power to mitigate the ſentence to traſportation for fourteen years; the priſoner was ordered to be

*Tranſported for fourteen years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* ASHURST.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VI. PART II.

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*LONDON:*
Printed for E. HODGSON (the Proprietor)
And Sold by J. WALMSLAY, No. 35, *Chancery Lane*, and
S. BLADON, No. 13, *Pater-noſter Row.*
M DCC LXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

# UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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572. CHARLES MARTIN was indicted for feloniouſly aſſaulting Catherine the wife of Charles Bellingham, on the king's highway, on the 15th day of June laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, a watch, with the inſide caſe made of baſe metal, and the outſide caſe made of ſhagreen, value 3l. one gilt buckle, value 2d. and one guinea, value 1l. 1s. and two half crowns, value 5s. the property of the ſaid Charles.

*(The caſe opened by Mr. Knowlys.)*

*The witneſſes and Mrs. Bellingham ordered to withdraw by Mr. Garrow, counſel for the priſoner.)*

*Mr. Knowlys.* Gentlemen of the Jury, the priſoner is charged with a highway robery from the perſon of Mrs. Bellingham, ſhe is the wife of a Mr. Bellingham, a gentleman, who lives at Teddington; on the 15th of June, ſhe was taking a walk, with a neice of hers in her hand, a little girl of ten years old, ſhe was a little way from her own houſe, when ſhe ſaw a couple of ill looking men; but going a little further, ſhe ſaw a perſon, who ſhe will tell, you was the priſoner, and he appearing a decent man, ſhe was releaſed from her fears, and ſhe walked for three quarters of a mile, within ſight of this man, whom ſhe will identify to be the priſoner; ſhe had no ſuſpicion of him, but frequently looked at him; the man came up to her, with a piſtol to her breaſt, and demanded her money, ſhe gave him two half crowns, ſays he, that is not all; he put the piſtol near to her, he thruſt his hands into her pocket, and took out a guinea, he tore her watch from her ſide, and ſnatched a gold pin by violence from her; this took up the ſpace of three or four minutes; Mrs. Bellingham was undoubtedly much alarmed; but whatever alarm ſhe might be in, ſhe had ſeen this man for three quarters of a mile, and the little girl had the ſame opportunity of obſerving the man that her aunt had; it was not till a month after, that this lady ſaw this man again; Mr. and Mrs. Bellingham, and this little girl were returning from ſome excurſion in a poſt chaiſe, it was about half after eight o'clock; Mrs. Bellingham was looking out of the window, and ſhe immediately exclaimed, God bleſs my ſoul, that is the man that robbed me; in which aſſertion the little girl joined; and upon which Mr. Bellingham immediately jumped out of the chaiſe, and made ſome pretence that he had forgot ſomething and muſt go back; he ſaw a perſon he knew, and obtained his aſſiſtance, and Mr. Bellingham ſeized the priſoner by the right arm, and the other perſon came up and ſeized him by the left arm; they then ſearched his pockets, and found a piſtol loaded, and a great quantity of picklock keys. Gentlemen, he then addreſſed Mr. Bellingham, and ſaid, why do you ſeize me, I have never done you any injury? Mr. Bellingham ſaid, no, Sir, but you are the man who robbed my wife; the priſoner immediately, before Mr. Bellingham ſaid another word to him, then ſaid, I hope Sir, you will be merciful to me, Mr. Bellingham told him he ſhould have all that the law would allow him, but no more. Gentlemen the priſoner was then committed, and is now brought before you: Mrs. Bellingham will be produced, and you will hear from her whether ſhe is as certain as I am inſtructed ſhe is, that the priſoner is the man; the little girl will alſo be produced, and the Court will judge whether ſhe ſhould be examined: and if the witneſſes convince you of the identity of the perſon of the priſoner, joined to the other circumſtances; you will form your judgment, and diſcharge your duty by a verdict of the guilt of the priſoner.

Mrs. BELLINGHAM *ſworn*.

I am wife of Mr. Bellingham; I live at Teddington; I was walking in the high road, from Teddington to Hampton-court; on the 15th of June with Mr. Bellingham's niece; the perſon that robbed me walked ſome way on the roads, perhaps half a mile.

*Court*. What in company with you, talking to you?——No, my Lord, he followed me all the way; he ſtopped and leaned over the gate; he then preſented a piſtol to me, demanding my money.

How far had this perſon walked, who preſented a piſtol to you and demanded your money?——Near half a mile.

What time might you be walking with this perſon near you?——I ſhould ſuppoſe a quarter of an hour; I was walking ſlowly with a little girl, between twelve and one.

Had you had frequent opportunities of ſeeing this perſon?——I had ſo much, ſo that I was pleaſed there was ſo creditable good a looking man, walking with me.

Had your little niece the ſame occaſion of obſerving this perſon as yourſelf?——The child ſaw him all the way.

What did he do when he preſented the piſtol to you?—He demanded my money; I gave him two half crowns; he then preſented his piſtol the ſecond time, and ſaid, he muſt have more; I begged of him for God's ſake not to frighten me, and I gave him a guinea; he then ſearched both my pockets, and aſked for my trinkets and rings, I told him I had none; the man took my watch; I think he put his band to my apron whether he took it, or whether I gave it him I cannot ſay; both our hands were together; he took a metal buckle out of my handkerchief, I told him I would give it him, but he tore it out, and ſaid he would have it.

What time might this tranſaction take up?——It is impoſſible for me to ſay exactly, I ſhould ſuppoſe four or five minutes.

Now during that time had you an opportunity of obſerving the priſoner's perſon?—I had.

At this time I apprehend you was under ſome alarm?——I was.

Was you under any alarm during the time he had been walking near you?——None, till he preſented the piſtol.

Are you ſure you know the priſoner again?——I am ſure of it.

Will you look at that perſon?—That is the perſon, but not the clothes; I am ſure of his perſon.

How long was it after this before you ſaw the perſon again?—The 15th of July.

That is juſt a month after?—Exactly.

In what ſituation did you ſee him?——I was coming through Buſhy-park in a poſt chaiſe; I ſaw him, and I knew him directly; my huſband was with me, and a gentleman who was in court juſt now, and Sarah Middleton, my niece; when I ſaw him I cried out immediately that is the man that robbed me; he was immediately apprehended; I told the poſt chaiſe to drive on directly with me, and I left Mr. Bellingham; I ſaw the priſoner before the Juſtice.

Have you ever had any reaſon to doubt him?—Never, never, never.

*Mr. Garrow, priſoner's counſel.* It is my duty, Madam, to trouble you with a very few queſtions; you need not be under any more alarm from them than thoſe of my friends, I ſhall not give you any unneceſſary trouble.

Were you going on any viſit?—I was not.

Where did you go after you was robbed?—I went home as well as my fright would permit.

You was extremely alarmed?—I have not been perfectly myſelf ſince.

I dare ſay Madam, in all your excurſions you have felt frequent apprehenſions of robberies?——I have, I never ſtirred from home but when I could not help it, and never but under great apprenſions that I ſhould be robbed.

On the evening of the robbery, did you or any body give directions to make a purſuit after the man that robbed you?——I think Mr. Bellingham was not at home for two days, he was in town.

Did you give any information to any of the public offices?——No, I did not.

Did any body on your part ſend notice before the man was taken, that ſuch a robbery was committed?—I do not know.

Do you know of any advertiſement of your watch, or any hand bills?—I do not know.

How many excurſions may you have made in a carriage, between the 15th of June and the 15th of July; perhaps but few?——Two beſides that when the perſon was apprehended.

What time of the day was he apprehended?—It was in the evening.

What time?—It was paſt eight.

You was not leſs frightened at that time of the day than at noon day?—I was extremely terrified at ſeeing him, it was in my fright I inſtantly cried out that is the man that robbed me, and the child inſtantly cried out, that is him, that is him; the man met my chaiſe; he walked ſome length before he was taken.

What diſtance might he be from you then?—Not further much than he is now.

How far had you travelled that evening?——I cannot tell how far, it was from Oatlands; he was apprehended in Buſhy-park.

I only wiſh to know within half a mile?—About five miles.

Had you met many perſons, Mrs. Bellingham?——I had not to my knowledge, to notice it, met one.

Had you put your watch or your purſe in any place of ſafety that evening?——I have not come out with a watch or any money ſince.

So that the firſt man that you met was the priſoner, you was very much alarmed, and you inſtantly exclaimed, that is the man, in which cry the child joined, and you left Mr. Bellingham to do the beſt he could?——Yes, he was firſt produced to me before the Magiſtrate on Sunday.

You had ſeen your huſband?——Yes.

He had told you that upon the perſon that was taken there was found a picklock key and a loaded piſtol?—He did.

That of courſe did not leſſen your belief that he was the man?——Nor add to it; the perſon of the man was ſufficient.

You had taken no oath on the ſubject till after you knew the circumſtance of the piſtol?—I could not.

He had walked behind you about half a mile before he robbed you?—Yes.

Have you had the misfortune to be robbed before?—No.

*Jury.* Was the priſoner in the ſame clothes when taken, as when he committed the robbery?—He was, excepting a waiſtcoat, he had a ſtriped waiſtcoat on when he robbed me, and he had a ſtriped waiſtcoat on when he was taken, but they were different waiſtcoats.

*Miſs Middleton called.*

How old are you?—Twelve.

What will become of you, if you take a falſe oath, and ſwear what is not truth?—Go to hell, my Lord.

I ſuppoſe you have been taught your catechiſm?—Yes.

*Mr. Garrow.* Who gave you inſtructions to give that anſwer to my Lord?——My aunt.

Was it yeſterday or before?——Yeſterday.

You was told you would be aſked that queſtion, and that was the proper anſwer to give?——Yes.

Did you go to Clerkenwell?——Yes.

They would not ſwear you there, what did your aunt ſay to you becauſe you was not ſworn?——Becauſe I was not of age.

They thought you did not know the nature of an oath.

*Court.* Suppoſe you ſay the truth now, what will become of you then?—Go to heaven, Sir.

*Mr. Garrow.* I ſee upon the back of the indictment ſhe had been propoſed as a witneſs and had been rejected.

*Court.* Swear her.

*Mr. Knowlys.* Will you be ſo good when I aſk you a queſtion, to ſpeak ſo loud that thoſe Gentlemen and my Lord may hear you; pray Miſs do you remember walking with your aunt?—Yes.

When was it?——I do not remember the day.

Was it the day ſhe was robbed?—Yes.

Did you ſee any body on that day?——Yes; the perſon that robbed my aunt walked all along the lane with us, ſometimes on one ſide, and ſometimes before; he walked juſt before my aunt on the other ſide, then he came up and ſhewed a piſtol to my aunt, and aſked her for her money, my aunt gave him ſome money, and he put the piſtol to my aunt again, and ſaid that would not do, he muſt have ſome more; he ſearched both her pockets, and he took a little buckle from her handkerchief, and he ſaid he muſt have her watch, her trinkets, and rings if ſhe had any; he did not take her ring; he took her watch and little buckle.

What time was he taking thoſe things?——He ſeemed a good while taking them.

Was you frightened?—Yes, Sir, very much; I ſaw him before that time; I had ſeen him for a quarter of an hour.

Did you take any notice of him?—Yes.

Should you know him again if you was to ſee him?—Yes, Sir.

Look round the court?—That is the man that robbed my aunt.

Are you ſure of it?—I am ſure of it; he wiſhed my aunt a good morning, and ſaid he hoped ſhe would never miſs it.

Did you ever ſee him again?——Yes, Sir, laſt Saturday, when he was taken.

How happened you to ſee him again?—We were coming home and he went by the chaiſe.

Who was in the chaiſe?——My uncle and another lady.

Was you in the chaiſe too?—Yes.

How happened you to ſee him then?—I was looking out at the window; I did not ſit down, I was ſtanding before the window.

Which way was he coming?—He was coming from the gate.

Was he coming towards you or going from you?——Towards us; my uncle aſked my aunt if ſhe was ſure that was the man, and ſhe ſaid yes, and he jumped out of the chaiſe.

Did you ſay any thing at that time?—I ſaid that was the man.

Was the man brought to you at that time?——No, my aunt bid the coachman drive home.

Are you quite ſure that is the man?—Yes, I am quite ſure that is the man.

Was you at all frightened before the man robbed your aunt?——No, Sir.

Not at all?——No.

What time was it when he robbed your aunt?—It was between twelve and one.

*Mr. Garrow.* You ſaw the man again in Buſhy Park?——Yes; ſhe ſaid to my uncle, that was the man that robbed her.

You was a good deal frightened?—Yes.

Then you ſaid that is the man,—Yes.

You are quite ſure of that?——Yes, he went by the chaiſe and met us.

How far was he from the chaiſe when you firſt ſaw him?——I did not ſee him till he came to the chaiſe almoſt; I ſaw him immediately upon my aunt's calling out.

You was a good deal flurried?—Yes.

You thought he would come and rob you again, did not you?——I did not think much about that, becauſe there was my uncle.

At the time he robbed your aunt you was a good deal frightened?—Yes, Sir.

Becauſe you was alone?——Yes, Sir.

What lane was it he walked in?—They call it Fry's-lane.

Was it in the field?—No, in the lane, a common carriage way.

Are there hedges on each ſide?—Yes.

And gates at ſeveral different diſtances, ſo that a man might have come upon you out of the field?—Yes.

But he did not?—No he did not; there was a carriage juſt paſt us before he robbed us, and he leaned over a gate.

Did he walk more before you than he did behind you?—He walked more on the ſide, even with us on the other ſide of the road.

Abreaſt with you?—Yes.

Did he walk behind you?——Sometimes behind us, but not ſo much.

Be ſo good as to tell me how he was dreſſed?—A ſnuff coloured coat, a ſtriped waiſtcoat, white ſtockings, and I think ſilver buckles, white buckles.

You underſtand now I mean the evening you ſaw him in Buſhy-Park?—Yes, Sir, it was paſt eight.

You ſaw him juſt as he come paſt the chaiſe?——Yes, Sir.

Now Miſs Middleton had you an opportunity of making ſuch obſervation on his clothes in that ſhort time?——Yes, Sir, I had.

Did you ſee him at the juſtice's?——No, Sir.

Was you up when your uncle came home at night?—Yes.

Then he told your aunt that the man was ſecured, and had a piſtol in his pocket?——Yes, Sir, and loaded with two ſlugs, and twelve picklock keys.

Then you have no doubt at all but he muſt be the man, as he was ſo equipped?——I knew he was the man, becauſe I knew his face.

You have often talked about this?——Very often.

You heard your aunt tell the ſtory to my friend that ſtands here?—Yes.

That was a few minutes ago?—Yes.

You knew ſhe told it all correctly?——Yes.

CHARLES BELLINGHAM *ſworn.*

I was riding with my wife from Oatlands in a poſt chaiſe; Mrs. Bellingham ſays, look, my dear, there is the man that robbed me; the little girl turned round, and ſaid, aye, that is the man; I looked, and ſaw the priſoner at the bar walking very leiſurely along; I told the man to drive home with the ladies; I did not chooſe to attack him myſelf, but as the gate was about one hundred yards off, I called to a friend; ſays I, I have forgot ſomething at the gate, and I will go back and leave word, that was for fear the man ſhould be alarmed; in conſequence of which, I went to the gate, and ſaw a man which I knew, and there was another man with him; I aſked them to aſſiſt me; we went up to him immediately, and the man that I called, as ſoon as I darted on his right hand, he took hold of his left; he had only this ſtick; a gentleman came from under the gate, and we ſearched him, and took out a loaded piſtol; Lawrence put his hand in his pocket, and took out twelve picklock keys, they call them maſ-

ter

ten picklock keys; in the piſtol there was ſome powder, and likewiſe a ball; it was a ſcrew barrel; he unſcrewed it, and there was a ball; he took care of it to give it to the magiſtrate.

Did the priſoner ſay any thing at the time you took him?——He ſaid, Sir, what have I done, I never offended you? I ſaid, no, you have offended me in a tenderer part, you have robbed my wife; he then ſaid, if I have, I hope you will be merciful to me; I had made him no promiſe; Ambroſe Lawrence was the man that was with me; he is here.

*Mr. Garrow.* You was at your country houſe at the time the lady was robbed?—I was not.

How ſoon after did you ſee her?—The ſecond day; I gave information at Bow-ſtreet, either on the Tueſday or Wedneſday following; the robbery was on the Thurſday.

Did you give a deſcription of the watch?——I did.

There was nothing particular in the half-crowns?——That I cannot tell; I gave no deſcription of them.

Do you know whether there was any advertiſement or hand bills?——I do not know.

You had no notice of any perſon being taken into cuſtody till this man was taken?——No, Sir.

It frightened her a good deal?——She was very much frightened, as I ſuppoſe every woman who is in a bad ſtate of health would be; ſhe has been in a bad ſtate of health ſeveral years; I ſhould ſuppoſe it might be about half paſt eight when we were in the park.

You left Oatlands probably about half paſt ſeven?—About ſeven.

How much further had you to go?——The length of the park; my houſe is juſt out of Buſhy-park gate.

Do you recollect ſeeing any body from Oatlands?—I did not take any notice of any perſon.

What diſtance was the man from the chaiſe, at the time your wife cried out that was the man?——I ſuppoſe he might be twice the length of this hall; but when I firſt ſaw the man, he was near the horſes heads.

What gate is it you ſpeak of?——It is called Hampton-Court gate; a woman keeps the gate.

What diſtance were you from the gate?—I ſuppoſe not a hundred and fifty yards.

Within view of it?——Oh dear Sir, not one hundred and fifty yards; Buſhy-park is remarkable for being one mile in length, and you may ſee from one gate to the other as clear as you can ſee me now.

*Mr. Garrow to the priſoner.* If there is any other queſtion you would wiſh to have aſked, I will aſk it.

*Priſoner.* The gentleman did not ſay to me at the time he took me that I robbed his wife?—Upon my oath he repeatedly preſſed me to tell him what he had done; he began to be a little boiſterous; I told him, my friend, I am very well known in this neighbourhood, and my property is ſuch, that if I have taken you wrong, you may have recompence, and then I ſaid it is my wife you have robbed; then he ſaid this, I hope you will be merciful.

*Mr. Garrow.* After Mrs. Bellingham had ſworn to him, he then ſaid, I am innocent, and for God's ſake do not take away my life?——Sir, what I have told you is exactly the fact; that it was at the public houſe before Mrs. Bellingham ſaw him; ſhe never ſaw him after he was taken until the next morning.

AMBROSE LAWRENCE *ſworn.*

I was preſent at the apprehending of the priſoner; Mr. Bellingham was in a chaiſe, and I was ſtanding at a public houſe door, drinking a pint of beer, and he came and aſked me to aſſiſt him; I was the firſt man that took hold of the priſoner in the park; Mr. Bellingham ſaid that was the man.

Was the man ſearched by any body?——Yes.

Was any thing found?—Yes, the piſtol was was taken out of one pocket, and twelve keys out of another.

Did you hear the man ſay any thing to

Mrs. Bellingham?——He aſked Mr. Bellingham what he had done to him; he ſaid not to him, but to his wife; the priſoner ſaid he was very ſorry if he had offended him or his wife either; that was all he ſaid, but he begged for mercy.

*Mr. Garrow.* Did not he ſay that he did not know he had injured any body?——He ſaid he was very ſorry if he had injured any body.

### GEORGE BIRD *ſworn.*

I am a conſtable; I took charge of the priſoner; twelve keys were delivered to me, and a piſtol, by Lawrence, *(produces them)* the piſtol had one ball in it; there was powder in under the ball.

*Priſoner.* I am very innocent of the offence, and I have people here to prove that I was at a different place at the time.

*(The priſoners witneſſes ordered to be examined apart.)*

### CHARLES FRANKLIN *ſworn.*

I live in Fore-ſtreet, Lambeth; I am a journeyman carpenter; I keep a houſe there; I know the priſoner.

Do you remember ſeeing the priſoner at any time in the month of June laſt?——Yes.

When did you ſee him?——On the 20th of of June; I invited Mr. Lilly to a chriſtening of a girl of mine, at Lambeth church; it was chriſtened on the 11th of June, and in conſequence of that, Mr. Lilly invited me the 15th to keep the birth-day of his child; Mr. Lilly lives No. 3, Gardiner's-lane, Weſtminſter; I went there, and was there from eleven in the morning till ten at night.

Who was of the party?——There was Mrs. Lucy Ward, and her ſon, his name is George Ward, and there was the priſoner, Charles Martin, who lived with Eſquire Grayham, South Lambeth; and there was Mr. Lilly and his wife; I dined there and ſpent the evening; the priſoner was there when I came there; that was about eleven.

How did you amuſe yourſelves before dinner?——We were in *the quality way*, and had a little drop of gin.

What time did you dine?——At one o'clock.

Do you recollect what you had for dinner?——A leg of mutton and *trimmings*, turnips, and greens, and ſome ſtrong beer; we ſmoaked our pipes till tea time, and then we had a diſh of tea, and then we had four or five mackarel for ſupper.

How old is the child?—Four years old the 15th of June.

How long have you known this young man?—About two months, he lived with Eſquire Grayham at South Lambeth, Mr. Grayham is head clerk at the bank; Mr. Lilley's former wife is dead, and this was a child by the former wife.

*Mr. Knowlys.* What buſineſs are you?—A carpenter.

At whoſe houſe was it you firſt paid the viſit?—Mr. Lilly on the 11th of June paid the viſit at my houſe, which was on Sunday.

What had you for dinner that day?—I had a fillet of veal that weighed about eleven pounds and a half, and a piece of pickled pork and greens; at the next meeting we had a leg of mutton, and what I call trimmings.

What makes you particularly remember that this was on the 15th of June?—It was very remarkable on account of the boy's birth day.

Was it remarkable on any other account?——Not to my knowledge.

Did you know it was the 15th of June before the priſoner was taken up?—I cannot ſay when he was taken up.

Did not you hear of his being taken up?——I did hear of his being taken up ſome time ago, but I have not dined with Mr. Lilly above once ſince.

—How long is it ſince you heard of his being taken up?—About a week ago.

Are you ſure it is not more than a week ago?——I work for one Mr. Kenzie in Smith-ſtreet, they came and acquainted me that the priſoner was taken up.

Are you ſure you had nothing but mackarel for ſupper?—Yes, they were boiled. What ſauce had you?——Mackarel herbs.

Did the priſoner come at the ſame time with you to Mr. Lilley's houſe that day?——He was there when I went there at eleven.

Did you all of you ſmoke, all the men?——Moſt of us did.

Was there any other perſon there beſides what you have mentioned?——No.

There were but four of you men?—No.

Did you all of you ſmoke?——Yes, at different times.

Which of you ſmoked herb tobacco?—I ſmoked herb tobacco, ſome ſmoked herb and ſome ſhort cut, I offered them ſome of mine, I ſmoked ſome herb and ſhort cut mixed, the others might, I did not take ſuch particular notice of it, there was herb tobacco and ſhort cut?

Was not there ſome pigtail tobacco too?——There might, I cannot ſay, I never ſmoke any pigtail tobacco.

Had not you ſome port-wine at your dinner?——No Sir, we had ſome porter and gin before dinner.

What did you drink tea?——I had a diſh of tea, and the priſoner had ſome, and we all drank tea.

Did you ſmake at your tea?—No, Sir.

*Jury*. What day of the week was it?—Of a Wedneſday.

*Mr. Knowlys*. Are you ſure it was a week ago you heard the priſoner was taken up?——I cannot juſtly ſay whether it was a week or more, I did not take much account of it, I did not think I ſhould come here; as nigh as I can tell it is a week, I believe I heard of it on the Saturday.

*Mr. Garrow*. Laſt Saturday?—Yes, which is not quite a week.

## ELIZABETH LILLY *ſworn*.

My huſband's name is Joſeph Lilly; I live in Petty France, Weſtminſter; I know the priſoner very well, I have known him ſome time; I know Mr. Franklin the carpenter.

When was it that he was at your houſe at dinner?—The 15th of Julie, it was on account of Mr. Lilly having a child by a former wife, it was his birth-day; I was married laſt December.

*Court*. Have you got the boy's regiſter here?——No, I cannot tell when he was chriſtened; the child is four years old.

*Mr. Garrow*. Who was your company?——There was Franklin, Mr. Thomas Divine, and Mr. Lilly, and Geo. Ward, and Lucy Ward.

What time did you begin your day?—It was between ten and eleven when the priſoner came, and the company met, Mr. Franklin came afterwards, then the reſt.

What had they before dinner?——I do not recollect, I cooked the dinner, we had a leg of mutton and trimmings, we dined at one.

How long did they continue there after dinner?—They ſtaid there till ten at night, the men were playing cards ſome part of the time.

Any thing elſe?——No, Sir, ſmoking and drinking and playing at cards, they drank tea at five as nigh as I can tell, we ſupped between nine and ten, we had for ſupper the remains of what was left, and ſome mackarel, I dreſſed it with melted butter and parſley boiled.

Did the priſoner continue there from the time he came in the morning till they went away?—Yes, Sir, he ſlept at our houſe all night, I do not ſuppoſe he was a quarter of an hour from the company all day; we had porter, no wine.

I ſuppoſe on a birth-day you did not take an account how many pots were drank?——No, Sir.

Are you ſure of the day?——I am quite ſure of the day, it was a very remarkable day, it is my huſband's only child, it was of a Thurſday.

*Mr. Knowlys*. Who brought the pigtail tobacco?—I did not ſee any.

Who brought the herb?—I fancy it came in along with the beer.

Then there was no common tobacco?—No.

The laſt gentleman is fond of herb tobacco is he?——I do not know, I do not recollect who did ſmoke and who did not.

Is not Mr. Franklin a famous ſmoker? —Yes Sir, he ſmokes a good deal, I ſaw no other tobacco but the herb tobacco; Franklin came in between eleven and twelve, the priſoner had been there about an hour before Franklin came in.

What game at cards did the others play at?——Different plays.

Was there a party at whiſt?—Whiſt and all-fours, no other games to my knowledge; Mr. Franklin, Mr. Lilly, George Ward, and Charles Martin played at whiſt.

Then I ſuppoſe Mr. Divine played at all-fours with Mrs. Lilly?—He did not play to my knowledge.

How do you make up the party at all-fours?—They were ſometimes playing at whiſt, and ſometimes at all-fours, Divine did not play at cards to my knowledge, he ſmoked.

Did Franklin take any notice how many pipes Mr. Divine ſmoked that evening?—Not to my knowledge.

How much brandy did Mr. Divine drink with the mackarel?—None at all to my knowledge, I do not know that there was a drop of brandy in the houſe, Mr. Divine drank porter, we had nothing elſe all day but porter; I heard of the priſoner being taken up laſt Tueſday.

JOSEPH LILLY *ſworn.*

I am huſband to the laſt witneſs, I live in No. 8, Three Gardeners-lane, Petty France, Weſtminſter; I know the priſoner.

Do you remember the ſeeing him any time in the month of June?—I ſaw him on the 15th of June at my own houſe in Petty France, he was there on the occaſion of its being my little boy's birth-day, he was then four years old, he was a child of a former wife that is now deceaſed; I fancy the priſoner came to my houſe that day about eleven, he dined there, had tea, and he continued the afternoon, and ſtaid and ſupped there with ſeveral more; the priſoner ſlept there.

Who dined there beſides the priſoner? —There was the priſoner at the bar, me and my wife, Mrs. Ward and her ſon George.

Was any body elſe at dinner?——Mr. Franklin only.

Was Divine there?—He was not there not in the time of dinner, he was there in the morning.

Was he there after dinner at all?—— I do not recollect that he was; we dined about one, we had a leg of mutton and turnips, after dinner we continued and had tea, we continued with ſongs and porter and tea.

*Court.* How did you amuſe yourſelves? ——Laughing and joking, nothing further, I do not recollect we had any other amuſement.

Had you any cards in the courſe of the day?—No.

*Mr. Garrow.* I ſhall call no more witneſſes, the priſoner may if he pleaſes.

*Mr. Garrow to the priſoner.* If you wiſh to call the reſt of your witneſſes, the Court will examine them; I do not think that I ought.

*Lilly.* We did not expect to be called on; we had tea, and mackarel for ſupper, and continued till ten or eleven.

*Priſoner.* The gentleman might forget cards ſo long ago; that gentleman paid a bill on that day.

*Lilly.* I paid upwards of four pounds to Mr. George Ward.

*Priſoner.* I wiſh Ward to be called.

*Jury.* What day of the week was it?— Thurſday.

GEORGE WARD *ſworn.*

Do you remember ſeeing the priſoner in the month of June?——I do remember ſeeing him very well.

Be cautious?——I ſaw Charles Martin on the 15th of June, at Mr. Joſeph Lilly's; they invited me to dinner; I dined there; and my mother; there I ſaw him; I did not come from there till eleven at night; I went there about twelve at noon; he was there, and Franklin was there; I dined with him, and drank tea and ſupped, and left him there, and he ſlept there that night; Mr. Lilly owed me ſome money; there was Charles Frankling, Lucy Ward, George Ward, Mr. and Mrs. Lilly, that was all.

Do you know Divine?——He did not dine there, he came in the forenoon, but did not dine.

Was he there after dinner at all?——I do not know that he was there after dinner; we played at cards, ſeveral games, all fours, and cribbage; and I believe we played at whiſt.

Who was your party at whiſt?—Mrs. Lilly was my partner; we played in turns.

LUCY WARD *ſworn.*

*Priſoner.* I do not wiſh to have her examined.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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573. ANN CHAPMAN was indicted for feloniouſly ſtealing, on the 12th day of June laſt, one quart pewter pot, value 1s. the property of Hannah Mowland.

HANNAH MOWLAND *ſworn.*

I keep the Black Swan in Fetter-lane; I ſaw the priſoner take the pot out of the tap room, and put it under her cloak, my ſervant maid found the pot concealed under her petticoats.

THOMAS JACKSON *ſworn.*

I happened to go down for a pint of beer, and I ſaw the priſoner and a man with her who had a pint of beer in a quart pot, the man went away, and the woman got to the door; I ſtopped her, and on ſearching her I found it concealed in her pocket.

*(The pot produced by the conſtable, and depoſed to.)*

*The priſoner called three witneſſes to her character.*

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

574. JAMES M'GEARY otherwiſe M'GUIRE was indicted for feloniouſly ſtealing, on the 3d day of July, two gallons of red port wine, value 12s. and twelve bottles, value 1s. the property of ——— Jennour.

PERROTT FENTON *ſworn.*

I was going to Mr. Jennour's on Tueſday the 4th of this month; I ſaw the priſoner lift a prickle baſket upon his ſhoulder; I ſaw ſome wine on the ground, and knowing Mr. Jennour had a freſh pipe of wine in, I aſked him what he had in his baſket, he ſaid, nothing, he then pitched the baſket on the outſide of the door.

*Court.* What had he in the baſket?——Upon ſearching the baſket I found eleven bottles of wine, and one broke and the wine running about.

*Mr. Peatt, priſoner's counſel.* How far was you from the priſoner?——About a yard.

Was his face from the houſe or towards it?——From it, he was in liquor at the time; he was reeling.

He had not quitted the door?—No.

THOMAS DODD *ſworn.*

On the 4th of July, about ſeven o'clock coming down Dean's-court I obſerved the priſoner coming up the ſteps from the kitchen; he let the baſket fall, he was very much intoxicated; upon further enquiry we found it was wine, one of the bottles was broke, and the wine running about; juſt before the priſoner ſaid, they were empty bottles, and was going away with them; Mr. Fenton inſiſted upon his putting the baſket down again, and on ſearching it, we found it was red port containing twelve bottles, one of which was broke.

ANN TAYLOR *ſworn.*

I live with Mr. Jennour; I ſaw the priſoner ſtow the wine in the cellar with another man.

*Court.* Was any other of Mr. Jennour's ſervants with the man?—Only myſelf.

*Mr. Peatt.* Did not you ſee one of the men aſleep on the floor?—I did not.

Who let them out?—I opened the gate for them.

*The priſoner called four witneſſes who gave him a very good character.*

**GUILTY.**

*He was humbly recommended by the Jury and Proſecutor on account of his good character.*

*To be impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before* *Mr.* RECORDER.

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575. ELIZABETH wife of HENRY NEEDHAM was indicted for feloniouſly ſtealing, on the 8th day of July, two pair of ſilk ſtockings, value 30s. the property of John Archer, privily in his ſhop.

JOHN ARCHER *ſworn*.

I live in Sackville-ſtreet; I had been out upon buſineſs, and coming home I found the priſoner in my ſhop with my young man, John Idle, and my child of ſeven years old; ſhe ſaid, Mr. Howman ſent her to get a pair of ſtockings for herſelf; ſhe gave a very long account of Lady Charlotte Finch's family, in which Mr. Howman did live, before he was page to the Prince of Wales; ſhe ſaid, her father was coachman there; and the reaſon ſhe gave why ſhe was to have the ſtockings was, that ſhe had found a ring ſome time ago, which her father had put into the hands of Mr. Howman, with intention to have it raffled for, but he had never had it done, and her father was dead, and ſhe applied to Mr. Howman, in conſequence of this ring, and he had deſired her to get a pair of buckles, and a pair of ſtockings; ſhe ſaid, ſhe was ſervant to a perfumer in Bond-ſtreet, the corner of Bruton-ſtreet; there was no perfumer there I told her; then ſhe ſaid the corner of Grafton-ſtreet; I ſaid there was no perfumer there; ſhe requeſted me to ſend ſomebody with her; I told my young man to down with her to Mr. Howman; and immediately after ſhe went out of the ſhop, I had occaſion to ſend for her back; then I deſired her to go into the parlour, behind the ſhop; I told her, I believed ſhe had ſomething about her that did not belong to her; ſhe ſaid, ſhe had not; I ſaid, I am very ſure you have, I deſired her to go into the parlour behind the ſhop; ſhe ſaid, ſhe had nothing but a few ivory combs; and ſhe turned herſelf round, endeavouring as I ſuppoſed to get out of my way; and I ſaw her drop one pair of ſilk ſtockings, which I took up.

What may be the value of that one pair?—Fifteen ſhillings; I took them up and ſaid, theſe are not all you have, ſhe ſaid, ſhe had nothing more; but I ſaw her drop a ſecond pair; I immediately ſent for a conſtable.

What is the value of the two pair?—Thirty ſhillings; I gave that for them; I am very clear they are mine.

In the firſt place, is there any ſhop mark upon them?——Not at that time, there was not, I had ſold two pair of the ſame pattern, they were both of the ſame ſort, but a different pattern; ſhe was very troubleſome in the parlour, and called out murder very often; Mr. Allanſon came into the ſhop after me.

*Priſoner.* Mr. Allanſon ſwore, he ſaw the ſtockings drop, and the proſecutor ſwore, he did not.

JOHN IDLE *ſworn*.

I am aprentice to the proſecutor; on Saturday the 8th of July, the priſoner came into Mr. Archer's ſhop, and aſked for a pair of black worſted ſtockings, at two ſhillings a pair; I immediately went to get her ſome, and while ſhe was looking at them, ſhe told me ſhe ſhould not pay for them, that we was to put them down to Mr. Howman's account; I told her, I did not know him nor her, and ſhe ſhould not have them without the money; ſhe told me, I need not doubt her word, for her father was Lady Charlotte Finch's coachman; I told her if it was in my power, I would let her have them, but could not without ſhe brought a note; but if ſhe would wait a minute, I expected my maſter in; ſhe ſaid, ſhe was very willing to do that, and in a few minutes he came in, and

I told him this woman had come from Mr. Howman for a pair of black worſted ſtockings, and he ſpoke to her.

Where were the ſtockings laying that were miſſing?——I was folding them up, and immediately as ſhe came in I put them down on one ſide; before my maſter came in ſhe ſtood againſt the counter, and when he came in ſhe ſtood in the middle of the ſhop talking to him; ſhe told him the ſame ſtory; and I went with her half way down the ſtreet to ſpeak to Mr. Howman; (in a few minutes after my maſter came in, Mr. Allanſon came in then) Mr. Archer called her back, and took her into the parlour, and aſked if ſhe had not got more than belonged to her, ſhe ſaid, ſhe had not, he ſaid, come, come, no ſuch work as that, you have; I was in the ſhop when ſhe ſlid the firſt pair out, Mr. Archer ſaid, what a careleſs young man you are; I did not ſee her drop the firſt pair, but I was preſent when the laſt pair was dropped; Mr. Archer immediately ſent me for a conſtable.

Do you know whether theſe are your maſter's property?——Yes, I had them in my hands at the time ſhe came into the ſhop; I found them miſſing; I hung them every day in the window; I looked immediately after Mr. Archer was gone to Litchfield-ſtreet; I can ſafely ſwear that theſe were my maſter's ſtockings.

## PRISONER's DEFENCE.

My father lived coachman to Lady Charlotte Finch, and Mr. Howman lived footman; and I found a ring ſome time ago, and my father put it into Mr. Howman's hands on his death bed; and he promiſed to let me have a pair of ſilver buckles and a pair of black worſted ſtockings; and I went to the proſecutor, and I never had any.

*Court to Idle.* Did not you obſerve at all at what time the woman took theſe ſtockings?——No.

Had not you any ſuſpicion at all?——No.

*Priſoner.* There was a little boy in the ſhop about four years old; and Mr. Archer ſaid before the Juſtice, that that little child ſhould ſay, that I took them; and this other gentleman ſwore that he ſaw me drop them.

*Court to Idle.* Was there a little boy in the ſhop?—Yes, about ſeven years old.

Was that boy in the ſhop when the priſoner came in?—Yes.

Did he continue in the ſhop when your maſter came in?—Yes.

Is that boy here?——No.

GUILTY

*Of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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576. JAMES GARDNER and THOMAS PICKARD were indicted for that they, on the 25th day of May laſt, one hundred weight of lead, value 20s. affixed to the houſe of Mary Hignett, feloniouſly did rip and cut with intent to ſteal.

THOMAS DOWNS LAMB, *ſworn.*

I am landlord of the eſtate; and we have loſt a vaſt quantity of lead; I know nothing of the priſoners; twenty pounds will not replace the lead.

JOHN CARTER *ſworn.*

I am a private watchman to Sir James Eſdaile; on the 21ſt of May, I ſaw the two priſoners at the bar come out of Blue-anchor-alley into Lamb's-buildings; I ſaw them advance towards Mrs. Hignett's houſe, which is in Lamb's-buildings, and when they were within ten yards of the premiſes, I ſaw the priſoner Pickard point with his right hand to the ſaid houſe, and they went into the yard and took a ſurvey of the place; then they advanced to the brick wall which parts Sir James Eſdaile's ſhops from the buildings; Pickard was under the wall, but James Gardner I had in ſight all the time; I had a ſuſpicion that they were about no good, and the reaſon of my ſuſpicion was this, Mr. Lamb's property had been ſtolen about ten days before in the ſame manner as they were attempting now; we had a large range of lights which was about twenty feet long, but I ſtood towards the other end, and there I had a full proſpect of them, before I got to the corner, and Pickard was upon the pent-houſe of the houſe, he got on by the aſſiſtance of James Gardner; he then ſtood upright on the pent-houſe; there was a little rubbiſh, either mortar or ſtones, I cannot tell which; I ſaw him chuck it bit by bit into a yard; then I ſaw them begin to cut and rip; and as ſoon as I ſaw I could do it without prejudice to my maſter's property, I thought it was my duty to prevent them from taking another's property; I went in ſearch of the patrol, the watch was off, I looked down Bunhill-row, and I ſaw three men coming from the watch-houſe, and I took them there, I had not time to ſtate the caſe to them then; I went into Cherry-tree-alley, and when we came into the buildings, Smith the watchman, which is here, called out to Taylor, who was a watchman of that beat, and Taylor anſwered him, which ſurpriſed the priſoners at the bar, and they dropped off without taking any of the lead, any otherwiſe than cutting or ripping it; the lead I found was off the pent-houſe of the door, it was cut as near as I can gueſs within five inches of each end of it; I can rather gueſs to the width and length, than to the weight, I fancy it may be about four feet long, and twenty-two inches wide.

*Mr. Lamb.* It is about five feet long, by three feet wide.

What weight do you ſuppoſe it may be? ——I really cannot tell, I am no judge of weight; as ſoon as the priſoners were ſecured one of them dropped this knife open.

*(The knife produced.)*

**WILLIAM SMITH** *ſworn.*

I am a watchman; I went up Bunhill-row and met the laſt witneſs, and got another watchman and we went into the buildings, and I ſaw the two priſoners coming out of the gate, we took them, and one of them dropped this knife.

**PRISONERS DEFENCE.**

We know nothing of it.

Both Guilty.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Roſe.*

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577. THOMAS BISHOP and JOSEPH MANNING were indicted for feloniouſly ſtealing, on the 16th day of June, thirty pounds weight of bacon, value 15s. three pair of ſhoes, value 5s. a pair of ſciſſars, value 10d. a pair of ſpatterdaſhes, value 15s. three bars, value 1s. one iron curtain rod, value 2d. and one hatchet, value 6d. the property of William Wadham.

*(The witneſſes examined ſeparate, at the requeſt of the priſoners.)*

**WILLIAM WADHAM** *ſworn.*

I live at Hyde-park-lodge, Kenſington-gate; between the hour of eleven, on the 15th of June, and five in the morning, of the 16th, there were three holes bored, two above the ſtaple, which was locked with a padlock, which had been made with a center bit, and one below; at eleven at night the place was ſafe; the kitchen adjoins to the houſe, but is ſeparate.

Is it under the ſame roof as the houſe? —No, it is adjoining; I got up between five and ſix the next morning, the 16th of June; the door was broke open, the ſtaple drawn, the lock laying down, and the things in the indictment were miſſing; there were the hatchet and center bit hid in ſome nettles, which were found by the Lieutenant of the barracks, and he concluded to put the things there again, after they were taken away; he ſent me two of his men, and I watched with them; in the evening the two priſoners came, a few minutes after the Lieutenant left me, to a part of the wall where people get over; they were withinſide the park, they looked in the nettles, and then let themſelves down; I went immediately over, and gave information to the quarter-maſter; he ſent me to the Lieutenant; when we came back, the priſoners were got up, and leaning over the rails; they were taken into cuſtody, and in Biſhop's pocket I found a ſmall bag, a garden knife, and two or three ſheets of paper; he ſaid that was all he had about him; a ſoldier took notice of ſomething in his coat ſleeve that looked bright, and we found the ſciſſars upon him, and a wire that was to them, lay cloſe to the door; the things were not taken away from the nettles.

*Priſoner.* I never ſaw the wire, I found the ſciſſars in Hyde-park.

## JOSEPH POOR *ſworn.*

I was walking in the park for the air, and I ſaw theſe things lay among the nettles, under the wall, and I took them up in my hand; there were two or three iron bars in one place, and a hatchet, and a curtain rod in another place; I took them to Mr. Wadham, hearing he had been robbed, he ſaid they were his; I left them with him.

## WILLIAM MANN *ſworn.*

The priſoner Biſhop, after he was taken up, was left in our care, while the proſecutor went for a conſtable, and I ſaw him conceal ſomething under his left arm; I did not take any notice of it at that time, till the conſtable came and ſearched him; he miſſed that place; then I aſked him what was the matter with his arm that he carried it ſo ſtiff; he ſaid nothing was the matter with it; I told him then he had got ſomething underneath it; then he ſaid he had nothing; I told him he had, and it was ſomething that was bright; the conſtable ſearched, and found theſe ſciſſars; he ſaid he picked them up in the park.

## VINCENT KNOTT *ſworn.*

I produce the ſciſſars, which I found on Biſhop; (*depoſed to by the two points being broke off.*) I have had them about two years and a half; I gave ten pence for them.

## JOSEPH EDWARDS *ſworn.*

After this man was taken, I was ſtanding by, and I ſaw the center bit fall from Biſhop; the conſtable was ſtanding by at the time.

### PRISONER BISHOP'S DEFENCE.

I found the ſciſſars in Hyde-park; when I was taken up, I had this pair of ſciſſars in my hand; one of the ſoldiers aſked me what it was; I ſaid it was a pair of ſciſſars; the man brought the center bit to me, and aſked me what it was; the night they charged me with this, I was in my lodging from ten to ſix.

### PRISONER MANNING'S DEFENCE.

When I was taken up and examined before Sir Sampſon, I deſired him to ſend to the woman where I lodged; I was at home all night, and got up in the morning, and went to Covent-Garden, to ſee for ſomething to do, and Biſhop came up, and ſaid what are you out of employ? I ſaid yes; ſays he, I am not in any employment, if you will go with me towards Kenſington, I can get you ſome employment; I went with him, and going through Hyde-park, he had ſome gravel in his ſhoes, he ſat down to take the gravel out, and I ſat down by him, and we were going away, and the ſoldier came and took us up; we were in the barracks near an hour before we knew what we were taken up for; I never ſaw Biſhop before that morning.

THOMAS BISHOP, GUILTY.

*Tranſported for ſeven years.*

JOSEPH MANNING, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Juſtice* ASHURST.

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578. JOHN EDWARDS was indicted for feloniouſly ſtealing, on the 10th day of July, one woollen ſurtout coat, value 4s. the property of John Auſtin.

## ROBERT PAYNE *ſworn.*

I live with Mr. Brown, a pawn-broker in the Strand; I have a great coat, which I took in on the 10th of July, of the priſoner; he ſaid it was his own property; I did not know him before he pledged it for 4s. it was in the courſe of the afternoon; this is the great coat.

JOHN AUSTIN *ſworn.*

I am a carpenter, at No. 1, Burleigh-Court, in the Strand; the priſoner came and lodged with me two or three nights, in the ſame room, and I loſt a coat and a pair of ſhoes; I traced this coat, and found where it was pledged; I know it by a hole burned in one of the ſkirts very ſoon after I had it, and one of the cuffs is torn off. I ſaw it on Saturday the 8th of July; I miſſed it on Tueſday following; the priſoner had left my lodgings.

PRISONER'S DEFENCE.

I have not a friend in the world that will appear to my character; therefore I have only to leave it to the mercy of the Court.

GUILTY.

*Whipped.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

579. EDWARD SMITH was indicted for feloniouſly ſtealing, on the 26th day of June laſt, three gallons of varniſh, value 18s. eight pounds weight of terra de Seina, value 8s. two quarts of black Japan, value 5s. one pound of Olympian green, value 5s. the property of Thomas Wallis.

THOMAS WALLIS *ſworn.*

I am a varniſh-manufacturer; I met the priſoner near my houſe, with a ſack under his arm; I aſked him where he was going, he ſaid to take it to Mr. Morgan's, a corn-chandler's, in Shore's gardens; I ſaid, you ſhall not take the ſack; he then attempted to take it into the back warehouſe; I ſuſpected he had ſomething he ſhould not have; I followed him and brought him with the ſack to the front ſhop; I ſhut the door, and opened the ſack, and found eight pounds of terra de Seina, mentioned in the indictment; then I ſent for a conſtable, and took him to Bow-ſtreet; his lodgings were ſearched; one of Sir Sampſon's men went with us; we aſked for the key of the room, and the woman of the houſe informed us that was his lodgings; I know he has lodged there a long time; he went with us there; we found the green that is mentioned in the indictment; what we make uſe of in putting our colours on, and a bottle with three gallons of varniſh; I did not promiſe him any favour; he ſaid he did not know how they came there; he did not acknowledge they were my property; but I believe them to be my property, they are things that I deal in.

Could you have miſſed it if you had not found it?——No, I could not, the priſoner might have robbed me of two or three hundred a year, and I not miſs it; I can poſitively ſwear to the bottle; I gave the bottle to one of the gentlemen at the door.

*(The bottle produced, and depoſed to.)*

PRISONER's DEFENCE.

I know nothing of the paper being put into the ſack, or that there was any thing whatever in the ſack when I took it up; I never took any thing of the kind to my lodgings, while I was a ſervant to Mr. Wallis; there are two doors to the room that goes through into a little yard, and likewiſe to the neceſſary, for all the reſt of the lodgers; there is a varniſh maker in the ſame houſe.

*Proſecutor.* I certainly believed him to be an honeſt man before this.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

580. DAVID CREE was indicted for feloniouſly ſtealing, on the 27th day of June laſt, one linen handkerchief, value 1s. the property of William Murray.

WILLIAM MURRAY *ſworn.*

I loſt my handkerchief about a quarter before four; I felt ſomebody at my pocket, and ſaw the priſoner with my handkerchief in his hand; I went to make a ſnatch at his collar, he bobbed back that I ſhould not catch him, and he dropped it at it my ſtock, and ran acroſs the ſtreet, he was immediately ſtopped going into Field-lane; he was never out of my ſight; he ſnatched at my nuckles, and cut a bit out of the back of my hand; it was ſore for ſome time; I had him ſecured.

**PETER ASHMORE** *ſworn.*

I found the witneſs under great difficulty to obtain an officer; I gave him my aſſiſtance; I ſaw nothing of the fact; I kept the handkerchief; it was given me by the alderman.

**PRISONER's DEFENCE.**

Going up Holborn-hill, much about the ſame time the gentleman loſt his handkerchief, two men were behind, a perſon called out my name David, I went over the way to him, and the gentleman ſaid I picked his pocket; he found no handkerchief about me.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury, before Mr.* RECORDER.

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581. **JOHN WILLIS** was indicted for feloniouſly ſtealing, on the 5th day of June laſt, two pair of linen ſheets, value 10s. five linen table-cloths, value 12s. nine ſhirts, value 3s. four ſhifts, value 10s. one petticoat, value 2s. one dreſſing gown, value 1s. the property of Sir George Beaumont, Baronet.

**JUDITH STONE** *ſworn.*

I am Sir George's houſe-keeper; I delivered the linen to Harry Hobſon to carry to Sabella Moor to waſh; they were the things mentioned in the indictment.

*(Repeats them all but the ſhifts and the dreſſing gown.)*

**HENRY HOBSON** *ſworn.*

I received ſome linen from Judith Stone to carry to Sabella Moore, it was in a parcel, but here is the bill; going down Lower Brook-ſtreet, and oppoſite to No. 53, I was tapped on the ſhoulder by a genteel well-dreſſed man, who told me I was wanted, and turning to ſee who it was, a perſon ſtepped from the ſtep of a door, and looked me full in the face, I thought it was ſomebody that knew me, but I found it was a ſtranger, he begged me to be ſo obliging as to fetch him a coach as I was going that way, he ſaid he would give me ſixpence, he never offered me any, as I was going away with the linen he came after me, and begged over and over again that he might have the linen to take into the houſe till I returned, as he was in a great hurry to take two ladies up that were to be ſet down in Henrietta-ſtreet, he took the linen off my head with a pretence to take it into the houſe, and I ran round the corner to call a coach, and returned in a few minutes, and I found he was gone.

Did you ſee him take the linen into the houſe.——No, he took them up to the door, I took him about five the ſame afternoon at the corner of Broad-ſtreet, Oxford-road; I never found the linen again; I am ſure the priſoner is the perſon.

**PRISONER's DEFENCE.**

I never ſaw the man till the minute he ſtopped me in Oxford-road.

**SABELLA MOORE** *ſworn.*

The linen never was brought to me.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury, before Mr. Juſtice* ASHURST.

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582. **JOSEPH JONES** was indicted for feloniouſly ſtealing, on the 9th day of June laſt, four linen ſhirts, value 4s. one dimity waiſtcoat, value 12d. and one petticoat, value 6d. the property of Joſhua Champneſs.

**Mrs. CHAMPNESS** *ſworn.*

I am wife to Joſhua Champneſs; we keep a public houſe in Fulham-fields; I loſt the things mentioned in the indictment the 9th of June, I had been waſhing, and hung them out to dry, I went in to dinner, and was informed a man was come out of my garden with a bundle, I ran into the garden, and miſſed the things, I made an alarm; the man was purſued after and taken, and the bundle was brought to me, it contained the things mentioned in the indictment.

STEPHEN WHEELER *ſworn*.

I purſued after and took the priſoner, I ſaw him put his right hand to his left ſide, and throw the bundle over the hedge into the garden of one John Lewis, I took him in about ten minutes; I did not ſee him come out of the garden, but the people cried ſtop thief.

—— HICKMAN *ſworn*.

I purſued the priſoner, and ſtopt him, and took charge of him, he ſaid b—— your eyes, what do you want with me? he ſtruck me with his fiſt, and I returned the ſame.

Did you ſee the man fling the bundle over the hedge?—No.

—— NORTH *ſworn*.

I was ſtanding at my door, I ſaw the priſoner go by about two minutes before there was a cry of ſtop thief, I purſued him till he was taken at Lewis's garden, he made a bit of a ſtop, I thought he was going to jump over the hedge, he was not out of my ſight till I caught him.

ROBERT ADES *ſworn*.

I am a conſtable, he was delivered into my charge with the property.

*(The things depoſed to.)*

PRISONER's DEFENCE.

I am a waterman by trade; I had a fare to Fulham; I was walking along, and was not within three quarters of a mile of it, and they were *ſinging out* ſtop thief, and a parcel of people running, and I was with them for a conſiderable while, and ſeveral people aſked me what was the matter, I ſaid there was a thief, and one or two of them laid hold of me, and they ſaid they ſuppoſed I was him; I never had the bundle, nor never ſaw it.

GUILTY.

*To be publickly whipped one hundred yards next market day at Fulham.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURST.

583. ROBERT HICHLEY, otherwiſe ECCLES, was indicted for feloniouſly ſtealing, on the 26th of June laſt, one canvas bag, value 1s. and eleven guineas, value 11l. 11s. the property of Charles John Pugh.

*(The witneſſes examined apart.)*

CHARLES JOHN PUGH *ſworn*.

On Monday the 26th of June, I loſt a bag with money in it, there was eleven guineas in it as my wife told me; I am a painter by profeſſion; I have known the priſoner a conſiderable time; he is not of my profeſſion, but being in diſtreſſed circumſtances, I have employed him ſeveral times; on Monday the 26th of June, I had occaſion to employ the priſoner; in conſideration of his neceſſity I permitted him to breakfaſt, and I ſent him for ſome colours, and having no change in my pocket, I took out of a drawer in a cheſt of drawers, a bag with gold in it, which I gave my wife, and ſhe gave the priſoner half a guinea for the colours, he went, and returned with the change and the colours; my apartment conſiſts of three rooms, the middle room, in which the property was placed in the drawers, and a front room and back room; the priſoner was employed with me in the front room, my wife went out between eleven and twelve, and the priſoner ſometime after complained that the colours we uſed affected him, and he begged of me to give him a penny for a glaſs of gin, after he returned he continued for ſome time, and then ſaid he muſt go to the neceſſary; he went out of the middle room door, which he had no occaſion to do, there was a door out of the front room which would ſooner have taken him on the ſtair caſe, I went and ſearched for my money, and found it gone; nobody could have taken it but the priſoner poſſibly, becauſe there was no other perſon could poſſibly have acceſs to my apartment, nor knew where the money was but the priſoner; a fortnight after a guinea was found upon him, which I could not identify; he did not return that day; I took out a warrant, but could not hear of him for a fortnight.

Did he ſee you give your wife the bag of money?—It was in his preſence.

Did you ſtay in the houſe while he went for the colours?—Yes.

How ſoon after his firſt return with the colours was it before your wife went out?—A very ſhort ſpace of time; I continued in the front room.

*Mr. Knowlys, priſoner's counſel.* You had a good opinion of the priſoner?—Yes.

### Mrs. PUGH *ſworn.*

There were thirteen guineas in a bag, I gave him half a guinea, the bag was given to me, I kept it about an hour and a half, my huſband took it out of the drawer, when it was out of my hands I laid it upon the table, and put my clothes on to go out; I took a guinea and a half out for my own uſe previous to my going out, then I put it in the drawer it was taken out of; he returned with the paint in about twenty minutes.

Did you ſtay all that time in the middle room?—Yes; I went out and was gone about half an hour or three quarters, the priſoner was in the middle room when I went out drying a bruſh by the fire, I heard of the loſs as ſoon as I got home; I ſhut the drawer, it was not locked.

*Mr. Knowlys.* Are there any other lodgers in the houſe but yourſelves?—No.

There is a maſter and miſtreſs live below?—Yes; they have no ſervant; there is a maſter and miſtreſs three children and a niece and a nephew, I have the firſt floor.

What trade are the maſter and miſtreſs of the houſe?—Brewers.

Where do they carry on their buſineſs?—At the ſun brewhouſe, in Baldwin's Gardens.

They have many people call on them in the courſe of their buſineſs?—Yes.

Have you ever made any application to this young man, or do you know any perſon that has about this buſineſs?—No, Sir, we never made any application, he has offered himſelf to give a note for the money before the conſtable, I was preſent.

### FRANCIS UMPAGE *ſworn.*

I am an officer; I had the priſoner in my cuſtody ſome time, I ſearched him, and found a guinea in his mouth, he begged that Mr. Pugh would not proſecute him, and he would give him a draft for the remainder of the money.

*Mr. Knowlys.* You are a runner to an office I underſtand?—I do not know what you mean, I very ſeldom run.

That will not content me; I aſk you upon the oath you have taken, whether you do not underſtand the meaning?—I do not go by terms of runner; I do not underſtand terms.

I aſk you upon your oath, do not you underſtand me?—What do you call a runner, I cannot anſwer you any ſuch queſtion, I tell you, Sir, I am an officer.

Do you underſtand me, Sir, when I aſk you if you are not a runner to ſome office?—I have heard them talking of runners and walkers.

Do not you underſtand the meaning of a runner to an office?—Upon my word you aſk me ſuch a queſtion that I cannot anſwer, you tell me and I will tell you.

With that anſwer I am not contented; now I aſk you what office do you belong to?—I attend Bow-ſtreet office.

How long have you ſo attended?—For theſe ſix years.

The laſt ſeſſion when you was here what office did you ſay you belonged to then?—I attended Juſtice Walker's.

How long have you attended Juſtice Walker's?—Bow-ſtreet and Juſtice Walker's I have attended ſix years, I am an officer belonging to a pariſh.

That is a little different account you

know to your being an officer belonging to Bow-ſtreet: to what pariſh do you belong as an officer?—The pariſh of Clerkenwell.

What office did you attend at laſt?——I attend now at Bow-ſtreet.

You ſay you have attended at Bow-ſtreet ſix years?——At Bow-ſtreet and Juſtice Walker's ſix years.

Have not you within the knowledge of the gentlemen within my eye given an account of yourſelf as attending at all the other offices except Bow-ſtreet?—There and at Bow-ſtreet for ſix years.

Have you never from this place been committed to Newgate by this Court, though not proſecuted, for perjury?——No, Sir, nor never will.

Can you ſay ſo, Sir?——I tell you no, nor never will be for perjury.

Have you not been committed by this Court within theſe two ſeſſions for ſome offence in the face of this Court?——No, Sir, never in my life.

You ſtick to that?——Yes, Sir, I ſcorn any perſon to bring a bad matter upon me.

Have you ever before this ſeſſion given an account of yourſelf as an officer attending at Bow-ſtreet?——I attended from my firſt beginning at Bow-ſtreet ſix years, never at no other, only at Juſtice Walker's and Bow-ſtreet.

You have never given an account of your attending at any other office?—Never, I never gave an account of attending Juſtice Blackborrow's.

Are you employed by Sir Sampſon Wright?——I go there as a conſtable, no further than to ſerve a warrant, or any buſineſs that comes in my way.

*Priſoner.* I ſent over to this man yeſterday knowing that he had money belonging to me, he came over to me, I ſaid, Frank, it is a hard thing for a man to lay in gaol with only gaol allowance, give me a part of my property, give me a ſhilling; ſays he, if you ſay any more, if you do not *ſtaſh* the matter, ſays he, I will do you.

*Court to Umpage.* Did you ſay ſo?——Says I, Bob, the guinea I muſt produce in Court that I took from you, you have had eight ſhillings, and I cannot give you any more.

*Court to Pugh.* Was it in your preſence that the priſoner offered to give him a note?——It was in my preſence, voluntarily offered.

*The priſoner called three witneſſes, who gave him a very good character.*

GUILTY.

*Tranſported for ſeven years.*

*He was humbly recommended to mercy by eleven of the Jury.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHHURST.

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*** The remarkable Trial of *SAMUEL BURT* for FORGERY, with his Letters to his Sweetheart, and his Addreſs to the Court, on receiving Sentence, with the awful Admonition he received from the Recorder, will be publiſhed in the next Part.

*N. B.* This is the Man that ſurrendered immediately after the Forgery, in order to be executed, and that told the Court, if his *Majeſty* reſpited him, he would put a Period to his own Life.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER VI. PART III.

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# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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584. **WILLIAM BARTLETT** was indicted for feloniouſly ſtealing, on the 24th day of June laſt, a wainſcott table, value 2s. 6d. the property of Ann Main, widow.

ANN MAIN *ſworn.*

I am a widow woman; I take in lodgers; I loſt a table on the 7th of June; I ſaw it on the 8th of June in the morning about nine, there was a fire behind the houſe; I was obliged to leave the houſe with every thing in it; I ſaw it at the watch-houſe; I am ſure it is the ſame table; I know it by a mark in the place where it turns over; I have had it four years.

WILLIAM OVERSMITH *ſworn.*

I am watch-houſe keeper of St. Ann's watch-houſe, there was a table brought in, on the 7th of June, there was fire the back part of Falconbridge-court.

WILLIAM MARSH *ſworn.*

I am a watchman; I brought the priſoner, and another brought the table; the priſoner had the table on his ſhoulders; there was two men with him; it has been in my poſſeſſion ever ſince.

*(Produced and depoſed to.)*

PRISONER's DEFENCE.

A man employed me to carry it at paſt eleven at night; I never ſaw the man before; the watchman called, ſays he, where are you going with that table, the man that employed me ſaid to Weſtminſter; the watchman came up and ſtopped me; ſays I, ſtop the owner of the table, he is juſt a head of you, no, ſays he, I want you.

*Court to watchman.* Did the priſoner at the bar tell you that the man who ran off was the owner of the table?——He did not.

Are you ſure of that?—Yes.

*Priſoner.* He told the Juſtice that I ſaid ſo; I gave him charge of the man three or four times.

**GUILTY.**

*To be publicly whipped.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.*

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585. **CHARLES HOPPEY** was indicted for feloniouſly ſtealing, on the 3d day of June, one linen gown, value 10s. the property of Elizabeth Holland, widow.

*(The witneſſes examined apart.)*

ELIZA-

[illegible] HOLLAND *ſworn*.

I loſt a linen gown on Whitſun Saturday at Stepney, in the houſe of John Newton; I took it there to be mangled.

ANN NEWTON *ſworn*.

The proſecutor brought a gown to be mangled, my father and mother were not at home, I took it and put it on the bureau bedſtead; about five minutes after, the priſoner came in, and aſked if my father and mother were at home, I ſaid, no; and he turned round the mangle two or three times, and he ſaid, have you any thing to mangle? nothing Sir, ſays I, but one gown; the child was crying in the other room, and I went in to rock the child, and he followed me in and ſat down on a trunk, and I took up the child, and he ſaid, I wiſh your father had been at home, I am come to drink a pint of beer with him; he ſaid, I am very dry, I wiſh you would get me a little water, I ſaid, Sir, the cock runs backwards, I will go and fetch you a little; ſays he, I cannot drink cock water, I wiſh you would get me a little from the pump, I ſaid I did not know where there was a pump, he ſaid over the way, I went for a pail full and gave him the child, and the gown was in the room, and when I bame back again, I found him up againſt the door with the child in his arms, and he had a bundle under his arm that he could not move; he ſaid give me the water; I put the pot down, and I ſaw a bundle under his arm; he called to me to take the water away when he had drank; I thought of the gown, I went to ſee if it was there, and I turned back my head and looked through the window, and ſaw him run acroſs the way; I run after him, but he was gone; I went after him a good way, but I ſaw no more of him; nobody elſe was in the houſe but him.

*Priſoner.* When I gave her the child out of my arms, whether ſhe ſaw me with any bundle?——He looked more bulky than he did when he came in.

*Priſoner.* After I gave you the child did not I ſtand talking to you ſometime, and ſay I would call on Monday?——No.

Did not they ſay before the juſtice, that if I would pay for the gown they would not proſecute me, and I ſaid I would not, I was innocent, and would depend on the laws of my country?——No.

PRISONER's DEFENCE.

On the 3d of June, it was on Saturday, I went down to Blackwall, on board an Indiaman, to ſee an acquaintance that ſent for me; I came through Stepney Church-yard, I was very dry, this young woman's father and I had been watchmen together, ſhe ſaid her father and mother were not at home, but were gone to London, ſays I, I am very ſorry, ſays I, I will be obliged to you to give me a draught of cock water, ſhe took a pint pot and went as far as the door; ſhe ſaid I will fetch a pail full, ſhe took the pail and went out, and I took the child in my arms, and the child was very croſs, I followed her to the ſtreet door, when ſhe came to the ſtreet door I was there, and had the child in my arms; ſhe ſat down the pail, and I gave her the child, and aſked her what o'clock it was, and ſaid I ſhall be this way on Monday, and will call; in the mean time this girl's father called; I was on the bed, he ſpoke to me about the linen gown, I went to the juſtice's, they offered me to make it up for nine ſhillings; I ſaid I will ſtand the teſt to the laws of my country; then I was committed to priſon, where I have laid ever ſince.

GUILTY.

*Whipped.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* ASHURST.

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585. ELIZABETH HORNSBY was indicted for feloniouſly ſtealing, on the 12th day of June, one enamelled gold ring, value 10s. one other gold ring, value 10s. the property of John Powell.

JOHN POWELL *ſworn*.

I am a publican, I keep the Catherine-wheel, in Catherine-wheel-alley, Biſhopſgate-ſtreet without; between the

11th

12th and 13th of June, between Sunday and Monday, I was going home to my own houſe, I had been to ſpend the evening in the Borough, to ſee a friend in the rules of the King's-Bench.

*Court.* Was you ſober?—I had been drinking.

Are you a ſingle man?——I am a married man and have ſix children.

Was you ſober enough to know what paſſed?——I was turning into Catherine-wheel alley, on the right hand, going up Biſhopſgate-ſtreet, the priſoner ſtopped me, and ſaid how do you do my dear, and took me by the hand, and took off two rings from my little finger, one was a white enamelled ring, and the other a black one, I believe them both to be enamelled, one was wrote Howell Powell, and the other was —— Jones; there was only one woman, the priſoner at the bar; ſhe was going up Widegate-ſtreet, in Biſhopſgate-ſtreet; I purſued her, and I cried out, ſtop thief; the watchman that ſtopped her his name is John Green; I never loſt ſight of her.

Was the woman that was ſtopped in Widegate-ſtreet, the ſame woman that you ſuppoſe robbed you?—Yes, when ſhe was taken to the watch-houſe ſhe was ſearched, and dropped down on her knees.

*Jury.* Can you identify the priſoner?——I cannot, I only prove the property.

Did you ſee any thing taken from the priſoner?—Yes, I ſaw my rings taken from her; the priſoner is the perſon, the rings were taken from her in the watch-houſe, ſo far as I can recollect they were taken out of her pocket; I deſcribed the rings to the officer of the night, before they were found.

*Court.* Are you very ſure you did not ſtop the woman, and give her the rings upon ſome converſation that paſſed between you?—I did not.

*Jury.* Did you ever loſe ſight of her during your purſuit?—I did not.

### JOHN GREEN *ſworn.*

I am a watchman, in Biſhopſgate-ſtreet, a I heard the cry of ſtop her, ſtop her! ſhe has robbed me of two rings; I then purſued her.

Was any other perſon running?—Mr. Powell was the only perſon that was in purſuit.

Did he run?——No, he was rather too heavy to run after her; I ſtopped her till Powell came up, then I took her to the watch houſe; I ſaw ſhe wanted to put her hand in her pocket, but I would not let her till I got her to the watch houſe, and Mr. Henley, the conſtable, ſearched her; I ſaw him take the two rings out of her pocket; ſhe fell on her knees and ſaid, *may God ſend the Devil to come out of hell to fly away with me, if I have the rings!* and when the rings were found upon her, *I thought we ſhould all have gone.*

### JOHN HENLEY *ſworn.*

I am a conſtable of Biſhopſgate-ward; the priſoner was brought in by Green the watchman, on the charge of Powell, who ſaid he had been robbed of two rings; upon ſearching her I found the rings in her pocket; ſhe denied having the rings.

*Jury.* Is the priſoner the perſon you took the rings from?—She is the ſame perſon upon my oath; ſhe ſaid, as I was taking her to Guildhall, if ſhe thought Mr. Powell would have ſerved her ſo, he never ſhould have had them.

### PRISONER's DEFENCE.

As I was going along home, and turning down this alley, he caught hold of me, and aſked me if I would drink any thing; I refuſed; he gave me four or five penny worth of halfpence.

*Powell.* I did not my Lord, I had no converſation with her; I have a wife and family; I gave her no halfpence or any thing.

### MARY THOMPSON *ſworn.*

I went to Mr. Powell to know about this matter; the priſoner was a lodger of mine about five months; the priſoner takes in waſhing; the gentleman ſaid he gave her five penny worth of halfpence;

that is all I know, but told me ſo; ſhe was very honeſt while ſhe was with me; ſhe never was from me a night.

What time do you generally ſhut up at your houſe?——I am always abed by ten; ſhe was with me till that night, till ſhe was taken up, but I cannot ſay any thing to that night, till that night ſhe never was out ſo late; I do not pretend to ſay to that night.

Do you keep a houſe?——No, Sir, I only *keep a garret*; the priſoner lodged with me; ſhe is a very ſober orderly honeſt woman, we both got our living by charing.

**Guilty.**

*Privately whipped, and impriſoned one month in Newgate.*

*Tried by the London Jury before* Mr. Rose.

---

587. WILLIAM KNIGHT was indicted for feloniouſly ſtealing, on the 16th of September laſt, one mare, of a cheſnut colour, price 8l. the property of John Goddard.

THOMAS CLARK *ſworn.*

The priſoner at the bar came to my maſter, on the 16th of September, and hired a cheſnut mare to go up to the Turk's-Head-Mews in Harley-ſtreet, to take a carriage from there down to Mr. Aldridge's repoſitory, in St. Martin's-lane; I never ſaw the priſoner before that time; my maſter agreed with him that he ſhould have the mare for two ſhillings; about twenty minutes after one, which was about three hours after he came firſt, he came and took away the mare; I delivered it to him myſelf; there was a gentleman's ſervant that lives in the neighbourhood came with him, ſo we let him have it; the mare was never returned ſince; the priſoner gave no account of himſelf at all.

*Priſoner.* Aſk him what he mentioned before the Juſtice; I was not committed for the mare?——No, he was not; I knew him again, when I ſaw him at the Juſtice's, I picked him out from all the reſt.

JOHN GODDARD *ſworn.*

I lent him a mare, I was buſy in the yard; I cannot ſpeak to the priſoner's perſon; two men came to me for a mare, and agreed with me for two ſhillings; I went away, and he ſaid he ſhould not want it juſt then, but in about two hours; and about twenty minutes after one, he came again; I ſaw him go out of the yard with the mare, and I ſent afterwards to Aldridge's, and he had had no mare there.

Did you ever ſee the mare from the time you delivered it till you ſaw him at the Juſtice's?——No.

PRISONER's DEFENCE.

I have no more to ſay than this; at the time he ſays the mare was loſt I was down in Devonſhire, driving the coach for my brother, then I drove a gentleman in town, then I drove the Sheriff of Briſtol; I went out of town laſt Auguſt.

*Court to Jury.* The queſtion for your determination, is, whether or no the priſoner came originally with an intention to ſteal this horſe under the pretence of borrowing of it? or whether after borrowing this horſe, a ſubſequent intention aroſe in his mind of ſtealing it? Now the evidence, in this caſe, to ſhew the intention of ſtealing it is this; that he came with an excuſe to hire this horſe to go to Mr. Aldridge's to drive a carriage to Harley-ſtreet, &c. it is not in legal evidence that he went to Aldridge's or to Harley ſtreet.

**Guilty, Death.**

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* Heath.

---

588. JAMES GALL, DANIEL CHAMBERS, and JOHN TURWOOD, were indicted for feloniouſly aſſaulting Thomas Holmes, in a certain field and open place, near the king's highway, on the 29th day of May laſt, and putting him him in corporal fear and

of his life; and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 40s. a ſteel chain, value 6d. a ſeal, value 2d. a man's hat, value 5s. a guinea, value 21s. and 18d. in monies numbered, his property.

*The caſe opened by Mr. Garrow, and the witneſſes examined apart by the deſire of the priſoners.*

### THOMAS HOLMES *ſworn.*

I am a working man; on the 29th of May, as I and Mr. Ellis was returning from Knightſbridge, through the Green Park, I was ſeized by the collar, a little after nine in the evening, by the tall man, whoſe name is James Gall; I was pulled round, and I thought I ſaw two other perſons towards Mr. Ellis, one had hold of him, and the other was between him and I; when he ſeized me by the collar I thought it was ſomebody I had known that had done it out of a joke, till I ſaw a piſtol at my face, with his right hand; he demanded my money or my life; I was determined I would not give him my money, I heſitated, I was watching an opportunity to ſtrike him; I could not ſtrike him with any effect; I was looking at his heels, to find an opportunity of tripping him up, and he ſnapped a piſtol in my face, it miſſed fire, and did not flaſh; it was as near as my fingers; I immediately made a ſnatch at it; in miſſing the piſtol, in the ſcuffle, I think he ſnapped it a ſecond time againſt my body; but, however, he ſtruck me violently over the head with it; with that I ſeized him by the collar, and we both fell to the ground, another came up to his aſſiſtance, one took my money and my watch, while the priſoner Gall kept beating me about the head with the piſtol; they took a guinea and eighteeen pence in ſilver, and my watch; I heard the priſoner Gall aſk the other what he had got, he ſaid a guinea and his watch; directly afterwards there came another perſon running, and they called out, come along, come along; they immediately got up from me, and I got up without my hat, with that the priſoner Gall took my hat, and left his own, he run away; I am ſure the perſon that took my hat and left his own was Gall; he flung his own hat away, mine dropped off my head in the ſcuffle, then they all run away; I ſaw nothing elſe left beſides the hat. *(The hat produced that Gall left.)*

What ſort of piſtol was it that you was beat with?—It might be about this length, I have ſeen it ſince; I believe it is the priſoner Chambers who had but one eye that came to the aſſiſtance of the other two; I cannot ſwear to him.

*Priſoner Gall.* Can you ſwear to either of theſe two men?—No, I cannot, I ſwear to you.

What was there remarkable about me?——There was his face, his body, his dreſs, his ſize, I deſcribed every thing particular to the runners, his legs were remarkable, very thick legs, and ſwelled ancles, I ſo deſcribed him to the runners.

*Jury.* What length of time were you together?——It was all done in five minutes, it was what we call duſk.

*Court.* And can you take upon yourſelf to ſwear to Gall?—Yes, Sir, I think I can, I have no doubt about him, I ſaw him the next morning in Bow-ſtreet, I knew him immediately.

Were they ſtanding ſeparate?——They were by themſelves.

### JOHN ELLIS *ſworn.*

I was with Mr. Holmes, and we were attacked in the green park by three footpads, two attacked me and one Mr. Holmes, I believe the two ſhort men to be the men that attacked me, and I believe the perſon that attacked Mr. Holmes was the tall man, he preſented his piſtol, and bid him deliver his money, and after Mr. Holmes had refuſed to deliver his money, he ſnapped the piſtol, Holmes directly grappled with him, and they both came down together, Holmes had the beſt of the ſtruggle, then the other men left me, and went to aſſiſt him, and then they made off; they left a hat behind them, and took Mr. Holmes's hat with them; we had the priſoners up the next day; I cannot ſwear poſitively to any of them.

## PATRICK MACMANUS *ſworn.*

I apprehended the three priſoners, two in a room, and the other coming out of the room, all in the ſame houſe at Weſtminſter; the one that was coming out of the houſe was Furwood, I ſtopped him, he went into the room, then we went to tie their hands, and Chambers ſwore he would not be tied, I found he had ſome money, half a guinea and ſome ſilver, he put it in his mouth, and I toook it from him; Gall was without a hat, he ſaid he had no hat, he had lent his hat, and he turned round to a girl that was in the room, and ſaid, go and borrow me a hat, ſhe went out and returned in a quarter of an hour with a hat; this is the hat which I had from the hatter's in Monmouth-ſtreet, where Davis ſold it, the hatter is here, *(This hat depoſed to.)* it is cut through, and the hatter ſaid, if he had known it was cut, he ſhould not have given ſo much money for it.

## CHARLES JEALOUS *ſworn.*

I aſſiſted in taking the three priſoners, after the alarm that Macmanus had given I thought there was ſomething the matter, I went up, Chambers was fighting, and ſwore he would not deliver up ſome money, I ſtruck him three or four blows on the leg, I immediately came down ſtairs, and at the bottom of the ſtairs in the duſt place I found this ſtock of the piſtol, I did not go to the park; Gall was without his ſhoes, he had no hat, he ſent out to borrow one.

What did he ſay was become of his hat?——I do not know that the queſtion was aſked to my knowledge.

## JOHN SHALLARD *ſworn.*

I am one of the officers of Bow-ſtreet, I aſſiſted in the apprehenſion of theſe men, I afterwards went to the green park by the direction of Mr. Holmes and Ellis, they both went with me, and I found this piece of a piſtol.

*Holmes.* I have compared theſe two pieces, they make up one entire ſtock, and exactly fit, they were found in the very ſpot where I was robbed.

Was this the ſort of piſtol that you was beat with?——As near as I can recollect it was.

Did you find the barrel at any time?—No, Sir, never, the fellow piſtol was found by a young man that was coming by, by accident.

## JOHN MORGAN *ſworn.*

I live in the Strand, I am an hardwareman, I found in the green park, on Tueſday the 30th of May, about ſix in the morning, a piſtol, which is here, *(produced,)* it was loaded with two ſlugs, the pin was down, I found on the ſame ſpot a part of a watch chain, and a button.

*Mr. Ellis.* The button I loſt from this coat I have on, which correſponds exactly, we had a ſtruggle, one ſnatched at the watch-chain, in the ſtruggle we broke this chain, this is my chain, and the two ſilver ſeals, they are two old faſhioned coats of arms, they were found cloſe together.

## ISRAEL DAVIS *ſworn.*

What are you?——A Jew.

What elſe?——I deal in old clothes, I know all the priſoners, I remember ſelling Gall a pair of piſtols about thirteen weeks ago.

How long was it before the 30th of May?——I cannot tell, I bought them on the 19th, I gave four ſhillings for them, Chambers gave me ſix ſhillings; on the 30th of May I bought two watches of the three priſoners, they were altogether.

Who bargained with you and took the money?—The tall man.

Did either of the others ſay any thing about it?—Yes, Chambers ſaid, if I would give him two ſhillings he would adviſe Gall to let me have them; I bought a hat of them in about ten minutes after, I ſold the hat in Monmouth-ſtreet to a ſhopkeeper, they were all preſent when the hat was ſold.

*Jealous.* I delivered them this morning to the proſecutor, we kept them in caſe they ſhould be wanted. *(The watches produced by Davis, and depoſed to.)*

*Holmes.* I have had mine between two and three years, I know it by the maker's name, and a ſilver cock.

What is the maker's name?—Stevens, Briſtol; I have no doubt but this is my watch, I loſt it at the ſame time.

*Court to Ellis.* Is that your watch?——Yes, I believe it is, I do not recollect the maker's name, but a watchmaker who has cleaned it for me is here, I did not make any particular remark at the time I wore it.

*Court.* Who took the money for theſe watches?——I laid down the money, and they all took ſome.

Did either of them take a part of the money?——Yes, I ſaw them with ſome ſilver in their hand which I had paid them.

*Priſoners.* What ſilver did you give?—I gave half a guinea for the one and nineteen ſhillings and ſixpence for the other in ſilver, Chambers was in the room, he ſhared the money, I think they all three took the money in their pockets when it was ſhared.

How much money had Chambers?——A very ſmall part; they each of them had ſome ſilver, and Gall had the half guinea, I am very ſure that Gall took up the money, and gave it into Turwood's hand, and Turwood took the reſt of the ſilver in his hand, I do not know what he did with it; after I had bought the hat of him I went away, Chambers had a ſixpence in ſilver, and ſent for ſome gin with it.

Who produced the watches?——Gall produced one, and Turwood the other.

*To Jealous.* What money had Chambers in his mouth?——Half a guinea.

*To Davis.* What time of the day was this?——About half paſt ten, on the 30th, I went there about half after eight, and ſtaid with them till about nine; when I ſold the piſtols Gall was there, and Chambers was there.

*Priſoner Gall.* Theſe two men knows nothing of the robery, it was two other men that was along with me, I know nothing of theſe men, only ſeeing them once at a public houſe, and that was all.

*Court to the witneſs Davis.* You have appeared here in a very bad light indeed, you ſold Gall a brace of piſtols, and you afterwards bought two watches, it is impoſſible but you muſt know how they were obtained, therefore let me admoniſh you.

JOHN ALCOCK *ſworn.*

I live in St. Martin's-lane; I know Mr. Ellis, I cleaned a watch for him about a twelve-month ago, this is the ſame watch I cleaned for him, we always have a memorandum in a book.

*To Ellis.* Was the watch that was cleaned about a twelvemonth ago the ſame watch that you loſt?——Yes.

FRANOIS KAYTON *ſworn.*

I live in Monmouth-ſtreet, I deal in hats, I remember buying this hat by a hole in the crown, I gave three ſhillings and ſixpence for it, the priſoners were all together, but I gave the money to Gall.

*To Davis.* Did you ſell the ſame hat to Kayton that you purchaſed of the priſoner?——Yes, I did.

*Proſecutor.* This is my hat that Gall left.

*Court to Davis.* Who was preſent when Gall bought the piſtols?—Chambers.

Who paid for them?——Chambers.

*Mr. Garrow to Davis.* It was you that gave the information againſt theſe people?——Yes.

*Priſoner Turwood.* What do you know of me, Mr. Iſrael?

*Priſoner Gall.* Did not I pay you the money for the piſtols, Mr. Iſrael, did not I give you five ſhillings, and you ſaid you would truſt me one?—It was Chambers that gave me ſix ſhillings for them.

*Priſoner Gall.* I paid him five ſhillings, and I owe him a ſhilling now.

*Davis.* That is not true, it was Chambers.

*Priſoner Gall.* I have nothing to ſay in my defence, but theſe two men are not guilty of the robery.

PRISONER CHAMBERS's DEFENCE.

I was in bed that night before nine that the robery was committed, in the morning I went out to work at ſix, nobody was in the room but this priſoner Turwood, who lodges in the houſe, and breakfaſts with us, then they came and took us up.

PRISONER TURWOOD'S DEFENCE.

I lodge in this houſe, I went to ſee Chambers, my witneſſes did not know that my trial would come on.

ALL THREE GUILTY, Death.

*Tried by the firſt Middleſex Jury, before Mr. Juſtice* HEATH.

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589. **AMBROSE MAIN** was indicted for feloniouſly ſtealing, on the 3d day of April laſt, four linen ſheets, value 6s. two linen pillows, value 1s. a linen bed quilt, value 1s. a blanket, value 6d. four pillow caſes, value 1s. and one flat iron, value 3d. the property of John Foreſyth, being in a certain lodging room let to him by the ſaid John, to be uſed with the ſaid lodging.

JOHN FORESYTH *ſworn.*

I let the lodgings to the priſoner's wife ready furniſhed, the priſoner uſed to come there, I loſt the things mentioned in the indictment to the value of five ſhillings.

BETTY BRAMMELL *ſworn.*

I am a pawnbroker; I took the things in pawn from the priſoner; four of the articles have been a twelvemonth, and ſome of them eight or nine months; one is a ſheet for two ſhillings, the 4th of July was a twelvemonth, the other a blanket, 6d. the 11th of July, a ſheet for eighteen pence the 19th of July, on the 31ſt of December a pillow for ſixpence, the 2d of January a pillow for ſixpence.

What is the value of theſe things?——They really are not worth more than was lent on them, had they been worn any where ſo long as we have had them, there would not have been a thread of them left.

You know nothing by whoſe direction the things were brought by the child.——We imagined by the mother of the child.

Did the mother of the child at any time intimate that ſhe knew any thing of them?—I only imagine ſhe did, I do not know any thing of my own knowledge of a certainty.

*Priſoner.* I was innocent of the whole ſtory, but when I miſſed them I challenged my wife, and ſhe told me ſhe would call the landlord, and he would put me into the watch-houſe; I am a gardener, and went to work every day.

*Brammel.* The priſoner is a man that has lived in credit, and has been in very good circumſtances.

*Court to proſecutor.* Did you live in the ſame houſe with the priſoner?—Yes.

Can you tell whether this time twelvemonth, and in the month of December, and January, and February, the priſoner uſed to lay conſtantly in the houſe?—Yes.

How long was it before you heard of theſe things being gone?—I do not know, above a fortnight.

JEREMIAH BUMPSTEAD *ſworn.*

I apprehended the priſoner; I never knew to the contrary but the man was a very honeſt man, he had lived in very good credit.

*Court.* A married woman cannot be guilty of felony when in the preſence, or in company with her huſband, becauſe ſhe is then ſuppoſed to be under his reſtraint; but he being abſent, then it is her crime, not his; and though he does afterwards know of it, if ſhe did not commit it under his concurrence and reſtraint, that will not affect him.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Juſtice* ASHURST.

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590. **MARGARET WATSON** was indicted for feloniouſly ſtealing, on the 27th of June laſt, a linen ſhirt, value 18d. the property of Samuel Chandler; two half handkerchiefs, made of linen, value 3s. the property of James Charles; one handkerchief, value 18d. the property of Thomas Fletcher.

MARY CHANDLER *ſworn.*

I am the wife of Samuel Chandler; the

23d of June the priſoner came to one Mrs. Chapman, who is a witneſs here, I employed her to waſh the things mentioned in the indictment, and theſe things were in the bed room of a young man that lodges with me; I ſaw the priſoner go up ſtairs to Mrs. Chapman's door, from the back room, and I ſaw the things juſt before I gave the priſoner the handkerchiefs to take into the back room to waſh, and ſhe hung up the ſhirt there herſelf.

### ANN CHAPMAN *ſworn.*

I lodge in the two pair of ſtairs; I remember the priſoner coming to our houſe, ſhe came up ſtairs, and brought a handkerchief; when I ſaw her in the gaol, ſhe ſaid ſhe put the other things in the back cupboard; we went and ſearched, and could not find them; ſhe never produced them afterwards.

### PRISONER's DEFENCE.

I never touched the handkerchief nor apron, nor took them out of the place; my huſband keeps another woman in Ratcliff highway, and I went after him, and he adviſed theſe people to take me up, and to put me into the Tower gaol.

*Court to witneſs.* Do you know any thing of this?——I never ſaw the priſoner's huſband till I ſaw him on the Wedneſday morning; he ſaid I muſt not ſeek to him for any recompence.

*Priſoner.* I have not a friend in the world, nor I have not had a bit of any thing but a bit of dry bread.

GUILTY.

*Privately whipped, and confined ſix months in the houſe of correction.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

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591. SAMUEL BURT was indicted, for that he on the 17th day of July laſt, feloniouſly, and falſly, did make, forge, and counterfeit, and cauſe and procure to be made forged and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain order for the payment of money, with the name Richard Evans thereto ſubſcribed, dated the 17th of July, 1786, directed to Sir Herbert Mackworth, Baronet, and Co. for one hundred pounds, the tenor of which ſaid order is as follows: "No. 68, Bond-ſtreet, London, July 17th, 1786. Sir Herbert Mackworth, Baronet Dorſet, and Wilkinſon Johnſon, pay bearer one hundred pounds for Robert Evans," with intention to defraud Sir Herbert Mackworth and Co.

*A ſecond count,* for uttering the ſame, knowing it to be forged, with the like intention.

*A third and fourth counts,* with intention to defraud Robert Evans.

*The caſe opened by Mr. Silveſter.*

*Mr. Garrow, priſoner's counſel.* My defence is, that this young man was inſane at the time he did it.

### JOHN WILKINSON *ſworn.*

I live in Harley-ſtreet, my Banking houſe is in New-Bond ſtreet; the firm is, Sir Herbert Mackworth, George Dorſet, John Johnſon, and myſelf; on Monday morning laſt, the 17th of July, about half after nine, I was engaged in buſineſs, at the houſe in Bond-ſtreet, the priſoner at the bar brought this draft, and gave it our head clerk; he aſked him as he took it of him how he would have it, he replied in money, to which the clerk made no reply to him, but ſhewed the draft to me; upon ſhewing the draft to me, I immediately looked round to ſee who brought the draft; the priſoner ſtood with his back to me; I immediately ſaw it was a perſon I had long known, coming from Mr. Evans; I did not know that he was his apprentice; I knew he had been frequently in the habit of bringing his book, and bringing bills for him; I ſaid, is your maſter well, he ſaid yes, he is very well, and he is in town; I told him, there is a vaſt difference in his hand writing, are you ſure he wrote this; upon which he ſaid yes it was, and he was to carry him the money; I ordered one of the clerks to ſhew

me

one of the drafts of Mr. Evans's; I was ſtill convinced it was not his hand writing; I ſaid are you ſure it is, he ſaid a ſecond time yes; then I ſaid, give my compliments to your maſter, at the ſame time I ſaid, to one of the clerks, whoſe name is Cudworth, make up a hundred pounds in a bag, and give my compliments to Mr. Evans, and tell him I have ſome doubts about the hand-writing, but I have ſent him the money that he may not be diſappointed; the young man turned and ſaid, do you mean to ſay it is not Mr. Evans's hand writing? or words to that effect; I ſaid yes, I certainly do; nothing more tranſpired, he left the ſhop, and I immediately ſent my clerk to Mr. Evans's with the money; it has been in my cuſtody ever ſince, *(the draft read)* "No. "68, Bond Bond-ſtreet, No. Lon- "don, July the 17th, 1786. Sir Herbert "Mackworth, Baronet, Dorſet, John- "ſon, and Wilkinſon; pay the bearer "one hundred pounds, Robert Evans." *(In the margin)* £ 100.

*Mr. Garrow.* How long has Mr. Evans kept caſh with you?——Our houſe has not been in being in the preſent firm before the firſt of January, 1785; I was then principal clerk where Mr. Evans kept caſh; he began keeping caſh the 1ſt of January 1785.

You had been ſo converſant with Mr. Evans's hand writing, that on the firſt inſpection of it you took it not to be his?—I did.

You mentioned that to the young man?—Yes.

You purſued that idea, and ſaid, are you ſure it is his?—Yes.

How long was it after he went away that you ſaw him again?—Not till between eight and nine that evening.

Where did you ſee him then?——At Bow-ſtreet at the publick office.

You ſent your clerk to Mr. Evans?—Yes.

You learned from your clerk (for I have no objection to all the hear-ſay) that this was not Mr. Evans's hand writing?—I did.

Upon the inſpection of it, it did not appear to be at all like Mr. Evans's hand-writing?——There was ſome ſimilarity but not ſuch as to deceive a clerk, unleſs it was overlooked; it is not well done.

ROBERT EVANS *ſworn*.

I am a gold-beater, I live in Long-acre, the priſoner was bound apprentice to me about four years ago.

Was he a ſervant to you at the time this happened?——I cannot ſay he actually was a ſervant at the time this happened, becauſe he quitted my houſe the day before, the Sunday, in the forenoon, and did not return again.

Now, Sir, that draft, is it your hand writing?——No, Sir, it is not.

*Mr. Garrow.* Was he your apprentice?——Yes, for ſeven years.

You ſay that it was not your hand writing?——No, Sir.

He lived in your houſe?—He did.

He continued there down to the Sunday preceding this fact?——Yes.

At what time did you learn from Mr. Wilkinſon that ſuch a draft had been preſented?—I believe it was near about ten.

At what time did you receive this letter?——On the Tueſday, and I believe it was on the Monday the banker's clerk came to me with the draft, and the hundred pounds, I received this letter on the Tueſday in the forenoon about eleven; I was dreſſing, I am poſitive it was not on the Monday, it was delivered to me by a ſervant of mine, and appears to have a penny-poſt mark upon it.

You know his hand writing very well?——Yes.

Is that his hand writing?——I believe it to be his hand writing.

Do you believe that to be his hand writing? *(Shewing him another paper.)*——I do.

Perhaps you know where this was found?——It was taken from him when he was ſearched.

What was the firſt intimation you had of this young man's being in cuſtody?——

About ten o'clock, Sir Herbert's clerk came to me with that draft, and told me it had been preſented for payment, but his maſter had his doubts about it, therefore ſent me the hundred pounds, I took the draft in my hand and told him it was not mine; I had ſome converſation with the partners; Mr. Wilkinſon went with me to Bow-ſtreet, it was about eleven when I went from Bond-ſtreet; we arrived at Bow-ſtreet about twelve.

At that time had they had any intimation of the priſoner?—None that I know of.

You then gave ſome intimation?——Yes, Sir, to Mr. Addington; about three a perſon came from the public office in Bow-ſtreet, to tell me that the priſoner was in cuſtody.

You gave the information in Bow-ſtreet?——Yes.

Was the priſoner in conſequence of that apprehended, or did he ſurrender himſelf?——I do not know, I heard he was in Bow-ſtreet; I went to him, but I did not aſk him the queſtion; my ſervant told me he was in cuſtody, and had ſurrendered himſelf.

Do you know whether he was apprehended?—I do not know, I have heard he ſurrendered.

*Court.* I cannot take that either for or againſt the priſoner; he does not know.

You found him in cuſtody, and you do not know that he was apprehended?——Yes, I have reaſon to believe that he ſurrendered, but I do not know it.

*Court.* If it turns out to be a material fact, I ſhall be glad, for ſomebody from Bow ſtreet to be ſent for.

*Proſecutor.* I recollect the firſt account was from my own ſervant, and afterwards a man met me and ſaid, he was in cuſtody, but whether he ſaid, he was apprehended, or whether he ſurrendered, I do not know; the general account was, that he ſurrendered, I really believe he ſurrendered himſelf, but I cannot ſay upon my oath that he did.

Have you had occaſion to know the ſtate of the mother's health?—I can ſay nothing of myſelf of the ſtate of the mother.

I aſk you, whether from univerſal reputation, you know what the ſtate of her intellects are?

*Court.* Reputation is no proof of a fact that is capable of being proved; it is with great pain that I reject any evidence that can make for the priſoner, but I muſt do my duty.

*Mr. Garrow.* Do you know what the ſtate of that boy's health was, who was living in your houſe, during the laſt eight months?——I looked upon him to be in as good a ſtate of health as moſt.

Then you did not know of any diſorder under which he laboured?—I did not.

Do you know that there was a diſorder which was concealed from you?——Yes, Sir, a ſurgeon attended him for eight months.

Do you, of your own knowledge, know whether he was taking mercurials or not?——No, Sir, if he did, he concealed it from me.

How old is he now?——I take him now to be eighteen or thereabouts, rather more I believe.

He was very much entruſted by you?—Within theſe three or four months he was, he has been within that time in the habit of ſelling goods in the ſhop.

When you went to Bow-ſtreet, I believe you very humanely made this man an offer, that he might, if he pleaſed, go to the Eaſt Indies?——I did; that was previous to the examination.

I cannot aſk you legally what his anſwer was; but I may aſk you this, did he accept it?—He did not.

That was after he was in cuſtody, and after he was charged with the commiſſion of a capital crime, which he perfectly well knew would affect his life?—Yes.

Have you now at the time I am ſpeaking to you, any reaſon to believe that the priſoner at the bar committed this offence in order to be detected, in order to be brought to juſtice, and in order to deſtroy his own life?—I do not ſee how I can anſwer that queſtion.—

I will repeat the queſtion, have you now, at the time I am ſpeaking to you any reaſon to believe that the priſoner at the bar committed this offence in order to be detected, in order to be brought to juſtice, and in order to deſtroy his own life?——I believe he committed that offence with intention to obtain the money.

Have you or have you not reaſon to believe that the boy did this, actuated by deſperation, and with intent to deſtroy his own exiſtence?—No, I do not.

*Mr. Garrow.* I wiſh to read the letters and papers; I have already ſtated the ground on which I mean to defend this young man, which is, that he was inſane: when I ſtate that as an anſwer to an offence of this ſort, I undertake a very difficult and arduous taſk; it is a ſort of fact that carries with it ſome evidence againſt the priſoner; we have had a very melancholy inſtance of that ſort, and the defence of inſanity has been propoſed as an anſwer to the commiſſion of the greateſt offence, that of murder; it has been aſked of the witneſſes, whether they had obſerved any thing in the conduct of the party, that induced them to form an opinion that the mind of that party was diſordered; you cannot aſk that queſtion as to any one ſingle fact, whether at that inſtant his mind was under the influence of inſanity; but you are to lay before the Jury, a ſufficient quantity of acts, in order to draw the inference for the Jury to preſume that this perſon is not accountable; we therefore always aſk what has the party done and ſaid, and conducted himſelf; what has been your obſervation on the conduct of the party originally? and it is upon that idea I ſtate to your Lordſhip the principle upon which I produce this as evidence; the acts of the party cannot be evidence for him, becauſe they may be framed and fabricated for the purpoſe of defence; but the caſe of inſanity differs from all other caſes, becauſe the law preſumes that theſe are not the acts of the man that does them, but that he is as much a mere machine in the hands of ſomething that governs him, as the beaſt in the ſtreet; in that view you take all the acts of the party as done before, and at the time of the fact; If I was to ſtate to you that this was not a forgery, if I was to ſtate to you that this was not the hand writing of Mr. Evans, I admit I could not make the acts of the young man evidence for him; but I ſay, he is inſane at the time he did this; and if I ſhew he was rolling in the ſtreets, that he was running about the ſtreets with a fire brand in his hand, that he did not know his neareſt relation; I ſhould bring convincing proofs of his inſanity: but if I cannot give that evidence, may I not ſhew that on the morning of this fact, he conducted himſelf as an ideot, that he did that which no man in his ſound mind could do, that at the ſame time he was writing this draft, he wrote a letter to his maſter to ſhew that he had done it with a deſign to be brought to juſtice, that ſoon he hoped to meet his friends in eternity, and that his only object was to get rid of the troubles and inconveniences of life; if I might ſhew that he was running about with a ſword to murder his own father and mother, may not I ſhew this? though it may not go the whole length of that evidence; ſurely I might ſhew that at that very inſtant he was making confeſſions under his own hands, ſtating that it was complete, and that his object was accompliſhed; if now, my Lord, after I have done that, I was to ſtop ſhort there, you might anſwer why it is the act of the man contrived for the purpoſe; but I have other evidence; I know there are differences of opinion on the ſubject, but I mean to ſhew that antecedent to the birth of this young man, there has been a fatal lunacy in the family; I mean to ſhew acts of the moſt confirmed madneſs of this boy's mother, antecedent to his birth, and from his birth, and to this time; and that it has not been confined only to that branch of the family, ſo that madneſs certainly has deſcended to this unhappy family; whatever the opinions of the faculty may have [illegible] on this ſubject: I mean to ſhew that a ſiſter of this boy, of the ſame age, has been guilty of acts of madneſs; that by her own hands, ſhe was once ſuſpended within a very ſhort period of eternity indeed, that ſhe was cut down and reſtored to ſenſe; and when I have done this, it ſeems to me as if I had laid a great foundation for the introduction of theſe papers. I know this is before a Judge who will go all lengths that the law will permit him to go in favour of a priſoner, who will feel much more ſatisfaction, if the evidence ſhould tend to the elucidation of the priſoner's innocence; but I know alſo that your Lordſhip cannot go beyond the bounds which the law preſcribes.

—*Court.* I think you come ſhort, and require ſomething to introduce the evidence of theſe papers, and that in the preſent ſtate of the buſineſs, they cannot be received; I am of opinion, that the acts of the priſoner are evidence in all caſes, both for and againſt him, but not ſo of his declarations, either by word or by writing; now you ſtate a ſuppoſition which is putting it in the ſtrongeſt way, and would ſtagger me very much, with reſpect to the general rule of evidence; for the reading a letter from the priſoner without ſhewing when, in what manner, or on what occaſion that letter was written, certainly falls very ſhort of the caſe; thus far I think myſelf bound to declare my opinion, that you cannot be permitted to read theſe letters, unleſs you prove them written prior to the time of this tender: when you have done that, I will conſider and give my opinion, as to the propriety of receiving them.

*Mr. Garrow.* It is in evidence, that this was received early in the forenoon of Tueſday, I mean to produce it with the poſt mark upon it.

*Court to Evans.* Was you preſent when Elizabeth Williams received this letter?—I was from home, and was informed that the poſtman had brought this letter; it was in my poſſeſſion between three and four; the young woman is not here; I was there about three, and I was queſtioning this young woman, and ſoon after the letter came, it was about ten minutes after three.

*Mr. Silveſter.* Do you know when it was put in the poſt?—No, Sir, I do not.

*Mr. Garrow.* How ſoon was it that you ſaw this young man ſearched?—I believe it was in a quarter of an hour after; it was all before four; as ſoon as I was informed he was in cuſtody I went to Bow-ſtreet; I did not ſtay twenty minutes; when I returned I received this letter.

*Court.* I think every thing found in his pockets when he was apprehended may be produced and read, but I wiſh to hear you Mr. Silveſter.

*Mr. Silveſter.* What is found in his pockets is evidence againſt him, but not evidence for him.

*Court.* It is evidence to operate as it may. You call a witneſs who apprehended the priſoner, or to whom he ſurrendered, you aſk him, did you ſearch that priſoner? yes; what did you find upon him? why I have found theſe papers; then the papers are to be examined by thoſe converſant in the adminiſtration of juſtice, they are to have what operation they may; but it would be too much to ſay, I will read theſe over, I will ſelect all that make againſt him, and I will burn all the reſt: I am inclined to think at preſent, that whatever papers or property are found on him may be produced, and the papers read: now, put it another way, what did he ſay when he was apprehended; he ſays ſomething that makes for him; can you exclude the operation of the anſwer?

*Mr. Silveſter.* I have always heard it laid down, that what a priſoner ſays in confeſſion of his guilt, is ſtrong evidence againſt him, but what he ſays in extenuation of his offence cannot go to prove his innocence.

*Court.* You have it in every day's practice; did the priſoner make the ſame confeſſion when he was taken up that he does now? It is carrying the nicety too far, it is injuſtice to garble the declarations of a priſoner, now that principle will not go to the other letter found in the hands of another perſon, becauſe it cannot be introduced as direct evidence for the priſoner, but when we come to examine the witneſs who apprehended the priſoner, I ſhall certainly permit that witneſs to be aſked, what did you find upon him? and whatever was found upon him I ſhall certainly permit to be produced, read and ſhewn to the Jury.

*Proſecutor.* I was preſent when he was ſearched; I ſaw the letter taken out of his pocket.

### ANN LAKE *ſworn.*

*Mr. Garrow.* Do you know this young man at the bar?——Yes.

Do you know his father and mother?——Yes; I lived ſervant with them, I have known them theſe laſt ſeven years; I have lived at ſeveral places ſince, and when I was out of place, it uſed to be my home.

Now from your obſervation of the mother, do you take her to be a woman in her ſenſes or a complete mad woman?——I take her to be out of her ſenſes.

How long have you ſo underſtood her?——Ever ſince I lived with her; the priſoner had two ſiſters, one of which attempted to hang herſelf, and I cut her down, it was without any provocation; ſhe was about fourteen.

*Mr. Silveſter.* Are they confined?——No, Sir, ſhe ſtays at home, but ſhe is not capable of doing any thing like another woman; it is melancholy madneſs that depreſſes the ſpirits, and that I have obſerved in the family.

### MARY HUGHES *ſworn.*

The mother of this boy lived in our houſe many years; two years ago.

Did you conſider her as a woman in her ſenſes or as a mad woman?——Always as a mad woman, rather melancholy and childiſh; I knew her daughter, who made an attempt on her life; I did not take her to be quite right in her mind.

*Mr. Garrow.* Now I call witneſſes to the conduct of the priſoner himſelf.

### SAMUEL WILLIAMS *ſworn.*

I am journeyman to Mr. Evans; I have known the priſoner a year and an half.

Have you obſerved any thing particular in his conduct, previous to his leaving his maſter's houſe?——Two days only I took particular notice of him, that was Friday and Saturday before he went away; I ſat next to him, and I obſerved him to be very low ſpirited and penſive; I aſked him what was the matter with him, and he did not give me any anſwer, I told him he was very ſerious, I wondered what was the matter with him; both days I ſpoke to him the ſame.

Then it ſtruck you particularly?——Not till this affair happened, then I recollected it.

*Jury.* Has the priſoner ever ſignified to you that he was in diſtreſs or had been in debt?——No, Sir, never.

Do you know the ſtate of his health?——I believe he had the foul diſeaſe upon him full ten months to my knowledge.

Had he been taking mercurial medicines for the laſt ten months?——He was, I have ſeen ſuch things about the ſhop; it was a ſecret to my maſter.

### JAMES CHINA *ſworn.*

I am another journeyman of Mr. Evans's; I worked with this lad on the Friday and Saturday, he ſeemed to be very dull, I aſked him the reaſon, and this day week he was very dull; I ſaid, Sam what makes you ſo dull, he made no anſwer at all to me.

Do you happen to know what the ſtate of his health has been for ſome time paſt?——He has at times been ailing.

Did he take any mercurial medicines?——I believe he did privately.

### ISAAC DORNFORD *ſworn.*

I am another journeyman; laſt Saturday he was very ſad and melancholy; I aſked him what was the matter, he would not return me any anſwer; I mentioned it to my ſhopmates.

Do you know the ſtate of his health.

*Court.* That is ſufficiently proved.

### JOHN SAFFORAY *ſworn.*

I am another journeyman; I obſerved no more at the time than that he was remarkably dull; I obſerved that about the Friday before the offence was committed, and Saturday he was very dull, I did not ſpeak of it to any body.

*Jury to Proſecutor.* Had you ever heard the priſoner was particularly connected with any woman in the neighbourhood?—Never, Sir, till after he was in cuſtody.

Did you ever ſuppoſe him to be any way inſane?——No, Sir, moſt aſſuredly not, if I had, I would not have continued him in my ſervice in confidence.

—No acts of his have cauſed you to ſuſpect ſo?——No.

*Mr. Garrow.* You did not underſtand at all that it was a criminal connection?—No, Sir, I did not.

*Jury.* We wiſh to have the letters read, if the proſecutor conſents.

*Proſecutor.* If Mr. Garrow thinks it will be of ſervice to the priſoner, I have no objection.

*Court.* That is very honourable.

*The letter read* which was received by Mr. Evans, on the Tueſday, in the forenoon, about eleven o'clock, addreſſed to Mr. Robert Evans, gold-beater, No. 74. Long-acre. “Sir, I take this opportunity “ of informing you, that I have this morn-“ ing forged on your banker, for the ſum “ of an hundred pounds; I am ready and “ willing to reſign myſelf into the hands “ of juſtice, life is a burden to me, and as “ I have forefeited it to the laws of my “ country, I am ready and willing to re-“ ſign into the hands of him that gave “ it me.” S. Burt, July 17th, 1786.

*Another letter read*; addreſſed to Mrs. Elizabeth Williams, at Mr. Thomſon's, No. 77, Long-acre, London. “My dear-“ eſt girl, by the time you have received “ this letter, I ſhall have committed a “ crime which I ſincerely hope to ſuffer “ for, as I think it is the only thing I can “ do to extricate myſelf from the difficul-“ ties of this world to the happineſs of a-“ nother world; I cannot find words ade-“ quate to my meaning, as my mind is “ very far from being compoſed, but let “ me intreat you not to repine, as I com-“ mit this with the utmoſt [illegible] you in “ heaven; adieu my dear, till I ſee you, “ which will, I hope, be before I am “ launched into eternity. S. Burt.”

*An unfiniſhed letter read*, which was found in his pocket when he was apprehended, “My dear girl, ſince I wrote “ you this morning I have committed a “ crime which I told you I am to ſuffer “ for, but I am not yet in the hands of “ juſtice, I am quite tired of this world, as “ it is impoſſible for me to make myſelf “ happy in it.——”

(*A meſſenger, who was ſent to Sir Sampſon Wright's to fetch Carpmeal to whom the priſoner ſurrendered, returned and informed the Court, that Carpmeal was gone to Vauxhall upon duty.*)

*Court to Mr. Garrow.* Can you carry this caſe any farther?—No, my lord.

*Court to Jury.* Gentlemen of the jury, the priſoner is indicted for a capital felony in forging, or uttering knowing it to be forged, which is an offence of equal magnitude, a draft for one hundred pounds, with intent to defraud Sir Herbert Macworth and Co. and alſo with intent to defraud Mr. Robert Evans; this trial has taken a turn which makes the conſideration of it painful; from the nature of the offence, as the fact is ſo clearly proved, you can have no doubt in this caſe that the forgery was committed, that this draft was tendered in payment by the priſoner, knowing it not to be the draft of Mr. Evans; but the defence ſet up is of ſuch a nature, that it is right, in order to form your judgment upon it, that you ſhould fully underſtand the way in which it points: The defence of inſanity or diſorder of mind where it is carried to a ſufficient degree, is a defence for all crimes whatever, from the higheſt to the loweſt, becauſe, in order to conſtitute criminality, the act muſt be the act of the mind of the party that does it, it muſt be knowingly and voluntarily done; now if a perſon is not in his ſenſes, or is ſo diſordered as to take away the faculty of diſtinguiſhing between right and wrong, and of knowing the tendency of the act which he does at the time, though mechanically it is the act of his body, though the letters are written, or the blow ſtruck by him, which conſtitutes the crime, yet it is not the act of the perſon, that is, it is not the act of the mind; but in order to amount to that, it is neceſſary that the diſorder of the mind ſhould be ſuch as takes away from the party all moral agency and accountability; ſuch as deſtroys in them, for the time at leaſt, all power of judging between right and wrong; that is the caſe with reſpect to all crimes; it ſeems to be peculiarly the caſe with reſpect to the crime of forgery, for in forgery it is not the mere act of writing the name of another perſon, or the delivering a paper upon which the name of another perſon is written, and not by themſelves, that conſtitutes forgery; but the eſſence of forgery is the intent to defraud, and if therefore the party is incapable of knowing what he does, he can have no ſuch intention] for he can as a moral agent have no intention at all: but you obſerve, that I have ſtated to you that it muſt be a *total derangement* of the mind; and it will be, therefore, for you to conſider, whether there is any evidence in this caſe that can go any thing near that length; for unleſs it goes that length, it is my duty to tell you, however it may approach to that degree of diſorder, which may make it perhaps a little painful to diſcharge one's duty under the uncertainty which may be introduced by ſuch derangement of mind, yet unleſs it goes that length, it does not amount to a juſtification; the facts therefore, are no otherwiſe material, than as it may enable you to judge how far the conduct of the party, at the moment of the commiſſion of the crime ſavoured of inſanity or not; therefore it is with that view alone that I ſhall ſtate to you the evidence of Mr. Wilkinſon, and he ſays the priſoner brought the draft at half paſt nine in the morning, the clerk aſked him how he would have it, he ſaid in money, the clerk then ſhewed the draft to the witneſs, who aſked him after his maſter's health, &c. (*Repeats his evidence.*) Now to be ſure there is nothing in the conduct and demeanor of the priſoner at the moment of uttering this draft that ſpeaks any inſanity or diſorder of mind, more than that which appears in the mind of every man who breaks the law; his anſwers to the queſtions are diſtinct, and are anſwers calculated for the purpoſe of obtaining payment of the draft? now the operation of inſanity muſt apply to every moment during the commiſſion of the crime, and in this caſe I cannot diſcern, but you are to judge of it, I cannot diſcern in the conduct of the priſoner while in the banker's ſhop, any thing that in itſelf, and excluſive of the reſt of the evidence, argues any degree of inſanity or diſorder of mind; Mr. Evans is then called, and he proves the draft to be not his hand-writing, &c. (*Repeats his evidence.*) The papers that have been read certainly argue his ſtrong intention of deſtroying his own life, though we cannot comprehend by what ſtrange diſtorted mode of reaſoning any man diſturbed in his mind ſhould pitch on that way to complete his own deſperation, or that he ſhould ſuppoſe there was leſs guilt in that than in the very act of ſuicide itſelf; theſe letters, however, if you believe them to be written prior to the crime, and not with an intention to be ſeen and produced, do certainly argue a diſordered ſtate of mind; but I am afraid, taking them at the utmoſt, they do not amount to a ſtrict legal defence; for if a party for a criminal purpoſe of deſtroying his own life, commits a crime which he knows to be a crime, and amenable to the laws of his country, it is direct proof that he did know that he was breaking the laws of his country; I therefore do think that theſe letters do not amount to a proof of that kind of inſanity, which is the ſtrict defence in this caſe; beſides that there are ſeveral witneſſes called to prove a fact which would be a ſtrong confirmation perhaps, if there was a direct evidence to the infanity of the prifoner; we all know, without confulting furgeons and phyficians, that that unfortunate diforder which affects both the mind and the body, and feems intimately connected with both, does defcend in families, and does affect different branches of a family; but it would be a great deal too much to fay in a court of juftice, that a man fhould not fuffer for a criminal act, becaufe there is a diforder of that kind in his family, when the evidence given as to himfelf, perfonally, falls very fhort of what the law requires; I cannot, therefore, confiftent with my duty, tell you that in point of law, all the facts put together, this defence does amount to a juftification; but you are at liberty to form a very different opinion, and if you are fatisfied that he was at that time under the influence of infanity, fo as not to be a moral and accountable agent, you will acquit him; but if you think not, it is your duty to find him guilty.

The Jury retired for fome time and returned with a verdict.

GUILTY, Death.

*Jury.* It is our particular requeft that fome mercy may be fhewn to the prifoner.

*Profecutor.* I humbly beg leave to join in the recommendation.

*Court to Jury.* Gentlemen, I prefume you ground your recommendation upon the idea, that though it fell fhort of that abfolute infanity to juftify the crime altogether, yet that the prifoner laboured under fome degree of diforder.

*Jury.* That is our opinion.

*Tried by the London Jury before*
*Mr.* RECORDER.

When this prifoner was ordered to receive fentence, he addreffed the Court as follows: "My Lord, I am too fenfible of the crime which I have committed, and for which I juftly deferve to fuffer; my life I have forfeited, and wifh to refign it into the hands of him who gave it me; to recount my reafon for wifhing to die, would only fatisfy an idle curiofity; no one can feel a more fenfible heartfelt fatisfaction than I do at the thoughts of quitting time for eternity; wherein I truft I fhall meet with great felicity; I have not the leaft defire to live, but, on the contrary, if his Majefty fhould grant me a refpite in confequence of my being recommended to mercy; I here avow, in the face of heaven, I will put an end to my own exiftence; it is death that I wifh for, it is death I feek; for nothing but death can extricate me out of the troubles which my follies have brought upon me."

*Mr. Recorder.* Samuel Burt, as you appear to have ftill remaining on your mind, fome impreffions of confcience, a fenfe of the fubmiffion that you owe to your Creator, and of a future ftate of exiftence, I think it my duty to addrefs a few words to you in particular, in the melancholy fituation in which you ftand; happy fhall I be if any thing I can fay to you in your unhappy ftate, could ripen thofe feeds of confcience and of religion in your mind, into a proper fenfe of your duty to your Creator; you have expreffed a fubmiffion to the laws of your country, which is highly praife worthy, but you muft not deceive yourfelf by imagining, that a defire to die ftands in the fame fituation with that fubmiffion; it is the duty of thofe that have violated the law to fubmit with patience to its punifhment; but it is a crime againft your Creator to wifh to throw away your own life, and that unhappy wifh appears from what you have now faid, as well as from fome unhappy circumftances upon your trial, to have actuated you to the commiffion of a capital offence. To come uncalled into the prefence of your Creator is highly criminal of itfelf; he who made you beft knows when you fhall have fulfilled thofe purpofes for which you were created, and he beft knows when to call you out of this world; it is therefore the higheft degree of prefumption in you, to take that fecret judgment to yourfelf, and to wifh to throw away your own life; it is that diſpoſition I would earneſtly pray to God to correct in your mind before you are called hence, if that ſhould be your fate; but if there are circumſtances in your caſe (which I cannot promiſe you there are) which ſhould induce your gracious ſovereign to mitigate your ſentence, and to prolong your exiſtence, it is your duty to receive of God and of your ſovereign, the boon of life with gratitude, inſtead of peviſhly throwing it away: it remains therefore for me to pronounce on you the ſentence of the law, which your crimes have merited, and which it is your duty to ſubmit to, but not to deſire.

*The Court then paſſed ſentence of death on him and the other capital convicts.*

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592. **ELIZABETH BAYNES** was indicted for feloniouſly ſtealing, on the 12th of July laſt, twenty yards of dimity, value 18s. the property of Chriſtopher Hill, privily in his ſhop.

WILLIAM NICHOLAS *ſworn.*

I am a journeyman to the proſecutor; he is a man's mercer and button-ſeller, he loſt ſome dimity on the 12th of July; between eleven and twelve, the priſoner came to our ſhop to buy ſome horn buttons, ſhe bought half a dozen, and paid for them; and a gentleman came in, and ſhe ſaid ſhe was in no hurry, ſhe could wait; I ſerved the gentleman, and whilſt I was ſerving that gentleman I perceived the priſoner go to the counter, where theſe dimities lay; we have two counters in the ſhop; I ſuſpected her, I perceived this piece of dimity was moved from its place; ſhe deſired me to ſhew her ſome other buttons; when ſhe came back from the other counter I obſerved the dimity had been moved; I went to the further end of our ſhop, to get ſome other buttons; I opened them, I cut half a dozen, ſhe laid down a penny for them, and turned to go out of the ſhop door; I perceived the piece of dimity was gone; the gentleman went out as ſoon as I had ſerved him; I followed her out, ſhe ſeemed rather to hold the door that I ſhould not open it; I pulled her into the ſhop; and as ſhe got into the ſhop ſhe dropped this piece of dimity; I ſaw it drop from under her cloak, I took it up immediately; ſhe was cloſe to the counter, cloſe by the door; I am very ſure I ſaw it drop from her cloak; it could not ſlip off the counter; the dimity that was miſſing laid at the other end of the counter, this is the dimity, there are twenty yards; I know it to be Mr. Hill's by the marks L. E. R. in my maſter's hand writing; I can ſwear it to be his hand writing; he was not at home at the time; I ſaw the dimity on the counter after the gentleman was gone out of the ſhop.

Are you ſure of that? I can ſwear it.

What is the loweſt value of it?——It coſt my maſter nineteen ſhillings and three pence; we ſell it for more.

Did not you ſee her hand or her cloak move?——I ſaw her hand behind her all the time ſhe was in the ſhop.

Then ſhe was leaning againſt the counter where this piece was?—Yes.

Did not you ſee her move?——I ſaw her elbow move.

Now, have you no doubt but that was the time when ſhe took this piece of dimity?——I have no doubt but what it was.

PRISONER's DEFENCE.

The man took me and ſent for a conſtable, and then he picked up this piece of dimity, and told the Juſtice, that he went to the further end of the ſhop on purpoſe to give me an opportunity of taking it; he ſaid, you have robbed me, but ſhall never rob me any more; here I am as innocent as the baby unborn.

**GUILTY**

*Of ſtealing, but not privately.*

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Roſe.*

593. ELL-

593. **ELIZABETH MITCHELL** was indicted for felonioufly ſtealing, on the 3d day of June laſt, a man's cloth coat, value 8s. a ſhirt, value 4s. three boy's ſhirts, value 6s. a ſheet, value 6s. two caps, value 2s. one yard of lace, value 1s. the property of Charles Chaffings; one gown, value 7s. one apron, value 2s. a handkerchief, value 1s. a ſheet, value 3s. a ſhirt, value 2s. a ſtock, value 8d. a frock, value 3s. a ſheet, value 1s. a flat iron, value 6d. the property of Richard Richards.

CHARLES CHAFFINGS *ſworn.*

I employ this woman by the week; I went out on the 3d of June, and on my return, I found the place ſtripped of every thing; I am a cricket and trap ball maker; I left the priſoner at home and nobody elſe; I found her on the 13th; I found ſome of my things at a pawnbroker's, ſhe ſaid, ſome ſhe had loſt, and ſome ſhe pawned, ſhe ſaid, ſhe pawned ſome in Shoreditch, and ſome in Whitechapel, but I found none at either of the places.

RICHARD RICHARDS *ſworn.*

My things were ſent to Chaffings to be waſhed.

——— MACKINTOSH *ſworn.*

On the 3d of June the priſoner pawned theſe two coats at our houſe.

*(The coats produced and depoſed to.)*

*Proſecutor.* I did not ſend her to pawn them.

PRISONER's DEFENCE.

I worked for the proſecutor at half a crown a week, and he could not pay me; his wife gave me the things to pawn, and lent me the gown to go and ſee my ſiſter at Deptford.

*Jury.* Did Richards's wife lend her the gown.

*Richards.* No, ſhe did not.

GUILTY.

*To be privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before* Mr. RECORDER.

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594. SARAH HOWSE was indicted for felonioufly ſtealing, on the 5th day of July, one cotton gown, value 5s. the property of Benjamin Criſpin.

CHARLES GALE *ſworn.*

It was on the 5th of July, at half after five in the morning I ſaw the priſoner, I aſked her who ſhe wanted, ſhe made me no anſwer, and went away; I was ſo frightened I could not follow her.

MARGARET MORGAN *ſworn.*

I know nothing only that Mr. Young went after the priſoner.

JOHN YOUNG *ſworn.*

I heard a great noiſe over my head, I went up ſtairs, and called out who is there, the priſoner ſaid, it is I; I went down ſtairs and met the priſoner, and ſhe went to the neceſſary and wanted to throw the gown down the neceſſary, but I prevented her.

*Richard Reeves produced the gown.*

*(The gown depoſed to.)*

GUILTY.

*To be privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the London Jury before* Mr. RECORDER.

**The next Part will be publiſhed in a few Days.**

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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NUMBER VI. PART IV.

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MDCCLXXXVI.

# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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595. JANE SKYNNER otherwiſe DUNKIN was indicted for feloniouſly ſtealing, on the 19th day of July, four pair of cotton ſtockings, value 4s. one pair of thread ſtockings, value 1s. and one yard of thread lace, value 1s. the property of William Croſby.

*The proſecutor and witneſſes called on their recognizances, and not appearing, their recognizances were ordered to be eſtreated, and the priſoner was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

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596. **WILLIAM BRITTON** was indicted for feloniouſly ſtealing, on the 28th day of June, one mare, price 20l. the property of Thomas Dowſe.

GEORGE WALKER *ſworn.*

I am groom to Lord Manſfield; I am perfectly acquainted with Mr. Thomas Dowſe; on Tueſday the 27th of June, I took the mare into the field, between ſix and ſeven in the evening; this field is within an hundred yards of Cane-wood, in Hornſey pariſh; the next morning about half paſt ſix, I found the gate open, the ſtaple had been drawn, and it had been hammered very much to get it out, and three horſes gone out of the field; I had locked it the night before; I had the care of this mare for ſix months, I can know her with certainty again, ſhe was a cheſnut mare, about fourteen hands two inches, with a ſtar in her forehead, rather a Twitch tail, her tail has not been cut for ſome time; there is ſome white on three of her feet; I came back and told my fellow ſervant; my Lord's coachman is not here; I had information that the mare had been laid hold of, I ſaw her about two hours after in Litchfield-ſtreet; on Thurſday the 29th, the other two horſes were found on Hampſtead-heath, the next day; the mare was ſhewn to me by John Wood; it was Mr. Dowſe's mare, I am quite clear in it, I have no doubt; Mr. Dowſe lives in my Lord Manſfield's family, at Cane-wood.

RICHARD KNIGHT *ſworn.*

I am a waterman at the King's-head, Broad-ſtreet, Bloomſbury; I took the horſe and the mare both in; we have a livery ſtable at the King's-head; I took it in at four minutes paſt half an hour after two in the morning; when I went in to get the key of the gate, I looked at the dial; it was on the Wedneſday morning the 28th, I took her in from the priſoner, he brought them both in his hand, and ſaid, they belonged to one Mr. Hamilton; they were neither of them ſaddled, the priſoner was on foot, he deſired me to take particular care of them, and give them what corn they would eat, and about ſix the ſame morning he ſhould come for the horſe; it was light enough to diſtinguiſh the perſon of the priſoner; there are lamps near the door, and they were lighted; I never ſaw the priſoner before at the houſe to my knowledge, and I have been there nine years.

Can you ſpeak with certainty as to his being the perſon?—I can with a very clear conſcience; in the morning he came for the horſe, and left the mare, it was not three o'clock when he went away, and when he came back again it was about a quarter paſt ſix; I ſaw him come up the ride the ſecond time, and Mr. Wood delivered out the horſes; I am ſure he was the ſame man that came before, for I had the horſe in my hand when he came up.

Was you preſent when he demanded the horſe?——No.

Are you ſure he did demand the horſe? Not to my knowledge; when I ſaw him at the office I was ſure he was the ſame man.

*Court to Walker.* Did you ſee a horſe at the office?—No, only the mare which was led about for an hour.

JOHN WOOD *ſworn*.

I am an hoſtler to Mr. Biſhop, at the King's-head in St. Giles's, that night we were ſo full of horſes, we were forced to take out three into the ride, we had a brown gelding we were obliged to tie out upon the ride; it belonged to a man, the corner of Great Earle-ſtreet, when I came in the morning to help the hackney coachmen, I ſaid, I will be d——nd if I have not loſt a horſe off the ride; and the coachman ſaid, if you have loſt one never mind, Dickey has found two; I went into the ſix ſtall ſtable and there I ſaw the brown gelding and the cheſnut mare tied againſt two other horſes; I ſaid, whoſe are they, he ſaid, they belonged to one Mr. Hamilton, I ſaid where is the bridles and the ſaddles, he ſaid, there was none come, and ſays he, d——n the mare jumped over the bar, and had like to have jumped over me; I anſwered him, I will be d——nd if they are not ſtolen horſes; I was going down the ride, and the priſoner came up and ſaid, have you taken care of them horſes that came in this morning, have you fed them, I told him I had not, he ſaid, I want the brown horſe to fit a bit on to go to Bath; I ſaid, I will give him another feed of corn, and while I am rubbing him down he will eat it, as he is come off a journey, he ſaid d——n him he is as hard as braſs; he pulled a ſnaffle bridle out of his pocket, I aſked him who it belonged to, he ſaid it was a young mare a favourite, and belonged to Mr. Hamilton, and I muſt be ſure to take care of it, and he ſaid he would come at ten to ſee the mare fed the ſame morning; I delivered him the horſe, he took it away at a quarter after ſix.

Did you ſee him afterwards?—Yes, about three in the afternoon I was going out, he came in, and I was rather croſs, ſays I, d——n it, you never come to your time, I have fed the mare, and watered her; he ſaid nothing to me about the mare, only that it was very well; I ſaw no more of him, I went over to my miſtreſs, and aſked her his direction, but he was not preſent; I was with Knight at the office, this is the mare that was at the office, Mr. Blacketer came and detained the mare the next morning; when I had this converſation with the priſoner, he was at the ſtable door, the mare ſtood facing him, he told me to take care of her, that it was a young mare, and a very great favourite; ſhe is a cheſnut mare, with a blood tail, and a ſtar in her forehead, ſhe has one white foot, ſhe has no more white about her legs.

What do you mean by a blood tail? —There were a few long hairs.

Are you ſure ſhe had only one white foot?—Yes, a white fetlock joint.

Did you examine her accurately?—Yes, and to the beſt of my knowledge it is the off leg behind; I had the mare in my care; I ſaw Mr. Walker at the office, as ſoon as he ſaw the mare, he ſaid it was Mr. Dowſe's property; I can ſwear that three legs have no white about them.

## WILLIAM BLACKETER *ſworn.*

I belong to the office in Litchfield-ſtreet, the priſoner was in my cuſtody, I found the cheſnut mare at the King's Head in Broad Saint Giles's with a blaze on her face; that was the mare that Mr. Walker ſaw; I believe it was between ſeven and eight on the Thurſday morning.

Did any of the witneſſes that are now in court, and have given evidence, tell you who brought this mare to them?——The hoſtler, whoſe name I have forgot, I told him to ſtop her, and let nobody have her; I know he was advertiſed, I obſerved her one night, I think ſhe has a little white on one of her heels, ſhe is a pretty looking mare, a very fine looking mare, Mr. Walker ſaid he knew the mare to be Mr. Dowſe's property.

*Priſoner.* Who gave you the firſt intimation of that mare being in the ſtable?—The priſoner told me then he lodged all night at the King's Head in Tottenham-court-road.

*Court.* Had you then charged him with ſtealing this mare?——No, my Lord, he ſaid before the Juſtice, he had lodged all night at the King's Head in Tottenham-court-road, and they ſent me up there to know if he had been there, I enquired about him, and they knew nothing at all of any ſuch perſon, ſo I went to New-priſon, and I told the priſoner, you ſtole this horſe, and you had better tell who was concerned with you.

Did not you tell him it would be better for him?——There was no owner to this horſe then, my converſation was about the other; he ſaid he would tell me by and by; I ſaid I would not believe him, as he ſent me on a wrong meſſage before, and told me lies; the converſation I had was about the other horſe; he told me ſhe was Lord Mansfield's.

*Mr. Walker.* I thought there was ſome little white upon two or three of her legs?—I am ſure there was white on one of her feet, I cannot ſpeak with certainty to the reſt.

*Court to Mr. Blacketer.* You know of the reward?—I ſaw it in the paper.

*Court to Mr. Walker.* You know of this advertiſement?—Yes.

*Court to Knight.* Have you ſeen this advertiſement?—I ſaw it after I was at the juſtice's, but I never looked after it at all.

*Court to Wood.* Did you ſee this advertiſement?—I heard of it at the Juſtices, not till then.

Did you know what the ſum was?—No.

*To Knight.* Did you?—Yes, five guineas.

## PRISONER's DEFENCE.

The horſe and the mare were given to me in Tottenham-court-road, about one o'clock, or rather after, on Wedneſday morning by two men; one of them called himſelf Hamilton; I was coming to town that morning about one, and I called at the King's head, it was ſo full of hay-makers, I could not get a lodging, and two men came with their two horſes, and I aſked them where they were going, they ſaid not much farther, I told them I ſhould be much obliged to them to tell me where I could get a lodging, one of them ſaid yes, come with us my lad, take hold of that horſe, and we will get you a lodging; they took me into a public houſe, I cannot tell the name of it, and aſked me what I would drink, I told them I was very thirſty, they gave me a pot of porter, and they aſked me to take theſe two horſes down to the King's Head livery ſtables in Saint Giles's, and put them in there till the next morning, I told them I would, one of them came out with me to the door, and gave me the horſes, and came with me almoſt to the place, for I am an intire ſtranger in town; I found this waterman at the ſtable door, and aſked him for the hoſtler, he ſaid he would call him up, he did not awake him, he took the horſes, but the ſtables were all locked up; the man who gave me the horſes deſired they might take particular care of the mare, for ſhe was a favourite of Mr. Hamilton's; in the morning when I came at ſix, I found the horſes in the yard, one of the men's name was Hamilton, the other I do not know; I have no witneſſes.

*Court to Walker.* Is Mr. Dowſe here? —No.

What may the value of this mare be? ——I think ſhe is very cheap at twenty guineas.

**Guilty, Death.**

*Tried by the firſt Middleſex Jury before Mr.* Rose.

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597. JOHN CRAWFORD and MARTIN DUNCAN were indicted for feloniouſly ſtealing, on the 15th day of June laſt, three guineas, value 3l. 3s. and eight ſhillings and ſixpence in monies numbered, the monies of William Reeves, in the dwelling houſe of Philip Townſend.

WILLIAM REEVES *ſworn.*

I ſell hay in St. James's Hay-market; the priſoners ſat by me drinking, and they picked my pocket; we were drinking at the Red-lion, Piccadilly; the priſoners came to ſee me ſafe home, and I aſked them to drink.

You was drunk, I ſuppoſe?——No, I was not; they deſired to come and ſee me ſafe home.

Was not you worſe for drinking?——I had drank a draught of beer, and went there to treat them with a pot of beer.

Did you know them before this?——I had been to receive ſome money in Tottenham-court-road; I loſt three guineas in gold and ſome ſilver; I went into the houſe of one of the priſoners, who pretended to be landlord of the houſe in Tottenham-court-road, for a pint of beer; I do not know I ever was in the houſe before; I knew nothing of it.

Did you ſhew any money there?—No, Sir, the priſoner Duncan pretended to be maſter of the houſe, he drew the beer and took the money of me; I do not know whether I had one or two pints.

Were not you drunk?—I was not drunk; he and the other priſoner came to ſee me ſafe home; I believe it was as late as twelve, I cannot ſay juſtly the hour; they came quite home, and after I came home we had a pot of beer at the Red-lion, I believe we had one pot, I ſuppoſe we were there half an hour or three quarters, I cannot ſay exactly; when I ſat in the box, the man that was on the right hand ſide of me, that is the priſoner Crawford, cut my pocket and took my money out, I ſtopped him immediately, and had him ſearched, and it was found upon him, he wanted to go out, and I perceived his hand upon my thigh, and I ſtopped him and ſaid, you have robbed me, he ſaid, he had no money about him, and would ſtand ſearch, and the landlord ſearched him, and he had no money, and two beadles came in and made him ſtrip, and found it all upon him, they found three guineas in gold, and ſeven ſhillings and ſixpence in ſilver, and three halfpence farthing; I loſt three guineas and ſome ſilver.

Was there any other perſon near you beſides the priſoner?——Only this man in the box, while he was doing it I felt him; my pocket was cut out.

What did the priſoner ſay when the money was found upon him?——He ſaid at firſt he had no money, but when it was found upon him, he ſaid no more; they took him away to the watch-houſe; the money had no mark upon it.

*Mr. Matnally, priſoners counſel.* You have been frequently before at this houſe, the ſign of the Red-lion?——Yes.

How many glaſſes of gin had you the morning of the day you was robbed?——Not one.

Do not you recollect when you was at the Running-horſe, that you fell aſleep on the table?—I was not aſleep at all at the houſe.

Did not the landlady of the houſe raiſe you from ſleep, and tell you, that you would be robbed in that ſituation?—I was not aſleep.

How came theſe men to go with you, to ſee you home?——I do not know.

Did not the woman of the houſe ſay, that you was in ſuch a ſtate of drukeneſs that you were incapable of going home, and the ſervant ſhould ſee you home?——She did not.

Is not the priſoner ſervant to the woman of that houſe?—I do not know, I thought he had been the landlord.

Did not he go home for the purpoſe of protecting you, by the deſire of the landlady of the houſe, did not he aſſiſt to awake you?——The woman might ſay ſo, but I was not aſleep in the houſe at all.

When ſhe gave you this advice, if you ſleep here you certainly will be robbed; did not you anſwer, there is no danger of that, for I have been in company with two women of the town all the morning, and I am perfectly ſecure?——No, Sir.

Was not you in company with women of the town that day you was robbed?——As to women of the town, I do not know what they were.

But before you came to the Running-horſe, was not you in company with women of the town?——I might, but that is nothing, I was robbed in this houſe, I have nothing further to ſay at all.

But you ſhall anſwer; did not Mrs. Butler tell you if you ſlept there you would certainly be robbed?—She might ſay ſo.

Do you admit ſhe did ſay ſo or not?—Well, I believe ſhe did.

Did not you in anſwer to that, ſay to her I am not affraid of being robbed, for I have been in company with two women of the town, and I am perfectly ſecure?——No, I did not, I will take my oath of that I did not.

Did not you ſay, you had been in company with women of the town, and that they had got all the money you had about you?——No, I did not.

I aſk you on your oath, did not the priſoner Duncan go home with you, at the requeſt of his miſtreſs to ſee you ſafe?——Yes, and I thought it had been the landlord of the houſe.

Have you any charge againſt the priſoner Duncan reſpecting the robbing of you?—I have not.

Was Duncan ſearched?——Yes, there was only a knife found upon him; no money.

## PHILIP TOWNSEND *ſworn*.

I keep the Red-lion; I know the proſecutor; I remember his coming to my houſe with the priſoners.

In what condition was he?—He was not drunk, he was rather inclined to ſleeping after he ſat down; he came in very well and called for a pot of ale.

Did he appear to you to be drunk?——No, he did not; they ſat down, and in about half an hour he ſtood upright and ſaid, I am robbed of three guineas and ſome ſilver; I then went out of the bar and took the priſoner Crawford whom he charged with the robbery, and he ſaid, he had no money about him; I unbuttoned his breeches, and felt them; in the mean time the beadles came in, and I reſigned him up to the beadles, and they ſearched him, and after ſearching him ſometime they found the ſame property about him, that the proſecutor ſaid, he had loſt, that was three guineas and ſome ſilver; I did not ſtand to ſee him ſearched, I went into the bar again.

What did he ſay after this was found?—I cannot ſay.

## JOHN JONES *ſworn*.

I am beadle of St. James's; I was told the proſecutor was robbed of ſome money; I ſearched Crawford, and found three guineas and eight ſhillings in ſilver; I found this piece of pocket that was cut out, and a guinea by the ſide of it, on the ground; here is the pocket that matched the breeches; I found one guinea under his backſide, and he took the ſilver out of his breeches pocket, and held it in his hand, and the other money the lanthorn bearer found; we could not find *a mag* on the other, nothing but a common pen knife was found on Duncan; he wanted to go to the vault; there was no knife found on Crawford.

*(The piece of pocket and the breeches produced and ſhewn to the Jury, which matched exactly.*

*Court to Townſend.* Was there a knife in the box?——No; they ſearched under the box for a knife that cut the pocket, but could find no knife at all.

## PRISONER DUNCAN'S DEFENCE.

This man was at my miſtreſs's houſe, he had a parcel of women, he was very drunk; my miſtreſs came and ſaid, friend, if you have money you ſhall leave it; indeed, madam, ſays he, I have but very little money; for, ſays he, I loſt a couple of guineas *any how*; he ſaid he was not at home the night before; and ſhe ſent me home with him; I went along with him *all the way*; he knocked at the door, and the landlord would not let him in, then he wanted me to go along with him to have ſomething to drink; I had a pot or two of ale with him; ſays I, Mr. Reeves I wiſh you would hold up your head, ſo he ſtood up and ſaid he had loſt his money, and the conſtable came in and took me in cuſtody; before Jones came in I could have gone away long before; ſo they took me up and brought me down here.

## MARY BUTLER *ſworn.*

I keep the Running Horſe; I know the proſecutor, I recollect his coming into my houſe on the day of the robbery; he ſaid he was at Primroſe-hill, and he came in with two girls of the town, that I know to be infamous girls, and aſked for liquor; he ſeemed to be very much in liquor; he ſaid he was up along with the girls; he ſaid he was rolling with the girls all the morning; it was Thurſday, I aſked him where he lived, and he ſaid he kept the ſtraw-yard in the hay-market; ſays I, you look to be a country farmer, if you do not take care of theſe women they will rob you; they *diddle daddled* all day till night; he told me he went out of my houſe to go to ſleep with a woman, and the next morning he came to my houſe, ſays he, Mrs. Buttler I have been robbed, that d——nd b——h has robbed me of two guineas and ſome ſilver; then he called for two pints of porter, then he kept ſlumbering and ſleeping, and he went out and came in again, and he called for a pint of porter; and then for another, and he went to ſleep on the table; I raiſed him up and ſhook him by the ſhoulders, and ſaid, my friend you muſt not ſleep here; he ſaid he would, he ſaid he had nothing to be robbed of, he had only two or three ſhillings, and ſays he, *if* I ſhould be robbed of that, I ſhall not come to you for redreſs; I offered him a bed, he would not have one; I ſent my man Duncan home with him, and he had very bad company with him drinking, there were people that did not mind taking his hat or his coat off.

Did you obſerve whether the proſecutor's pockets were whole or not when he left you?——I did not, he gave me ſeven farthings out of his waiſtcoat pocket, the laſt he gave me.

*Mr. Mac Nally.* How long has Duncan lived with you?——Theſe four or five years; I have kept the running horſe two years; I have known him thirteen years, a worthy honeſt hard working man; he is a truſty man; I truſt him with my money equally as myſelf, he always gives me a very juſt account; I have tried him in ſeveral meaſures.

*The priſoner Duncan called one more witneſs, who gave him a good character.*

*Court to Reeves.* Was you ever in this Mrs. Butler's houſe at any time the day before?—Never before that I know of.

How long did you ſtay?—I might ſtay an hour or two.

You are ſure you was not there the day before?—Yes; I ſwear that poſitively.

**Prisoner Crawford's Defence.**

They took my own purſe from me; when I ſat down in this place, the man was aſleep; I believe I juſt tapped him twice on the thigh to get up, he got up, and the bottom of his pocket was looſe, and he threw it on the ground; I took out my ſilk purſe that is in cuſtody, and there is a cut in the bottom of the purſe, and the money dropped out of my purſe into my hand; ſays I, now this money will be taken from me, and I ſhall be robbed; I took up one guinea and the ſilver, and I whipped it into my pocket; the two guinea dropped, and my purſe dropped, and they took the purſe and the money; I ſaid I had another guinea and ſome half-pence about me; aſk the beadle whether I did not mention theſe words; accordingly he took it out of the lining of the coat immediately.

John Crawford, Guilty, Death.

*He was humbly recommended to mercy by the Jury.*

Martin Duncan, Not Guilty.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

*Court.* Let it be known to the Weſtminſter juſtices what a very bad houſe this woman keeps.

*Court to Mrs. Butler.* You appear in a very bad light here?—It is not the walls of a houſe that makes it bad, it had been a bad houſe before I took it.

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598. GEORGE WATSON, otherwiſe TOWNES, otherwiſe TOWNSEND, was indicted for feloniouſly ſtealing, on the 14th day of April laſt, one ſilver watch, value 3l. the property of Michael Taylor, in his dwelling houſe.

*(The witneſſes examined apart.)*

MICHAEL TAYLOR *ſworn.*

On Good Friday, the 14th of April, a little after eleven, the priſoner and another perſon came to my houſe to look at a lodging I had to let, a firſt floor; we went up ſtairs, and I ſhewed it them; we went into the front kitchen, they ſaw that, and approved of it; then the priſoner wiſhed to ſee a wine cellar, which I took them to, and they approved of that; afterwards he aſked me if there was a copper; I took him into a back kitchen, which he approved of, and he then ſaid, pray Sir, begging your pardon, I believe you come from Newcaſtle-upon-Tyne, I told him I did; he ſaid he come from Long-Benton; afterwards we went up ſtairs, and I took him into my ſtudy, and we all three ſat down, and had a little more converſation about the country, then he ſaid he wanted the lodging for a Mr. Ridley, a relation of Sir Matthew White Ridley, a gentleman who lives near Newcaſtle town; and, ſays he, he keeps a ſtock of good wine, he has wine twelve years old, and ſays he, you will often crack a bottle with him, he is a hearty generous fellow; and he ſaid he ſhould often come and viſit him, and he ſaid I ſhall bring him to-morrow about this time, when he ſaid that, I looked up to my watch, which was at the ſide of the chimneypiece, to ſee what o'clock it was, and it wanted a quarter to twelve; he ſaid Mr. Ridley will want the uſe of your front parlour an hour or two in the day, and he ſaid let you and me ſtep and look at it, and we went and looked at it, and left the other man in the room, we did not ſtay a minute, and as we were returning, his friend was coming out, and the priſoner ſaid to his friend, I think we ſhould go, and the other ſaid yes, we will go and call to-morrow, ſo we went to the ſtreet door, and he held out his hand to ſhake hands with me; I live No. 4, Bentick-ſtreet, Soho; I came in immediately, and went into my ſtudy, and ſat down, and juſt looking up to ſee what it was o'clock, there was no watch, the watch was gone, I was quite ſurpriſed, I felt in my pocket, and I immediately recollected "God that ſcoundrel has got my watch," then I put my hat on, and went into the ſtreet in ſearch of theſe fellows, but I could not find them; I never got my watch again; I immediately went down to Bow-ſtreet and gave information of the perſons, and advertiſed it with a guinea and a half reward; on Thurſday, July the 13th, I ſaw the priſoner, ; I am ſure it is the very ſame man; there was nothing found upon him of mine; on Thurſday afternoon about ſix o'clock I was going down to Great Ruſſel-ſtreet, I met the priſoner and another perſon near the Muſeum, I paſſed them, and juſt as I paſſed them, "Good God, ſays I, that is one of the villains that ſtole my watch," I followed them, and looked him full in the face, and I ſaid, How do you do Sir? he made no anſwer, but looked at me; Well, ſays I, you never called to ſee my lodgings again according to your promiſe; ſays he, your lodgings, your lodging! Sir; yes, Sir, ſays I, my lodging; pray Sir, ſays he, where do you live? ſays I in Bentick-ſtreet, Berwick-ſtreet, Soho; Bentick-ſtreet, Berwick-ſtreet, Soho! ſays he; and after a little while, ſays he, oh, now I recollect, now I recollect; ſays I, what was the reaſon you did not call? ſays he I acquainted my friend about it, and he did not think it would ſuit him, ſo I did not think it of any matter to call; ſays I, do you know that the perſon that was with you took my watch? your watch! your watch! Sir, ſays he, I will take my oath of it, where is he, oh, he knew very well, ſays he, I will tell you what, friend, if you will call upon me to-morrow morning, I will give you a direction where you may call; ſo he gave me a direction, I told him I inſiſted on having him before a magiſtrate immediately; ſays he, mind what you ſay, Sir, ſays he, I am a gentleman, and I am a houſe-keeper below the Muſeum; well, ſays I, I am going to Bloomſbury-ſquare, and will walk with you, and take your adreſs, I propoſed to go to a public houſe, he agreed to that, and we went into a houſe, and they went into a back room, and rung the bell, and called the landlord, he ordered three-pennyworth of crank, and ſmiled, and ſeemed quite good natured, thinking to come over me, but I inſiſted on having him before a magiſtrate; by and by he opened the door and went into the paſſage, I followed him, he turned to the window at the bar, that opens into the paſſage, and paid for his crank, he then turned and ſaw me, I followed him, and he went into the back parlour and felt for the lock, then he came up to me and ſaid, what do you mean by this you ſcoundrel, why do you follow me; I was in great danger, I called in the landlord, and deſired him to ſend for a conſtable; he refuſed, and he ſaid he knew the gentleman, he believed he lived ſomewhere near the Muſeum; I deſired he would ſend for a conſtable; by and by the priſoner opened the door and run out, and run away, I followed, and the friend that was with him caught hold of my arm, I gave myſelf a throw, and gave the other a blow on the breaſt, I ran after the priſoner, and called ſtop thief, and in St. Giles's ſomebody took him, at laſt I got him down to Bow-ſtreet with great difficulty.

*Priſoner.* The time that he ſays he loſt his watch, I was not in London that day.

*Proſecutor.* I am ſure it was Good Friday, and beſides, he acknowledged before the Juſtice, that he was at my houſe.

MARGARET HOLMES *ſworn.*

This is one of the men that I opened the door to, who came after the lodgings of Mr. Taylor; it was on a Good Friday; I told Mr. Taylor, he was below ſtairs, they came down ſtairs to ſee the places there; I am quite ſure this is one of the men.

*Priſoner.* This lady came into the office, and looked all round twice, and ſhe ſaid there was no perſon there that ſhe had any knowledge of, after ſhe came into the inner office, and I was called up, this gentleman ſaid, ſays he, you muſt ſwear to him, that is the man; Mr. Blacketer remembers that.

*Mrs. Holmes.* I went in, and I did not ſee him at firſt.

DAVID MUCE *ſworn.*

The proſecutor deſired me to lay hold of the priſoner, I took him to Litchfield-ſtreet.

PRISONER's DEFENCE.

At the time that he ſwore to what he has loſt, I was not then in London, that was the 19th of April, I think, he ſwore to his watch being loſt, I was at Hoxton; I work for a gentleman at Iſlington, I have witneſſes to prove that, I had my maſter here all this week, which is Mr. Johnſon a joiner at Iſlington, but every Tueſday and Saturday he is obliged to go to Windſor about a building.

*(The priſoner's witneſſes examined ſeparate.)*

JAMES HOWSON *ſworn.*

I live in Holliday-yard, Creed-lane, I am a labourer in the India warehouſes, I know nothing more of the priſoner than this laſt Good Friday being a holiday, I was going to Hoxton; I believe it was between nine and ten in the morning.

Do you mean Hodſdon in Herts?—No, Hoxton in Shoreditch, and I met with Mr. Watſon juſt by the turnpike, the London apprentice, I ſaid to him I am going down to Charles Farmer's, I believe you do not know him; ſays he, I will go with you, we went there, and there we ſtopped till nigh ſeven in the evening, before we parted, from that time we went to the Rum Puncheon in Hoxton town, the man's name is Farmer who keeps it, he is an acquaintance of mine, we ſtaid till near ſeven in the evening; I have been acquainted with the priſoner pretty nigh a twelvemonth; I met with him with ſome cabinet-makers the firſt that ever I knew of him.

Have you been well acquainted with him?——No, my lord, not particularly.

Do you know what he is?——He is a cabinet-maker I believe, for he uſed to be always among the cabinet-makers.

Have you been well acquainted with his hiſtory?——No, my Lord, I have known him about a twelve-month.

Who was in company with you all this day at the Rum Puncheon?—There were ſeveral gardeners, but I do not recollect their names; the landlord I believe was not at home; I do not recollect any body that was in company, we drank together, and we ſtaid together, and ſmoked our pipes in the afternoon, and we came away together, we came as far as Goſwel-ſtreet I believe before we parted; there were ſeveral people in and out; there were only he and I in company there together.

NATHANIEL TIBBS *ſworn.*

Do you know any thing about the priſoner laſt Good Friday?—-No, my Lord, I only know him by working with him for the ſame maſter; I think I have worked with him ſince the 1ſt of February; I never knew any thing but an honeſt and a ſober man as far as I knew.

You do not know where he was before that time?——No, I did not know him before; Good Friday is a holiday, and we did not work.

*Court to Proſecutor.* What is the value of your watch?——Three pounds at a low valuation.

GUILTY,

*Of ſtealing to the value of 39s.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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599. The ſaid priſoner, by the name of GEORGE TOWNSEND was again indicted for returning from tranſportation and being found at large on the 19th day of July, without lawful cauſe.

*(The record of his conviction read.)*

WILLIAM BLACKETER *ſworn.*

I found the priſoner at large.

JOHN OWEN *ſworn.*

In December ſeſſion, 1781, the priſoner was convicted here of ſtealing a mare; in the September following, he received his Majeſty's mercy, on condition of being tranſported for ſeven years.

## PRISONER's DEFENCE.

I ſailed from the river Thames; the ſhip was taken away by the priſoners, and run into Dungeneſs; we were all ordered to go on ſhore, me and four or five more remained in the hold; I went over with the ſhip; ſhe had a very bad paſſage; we were taken into a port in Maryland; the evening after we came in we were *froze*; the captain aſked me, if I wiſhed to be an indented ſervant, he ſaid, he would write out our indentures, and the people would come on board and purchaſe us; he begged us to tell nobody, as there *were* about forty that were diſpoſed of to the town of Baltimore; and ſome of them made a noiſe, calling them thieves; the inhabitants then began to find it out that they were convicts, they would not admit any to come on ſhore, nor go to purchaſe them; the inhabitants then diſcharged thoſe that they had, and ſent them into the woods; I was five weeks on board myſelf, when they found the veſſel was obliged to go to another place, a merchant came on board, and took me to his own houſe; he aſked ninety guineas for me, for three years, and the people thought it was too much; I was a fortnight at his own houſe, he got me a maſter who was a quaker, five miles from thence; after he found I was a convict he would not let me ſtay, he took me down to the place called the Notletts, and put me on board a ſhip, and he gave twelve dollars for my paſſage home; I told the captain I ſhould be very happy to ſtay, he gave me leave to quit the ſhip, ſays he, do not let me ſee you leave it; I travelled night and day for three days, for fear I ſhould meet with ſomebody to interrupt me and take me, I went to Peterſburgh in Virginia, I got work there, this gentleman who purchaſed me, he was acquainted with this perſon that I worked for, whoſe name is Taylor; they happened to be coming through the country, they called there and ſaw me; the moment he had done ſo, he inſiſted on my going with *him*, that I was his ſervant; he ſaid, he would ſend me home; he took me from Peterſburgh, and put me on board a collier, and ſent me home; I was obliged to come home; I brought ſome letters for a merchant.

*Court.* They did not force you on board?——He ſaid, I was his ſervant, as he had indented me for ſixty guineas; my maſter put me on board the veſſel firſt, but the captain gave me liberty to leave it; I was exceedingly well ſatisfied; my maſter when he called at Peterſburgh he brought me and put me on board a veſſel, a collier which came from Leeds, at leaſt ſhe went from there to Leeds, and he agreed with the captain to bring me over, the captain of the ſhip brought me over, when he found I was a convict, he would not let me be about his houſe.

Have you any body to prove the truth of all this?——No, my Lord.

GUILTY, Death.

*Court to Priſoner.* Priſoner, having once received his Majeſty's mercy, and having not only abuſed it by breaking the condition of that pardon and returning, but alſo having committed another felony ſince your pardon, I think it right to tell you, that under theſe circumſtances you will do well to entertain but very little hopes of having the King's mercy a ſecond time.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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600. HUGH GAHAGAN was indicted for feloniouſly ſtealing, on the 12th day of June laſt, one gold breaſt pin, value 20s. the property of John Malone.

JOHN MALONE *ſworn.*

I am a taylor; I live in Great Bell-alley, Coleman-ſtreet; the priſoner took from me a gold breaſt buckle, called a pin; on the 12th of June, I called on a father-in-law of mine, in Little Suffolk-ſtreet in the Hay-market, and when I had done my buſineſs there, I called at a public houſe adjoining to this houſe, and this buckle I had in my ſhirt; and between my father-in-law and me ſome aggravation took place, and the tongue of the buckle broke, and it dropped on the floor in my father-in-law's houſe; his name is *Parker John*; a gentleman who is an intimate of his in the bottom part of his houſe picked up the pin and returned it to me, and for ſo doing I invited the ſame gentleman to go into the next door to the public houſe, and I *ſhould* treat him with part of a pot of beer which he did, we went to the public houſe, and we talked concerning the falling out between my father-in-law and me; and the priſoner was ſitting in the box where we were; I never ſaw the priſoner before to my knowledge; the priſoner heard me relate the cauſe of our falling out, and ſeeing the buckle in my hand with the tongue of it broken out, and by the converſation that paſſed between the other man and me, he underſtood that I came from ſome part of Ireland, and he aſked me what part, I told him; then he aſked me if I knew any body there, I ſaid, yes; and he told me he came from that ſame part of the country, then we joined converſation, and I aſked him to drink with me, being a countryman; we had two pots of beer and I paid for them, and the gentleman who returned me the pin, and an acquaintance of his we walked together through Great Suffolk-ſtreet, and the priſoner and two others followed us; then the priſoner ſaid, one of the two men wanted to pick my pocket, and he ſtooped down and picked up a bit of paper which he preſented to me.

Was you drunk or ſober?—Not at all drunk; I anſwered the priſoner, I had no papers of conſequence in my pocket, only ſuch as *the world may ſay, might ſee were kept for neceſſary uſes*, and I thought it was impoſſible to pick my pocket to rob me becauſe my pockets were inſide; I did not know but the priſoner's intentions were well towards me, and I thought the other men being ſtrangers might want to pick my pocket; the priſoner and me went on, he aſked me where I was going, I ſaid, to the city, he ſaid, he was going to Whitecroſs-ſtreet, ſays I, let us go to the Coach and Horſes which is a genteel houſe, and I will treat you with part of a pot of beer, and we ſhall be company for one another; we accordingly went there, and called for a pot of beer, the waiter brought it, I drank to him, and likewiſe he drank to me, and the priſoner ſays, upon my word, Sir, it is a pity that buckle of yours ſhould be loſt, it is very pretty, let me look at it; ſo to ſatisfy his curioſity I gave it into his hand to look at, and he put it into his pocket; Sir, ſays I, I ſhall be obliged to you for the buckle again; the anſwer he made me was, you d——nd raſcal, you gave me no buckle; why, ſays I, my friend you are a ſtranger to me.

Was not you the worſe for liquor?——I did drink, but I was not drunk.

But you was ſomewhat affected with drinking?——I cannot ſay, but a man that does drink may be a little affected with drinking; I cannot ſay that I was drunk, I was ſenſible of what I was about; the priſoner took an opportunity of concealing it while I had the pot in my hand, I told the priſoner not to make a noiſe in the houſe, and to return it again without any more to do; then he ſays to me, *the devil's ſure to you*, why did you give it me? that was his *repetition*; when I found the priſoner's intention I called the waiter, and deſired him to call a watchman, for the priſoner wanted either to rob or ſwindle me out of a gold breaſt buckle; the waiter called the watchman, and we took the priſoner as far as St. Martin's watch-houſe; when he was brought there, he entirely denied having it, the conſtable of the night ſtopped him, he could not find it on him; my being in the tayloring line, I ſays to the conſtable if there is a private place in any of his garments, I think I can find it, for I think it is impoſſible for him to convey it away; his coat lay on the form, and I aſked the conſtable of the night's permiſſion if I might take the liberty of ſearching, the conſtable he gave me leave ſo to do, I took it and felt his coat, and it was a faced coat, and in his breaſt there was a bit of a private pocket, and I may ſay, I juſt put two or three of my fingers in, and there lay the breaſt buckle; I ſays to the conſtable, if you will but take this out, I fancy it muſt be it; the conſtable of the night took it out, and he has it to produce.

**THOMAS NICHOLLS** *ſworn.*

I was conſtable of the night; I took charge of the priſoner, he was very unruly coming along, he curſed and ſwore very hard; I thought he would have ſtruck me; the proſecutor charged him with robbing him of a breaſt pin; I ſearched him and found this pin in a private pocket.

*(The pin depoſed to by the proſecutor.)*

It was done for a deceaſed wife of mine.

*Priſoner.* I ſuppoſe Malone put it into my private pocket.

*Jury to conſtable.* Was it a private pocket, or a rent in the coat?—It was a private pocket.

GUILTY, 10d.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

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601. **WILLIAM MATHEWS** was indicted for feloniouſly ſtealing, on the 3d day of June laſt, one hundred and eighty copper halfpence, value 7s. 6d. the property of Anthony Wyatt.

**ANTHONY WYATT** *ſworn.*

On the 3d day of June I ſent Edward King out with a baſket of candles, and on theſe candles and the baſket, I put fifteen ſhillings worth of halfpence; part of the package is in the handkerchief now.

**EDWARD KING** *ſworn.*

How old are you?——Going on fourteen.

Do you know the nature of an oath?—Yes, Sir.

What will be the conſequence if you ſwear falſly?—I ſhall go to hell.

Do you know you ſhall be puniſhed too for perjury by the law?——Yes. My maſter ſent me out about five in the afternoon, and I ſaw the halfpence put in the baſket, I was to carry them to Wild-ſtreet, Lincoln-inn-fields; I was going along, and I got into Broker's-row, and the priſoner and another man were ſitting in two chairs; I was tired, and I aſked the priſoner and the other man to help me down with the baſket which they did, and they were ſaying, what a heavy load it was for me, that my maſter ought to be aſhamed, there was above an hundred weight; and they aſked Mr. Child to feel if it was not very heavy, and he ſaid, it was not above two quarters, it was not too much for me; ſays one of the men, where do you live? I ſaid, juſt by Tottenham-court-road, and the priſoner ſaid, he lived next door to my maſter, and it was a very great load, and they came down behind me and before, and they followed me down ſome ſtreet, and they wanted me to go to ſome court and pitch my baſket, I ſaid, no, I am almoſt at the place; then ſomebody called after me ſtop, I put down my baſket, and I found ſeven ſhillings and ſixpence in halfpence were gone, and the man that run away he chucked down one of the bundles of halfpence at me; that was in Wild-ſtreet I heard the cry of ſtop thief; the other man had got the halfpence.

*Mr. Knowlys, priſoner's counſel.* What was the reaſon that the priſoner did not run away?——He walked ſtraight along.

Did not he reel?—No, I did not ſee him in liquor; I went before the magiſtrate, and a watch was found upon him.

**GEORGE CHILD** *ſworn.*

The priſoner and another man which he was in company with ſat at my door, the boy came paſt, and they both attempted to take ſome halfpence out of his baſket, but I did not ſee them take any.

How did they attempt?——By reaching over his head; I did not ſee the priſoner take any at all; I ſaw him reach over the baſket ſeveral times; when the other man flung down the halfpence, I ſecured the priſoner; the other man had all the halfpence that were in the baſket.

Did you attend before the magiſtrate?—Yes.

This man was rather abuſive to you?—Yes, I had deſired him to go about his buſineſs.

Was this man terrible drunk at the time?——He might be a little in liquor, but I could not perceive much of it; he did not make any motion to run away.

Have not you at any time ſaid this, that if the man had not been extremely abuſive to you, you would never have thought of carrying him before a magiſtrate?—I have not; I ſaid before the magiſtrate, that both the men attempted the baſket.

Was not the priſoner bailed?——Yes, at the ſecond examination, by conſent of Mr. Wyatt.

### PRISONER's DEFENCE.

I have nothing more to ſay, than that I was coming down Caſtle-ſtreet, and ſat down at a public houſe door, as I thought it was, who I had with me I do not know, nor who talked with me; and after I had walked ſome way, they halloed out ſtop him; I will not ſay that I did not give him abuſive language; I was carried before a magiſtrate.

### JAMES HULL *ſworn.*

I am a ſawyer; I live at No. 12, Peter-ſtreet; I was in company with the priſoner in Bridewell-lane, at one Mr. Smith's, he keeps a public houſe; there I continued with him from about a quarter after one, till pretty near half paſt three; he was in liquor when he came, and more ſo when he parted, becauſe we had eight or nine pots together; it is a rule when for us to drink when we meet, he was drunk, and when I left him, I took him to another houſe, and gave him part of a quartern of gin, there he was leaning over a poſt, I really thought he would not be able to get home, had not it been Saturday, I would have thought it my duty as a friend to ſee him ſafe home; I have worked with him two years for the ſame maſter; I have known him ten years, I never knew any other character of him than a hard working honeſt man, and in our trade as ſober a man as any in the trade; he has never been an idle man.

On a holiday he happened to get tipſy?——Certainly Sir, it is a rule with us to treat one another.

### FRANCIS UMPAGE *ſworn.*

Mr. Child brought the priſoner to Bow-ſtreet; I took him in cuſtody; he was ſo much in liquor that I perſuaded him to drink no more; I ſearched him and found nothing about him but a watch without a caſe, and a duplicate for half a crown on the caſe; I was not preſent when he was taken: he was admitted to bail at Bow-ſtreet.

### THOMAS OLDFIELD *ſworn.*

How long have you known the young man at the bar?—He has worked for me four years.

What is his character?——He always appeared to us a very honeſt man.

Has he been an induſtrious man?——As much as the general run of the ſawyers are.

As much as his companions are?——Full as much, the buſineſs of a ſawyer is very laborious; they moſt of them drink a great deal, they cannot ſupport themſelves rightly without it, I believe they make a practice of getting drunk.

If he were acquitted on this charge have you ſuch an opinion of him as to take him again?—I have kept him all along, and ſhall do ſo if he is acquitted.

### —— PARKER *ſworn.*

He worked with me and my partner, he is an honeſt induſtrious man, as moſt of the ſawyers are, I believe him to be an honeſt man, I have proved him as ſuch ſeveral times, I have taken an account of his work, and in ſumming up the work we make uſe of a many figures; I found him a very honeſt man, I would ſooner employ him than any man in the trade.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

602. SARAH ALLEN was indicted for feloniouſly ſtealing, on the 19th day of June laſt, a cloth great coat, value 6s. a velveret waiſtcoat, value 12d. a dimity ditto, value 12d. a pair of velveret breeches, value 5s. and a cloth cloak, value 5s. the property of Joſeph Vallance.

*(The witneſſes examined ſeparate.)*

JOSEPH VALLANCE *ſworn.*

I loſt the things mentioned in the indictment the 19th of June; a little after ſix, and I met my woman; we both went home together, and the firſt thing we ſaw on our return was the priſoner coming out of the door of our houſe; ſhe lodged in the ſame houſe; the moment ſhe ſaw us ſhe turned in her head; I ran and unlocked the door, and I miſſed one coat, two waiſtcoats, one pair of breeches, one cloak, one handkerchief and one pair of ſtone knee-buckles ſet in ſilver, they may be worth four or five ſhillings; I aſked my woman what became of the things.

What your wife?—Yes, my lord, and I was going up ſtairs, and I ſaw the priſoner ſitting on the ſtairs with ſomething in her lap; I aſked her what it was, ſhe ſaid, they are your things; I ſaid, ſo I ſuſpected; ſhe ſaid, it is ſo, and what of that; I took the things out of her lap down ſtairs, and put them in the room again; I made her go up ſtairs till I ſearched the things, then I miſſed the pair of buckles, and the handkerchief; ſhe would not acknowledge the things, ſo I went for an officer, and kept her in cuſtody; and I went to her to Newgate on Monday evening, and ſhe told me ſhe hove the buckles into a horſe pond where the horſes drink; I went there and ſearched and found one of the buckles on Tueſday evening; I never found the handkerchief, ſhe gave me no account of that; all the reſt of my things I have got; they are here. *(Depoſed to.)*

*Priſoner.* When he came to me at Newgate, he ſaid, if I would not confeſs he would hang me.

*Proſecutor.* My Lord, if ever ſuch a word came out of my mouth, I wiſh to be made a public example of; I would not covet to hang a dog, let alone a Chriſtian.

*Margaret Hogan called.*

*Proſecutor.* She is my woman.

*Court.* Why you called her your wife juſt now?——My Lord, ſhe is not married to me, but we live together as man and wife, and have done for many years.

PRISONER's DEFENCE.

I lodged in this houſe; the door was open of the proſecutors, and the drawers; and I took the things up for ſafety; I ſaw the landlord coming home, and I put the things in my lap, and delivered them to him, and he ſaid, if I would not confeſs he would hang me, and if I would but confeſs, he would make a flaw in the indictment; and I hope, gentleman, as I have nobody but God and myſelf, that you will have mercy upon me.

GUILTY,

*To be privately whipped, and impriſoned for months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURST.

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603. LUCY BRAND, otherwiſe WOOD, was indicted for feloniouſly ſtealing, on the 7th day of June, one gold ring, value 5s. three guineas, value 3l. 3s. two pieces of baſe metal, value 2d. the property of Francis Stearnes.

FRANCIS STEARNES *ſworn.*

*I cannot ſpeak to the priſoner, one perſon may be very much like another*; I was robbed of one guinea in gold which I thought was weight, and two light guineas, and one gold ring, and two baſe metal ſhillings; I am very clear the priſoner took it out of my pocket.

Is that the woman that robbed you of your property?——Yes, it is, I know her now I come to look at her again.

Then you do ſwear to her?—Yes; it was down in Mill yard, Roſemary-lane; I had been at a ſociety to the Seven Stars in Whitechapel, which I belong to, and was coming away about twelve, and in about twenty yards of the houſe I came from I happened to ſee the priſoner, and ſhe appeared to be very much *intoſticated* in liquor; I ſaid I ſuppoſe you have been holiday making, ſhe ſaid yes, ſhe ſaid ſhe lived in Roſemary-lane; I ſaid I will go along with you; ſhe took hold of my arm; we went down into Roſemary-lane; ſhe aſked a watchman for Mill-yard, and offered him twopence to ſhew her home; he went with her; I wanted to depart, ſhe ſaid, no, go and ſee me home; ſhe gave the watchman three halfpence, and he went away; I wanted to come away then, but ſhe ſaid no, come in for a minute, ſo I went into the paſſage, and as ſoon as I got into the paſſage ſhe took and flounced the door, but whether it locked or not I cannot ſay, ſhe inſtantly caught me round the waiſt with one hand, and put the other hand into my pocket, I caught hold of her hand, and ſaid I would not be robbed, the watchman hearing me ſay ſo, came in and aſked me what that woman had robbed me of, I told him of one guinea which I thought was weight, and two light guineas, and two baſe metal ſhillings, and a gold ring, that was what ſhe took from me.

Did the watchman find them upon he? —He did.

### *The* WATCHMAN *ſworn.*

I went to the door of this woman's houſe, I heard a noiſe, I will call the watch, I went up and ſtood right oppoſite the door, which was wide open, I heard the proſecutor ſay, he would not be robbed, I went in, he told me he had hold of the priſoner's hand, with that I ſays to her, Madam if you pleaſe to let me ſee what you have got there? ſays ſhe, I will not; ſays I, I inſiſt upon it; I laid hold of her hand; when ſhe found I was reſolute, ſhe ſaid hold your hand, ſhe threw the money into my right hand, it fell down, I immediately ſearched for it, and picked up three guineas, *one guinea was George the Third, which ſeemed to be very good, two of them were George the Second, which looked very dull,* there were two braſs ſhillings, and a gold ring; another watchman came to my aſſiſtance, there was another party along with her.

### PRISONER's DEFENCE.

As I was going down Red-Lion-ſtreet, the proſecutor followed me, he was very much in liquor, I had been drinking myſelf; I told him where I lived, and aſked him to go and ſee me home; he wanted to lay me down in the paſſage, and I would not, I ſaid to him, if you will go up ſtairs with me I will do *any thing that decency will allow of*; and in pulling me about the money fell out of his pocket.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURST.

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604. ALEXANDER BELL and JOHN STRONG were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Harriſon, about the hour of two in the night, on the 15th of July, and burglariouſly ſtealing therein two ſilver tankards, value 10l. a ſilver pint mug, value 3l. two ſilver ſalt-cellars, value 1l. 1s. two ſilver table ſpoons, value 20s. a milk pot, value 10s. four ſilver tea ſpoons, value 4s. a ſilver watch, value 30s. a foreign piece of coin, called a rix dollar, value 4s. 6d. one crown piece, value 5s. two half crown pieces, value 5s. one piece of foreign ſilver coin, called a half dollar, value 2s. 3d. a linen napkin, value 1s. a cotton work bag, value 2d. two cotton handkerchiefs, value 5s. the property of the ſaid John Harriſon.

*(The caſe opened by Mr. Garrow.)*

*(The witneſſes examined apart at the deſire of the priſoners.*

### JOHN HARRISON *ſworn.*

I keep the Kings and Keys, in Fleet-ſtreet; I know the priſoners, they came to my houſe about four o'clock in the afternoon of laſt Saturday, and had ſix or ſeven pints of ale; my dog was taken very ill between eleven and twelve in the evening of that day; I cut off part of his tail, he was a black and white ſpaniel, he had been in the houſe above ſeven years, he was very well when theſe two men came in, the priſoners were there at that time, they had continued ther from four o'clock, I took the dog to a back parlour, and the company and Strong followed me, ſays Strong it is of no uſe to cut his ears off, which ſome of the company adviſed me to do, for he was dying; I went to bed about one in the morning, and left the priſoners there when I went to bed.

*Priſoner Bell.* Do not you recollect ſitting in the bar, and my wiſhing you a very good night when I went out?——I believe he was not gone, to the beſt of my knowledge, I was ſober.

*Priſoner Strong.* Do not you remember my wiſhing you a good night at one, while you was lolling your head on the bar?—No; I have often ſeen the priſoners both in the week before the robbery, and ſeveral times before for two or three months.

Mrs. HARRISON *ſworn.*

I am wife of Mr. Harriſon, I ſaw the two priſoners in the evening of laſt Saturday, they came to our houſe about ſix in the evening, to the beſt of my remembrance, I cannot be quite ſure, I went to bed between twelve and one.

Did they continue there till Mr. Harriſon went to bed?——I do not rightly remember whether they did or not, I remember letting Bell out before Mr. Harriſon went to bed; I do not recollect either letting Strong out or ſeeing him go out; I ſaw Strong laſt in the houſe, between ten and eleven, that was about the time that the dog was dying, I did not much mind about the dog, I am quite ſure to the faſtening the bar.

Is that petitioned off from the tap room?—As it opens into the tap room, there is open work, that goes down of a night; I locked the door of the bar, and all the doors in it; my brother was the laſt up.

Was there any thing not in the bar when you went to bed, that was there in the morning?——In the morning I found in the bar a red garter that had not been there the night before; I miſſed two quart ſilver tankards, and one ſilver pint, two ſilver ſalts, two ſilver table ſpoons, four ſilver tea ſpoons, one ſilver watch; it was in the drawer locked up, where the ſalts and table ſpoons were, there was ſome ſilver coin of King William and Queen Mary; I do not know what it was; there was a guinea of King William and Queen Mary.

What time did you go into the tap-room in the morning?——I got up about about half after ſeven; I loſt a work-bag, containing a new ſhirt, almoſt finiſhed, and two pocket handkerchiefs that have ſince been found, there were ſeveral pieces of cotton; I have the garter, and have had it ever ſince; I have ſeen the priſoners ſeveral times at my houſe, nobody has any acceſs to the bar except people belonging to the houſe; they were all in the bar, I ſaw them. I obſerved this man at my houſe that night; I have ſeen the priſoners ſeveral times at my houſe before, but never ſaw them in the bar.

SAMUEL HARRISON *ſworn.*

I am the proſecutor's ſervant, I came home about half after nine o'clock; I ſaw the priſoners between nine and ten, juſt after I came home, I remember the dog being ill, I ſaw the priſoners at that time about; the dog was very well when I went out in the morning, and I wiſhed the proſecutor to try a remedy for the dog, the priſoner laughed and ſaid there was no occaſion to take it, for the dog was dying; I took care to faſten the ſtreet door with a bar that goes acroſs, it was perfectly ſafe to my knowledge, I went to bed about half after twelve; I do not know when they went away, I was not the laſt up; when I got up I found the parlour door open, the boy called me immediately, and I found the bar door open; there were no marks upon it, all the ſmall drawers which are in the bar were open.

Do you know any thing more of your own knowledge?——No.

*Mr. Mac Nally.* Are there not ſeveral

ſamilies in the houſe that have acceſs to the bar ?——I did not ſee any body when I was there.

You cannot ſay that that garter was not dropped by any body elſe ?——No.

*Mr. Garrow.* Why he does not examine the women's garters.

*Mr. Mac Nally.* Had you any ſuſpicion of the priſoners when they laughed ?——No.

Did no other perſon in the room laugh at that time ?——Not that I obſerved ; in the morning I obſerved a ſmall piece of a thick candle, which I take upon me to ſay, my brother never burned ſuch in that houſe ; it was found under the bench, where the priſoners ſat.

*Mr. Garrow.* Now whether this is Molly's garter or not, Mrs. Harriſon has told you it was not in the bar when ſhe went to bed.

JOHN GIBBS *ſworn.*

I am a pot boy, I remember the Saturday night that the dog was killed, I remember ſeeing the priſoners there, I ſaw them there at ſix o'clock, the lateſt I ſaw them was at half after eleven, I did not ſee them them go, I got up firſt in the morning, about half paſt ſeven, I went to bed after my miſtreſs, and before Mr. Samuel. I found the bar down when I went to open it ; it was taken off from the place where it ſhould be, I went to the door, and there I ſaw a bottle, and a glaſs ſtand in the paſſage, juſt by the door, I went to take that up, and I ſaw the bar door open, and the drawers open ; I went and told my maſter, I never touched a thing, I called to my maſter's brother, Samuel Harriſon ; the ſtreet door was upon the ſingle lock, the bar that faſtens it was down, ſo that any body could go out ; I ſaw the garter found.

Is this one of your garters ?——No, Sir.

CHARLES JEALOUS *ſworn.*

On Sunday morning Mr. Harriſon called upon me, and told me his houſe was broke open ; he ſaid he had a card in his pocket, that Strong lived at No. 5, Grub-ſtreet, we went there, but he had moved his lodging, we went back, and went into Old-ſtreet ; I went into a houſe in Old-ſtreet, and I found Strong in the back room where Eaſt was, and another perſon cloſe by the bed ſide ; I believe it was between nine and ten on the Sunday morning, the morning of the robbery ; I ſays to him your name is Strong, he ſaid no it is not, I repeated it is Strong ; Eaſt ſays to me *you are all right, it is all ſafe* ; this was by way of hint ; I knew what he meant by that immediately, I immediately ſent for ſome of our people, as ſoon as they came I found Eaſt up ſtairs, Eaſt gave me this money out of his pocket, in the houſe where Strong was.

*Court.* That is no evidence againſt Strong.

*Jealous.* I told Eaſt I ſhould ſend him to New Priſon ; Bell was not there, Macmanus found him ; Eaſt immediately ſaid when he was taken up to Bow-ſtreet, if he could be admitted an evidence, he would take care the plate ſhould be all forth coming ; I then took Strong up to Covent-Garden watch-houſe ; I had heard from the proſecutor there was a garter left in the houſe, I deſired Strong to unbutton his breeches, which he did, and I immediately took this garter from one leg, and this ſtring from the other ; I made enquiry where Strong might be ſuppoſed to live, I was told at Blue Court, Saffron-Hill, No. 10 ; I went there and found theſe things, and two picklock keys, ſtreet door keys, and a common file, he had this apron before him at the time he was taken on the Sunday morning ; I know nothing elſe that is material.

Who were with you ?——Macmanus, Townſend, Shallard, and Carpmeal.

*(He produces the plate.)*

*Mr. Mac Nally.* You have known Eaſt a long time ?——No, I have not.

Did you ever know that he went by the name of Berkley ?——I do not.

*Mr. Garrow.* I object to that, he is aſking this witneſs ſomething reſpecting ſomebody elſe, who is not now a witneſs, and who for any thing elſe never may.

*Mr. Mac Nally.* The witneſs ſtates that when he came into the houſe he found Strong and Eaſt.

*Jealous.* I look upon it that the man never was tried in this Court, it is an unfortunate brother of his that was tried.

*Priſoner Strong.* Was not that brother in the room?——No; Bob Pearſon was in the room.

## PATRICK MACMANUS *ſworn.*

I aſſiſted in the apprehenſion of both theſe priſoners; it was laſt Sunday morning; I took Strong at a houſe in Old-ſtreet road, I was with Jealous; we had been in Grub-ſtreet, and had information that he lived about Saffron-hill quaater, but we thought to call at this houſe in our road, and Jealous got out of the coach, and left us three in, preſently a boy came and beckoned us, and there we found the priſoner Strong, Eaſt was there, and ſome other perſons, ſome boys that I did not take much notice of, that I ſuppoſe are always there, and there were ſome things found by ſome of the other people, not by me, and we ſent Eaſt to New-Priſon, and Strong was carried to Covent-Garden round-houſe, I did not ſee the garter found; I was told that I ſhould ſee Eaſt at the Adam and Eve in the afternoon, there I found Bell, and took him into cuſtody, and he was very troubleſome, he ſaid he would be d——nd if he would be tied or taken, or any thing of the ſort; I told him it was for breaking into a houſe in Fleet-ſtreet that you are wanted for.

What did he ſay to that?——He did not like it, he ſaid ſomething of living in Fleet-ſtreet, or working there; I found a little ſmall gimblet about him, nothing like a houſebreaker's tool; Shallard and Townſend were with us.

## JOHN TOWNSEND *ſworn.*

I aſſiſted in apprehending theſe people; on Sunday morning laſt, I, in company with Mr. Jealous, and ſeveral others of the officers of Bow-ſtreet; we ſuſpected Strong, and went out to look after him, and we very luckily met with him at Eaſt's houſe, in Old-ſtreet; I went in and ſaw Jealous there, and Shallard was ſearching him; I went up to him, and put my hand in his left hand coat pocket, and I pulled out this piece of handkerchiefs; when I was taking them out, ſays I, where did you get them, oh, ſays he, you need not mind theſe, theſe are good for nothing; I ſhewed them to the proſecutor, and he ſaid theſe are them, they are not made yet; they have never been out of this pocket ſince; I know nothing of apprehending Bell.

## THOMAS CARPMEAL *ſworn.*

Here is the plate I had from Eaſt laſt Monday about two o'clock; they have been in my poſſeſſion ever ſince; I know nothing of the apprehenſion of theſe men.

*(The plate depoſed to by Mrs. Harriſon)*

This work bag, I am poſitive, is mine; I have a piece of a gown out of which I made the work bag; this great ſilver tankard has John Harriſon on it, Three Kings and Key, Fleet-ſtreet; this only has I. M. H. I am ſure this is my property that was loſt; alſo this pint mug is mine, it is marked; theſe ſilver ſalts are mine; they have no marks upon them; here are four ſilver tea ſpoons, there are two of them that I can poſitively ſwear to, one is marked S. H. and the other is marked M. H. the other two I do not know ſo well; now this ſilver milkpot I am ſure is my property, I never could make out the mark, and I cannot tell it now; theſe two table ſpoons I believe to be ours, one is marked I. H. D. and the other is marked L. we loſt two ſuch; here is a napkin, we loſt two ſuch as that, there is a mark upon it, L. T. No. 3. we loſt ſuch a one.

Look at theſe handkerchiefs?——Theſe were in the work bag, they are not cut from each other, here is one which I have brought, I have hemmed, and cut it from theſe two; the ſhirt is not found.

Look at theſe coins, and tell me whether you loſt coins of that ſort?——This one I believe to be our property, we loſt one of this ſort out of our bar, I have ſeen the other before in our bar, but I cannot ſo poſitively ſwear to them.

*Harriſon.* The things are all mine; I loſt ſuch coins as theſe, and there was a King William and Queen Mary's guinea which the pawnbroker has.

*Samuel Harriſon.* Theſe are my handkerchiefs, I ſaw them in the work bag at ten o'clock on Saturday night; I believe the plate to be my brother's.

*Carpmeal.* Here is a watch.

*Harriſon.* I believe it to be mine; there is a cypher of two Ws upon it; I bought it ſecond hand; it was in the drawer in the bar.

## THOMAS EAST *ſworn.*

I live in Old-ſtreet; I know both the priſoners at the bar by ſight; I remember the day that Jealous and the other officer came to my houſe, it was laſt Sunday; Strong was there, he came to know whether every thing was ſafe that I had of him; I had two tankards, a pair of ſalts, one milk pot, ſome ſilver coin, a watch, and a napkin, marked L. T; I had them of him between ſeven and eight in the morning; I went and fetched them from Bell's room.

Where was that room?——In Alderſgate-ſtreet; they fetched me at half paſt ſix to go to Bell's; I aſked them what they wanted, and they both told me they had ſome plate; they both ſpoke; I went ſoon afterwards to the houſe of Bell, in Alderſgate-ſtreet, facing Weſtmorland-buildings; nothing paſſed in the room till the plate was weighed; Bell took the plate out of a ſmall hand baſket, and weighed it; I carried the ſcales with me, it weighed ſeventy-five ounces; he took them out by pieces; Strong was preſent; when I had weighed it, I tied it up in the napkin, and I put it on the bed while I paid them the money; I put the money on the table; they did not ſhare it while I ſtaid; I was to have the plate, and watch, and five pieces of ſilver coin, and a guinea with a King William and Queen Mary's head on it; I had it from Strong firſt, and I returned it to Strong and he gave it to Bell, in the room that Bell calls his room; I had never been at that room before; I was to give them twenty pounds for the whole; I gave them nineteen guineas and a ſhilling, that makes twenty pounds; I carried the plate away with me; nobody went with me; I went to my own houſe; I ſaw Strong, he came about half paſt nine to know whether every thing was ſafe.

What to know whether it was all put into the crucible?——I ſuppoſe ſo; while he was talking about that, in came Mr. Jealous and aſked Alexander where it come from, and he ſaid, from Fleet-ſtreet; in the room where I weighed it, I aſked him does it come far or near, and he ſaid, it does not come far, it comes from Fleet-ſtreet.

It then became neceſſary to put it in the melting pot ſooner?—Yes, a great deal the ſooner.

You was taken into cuſtody?—Yes, and ſent to New-priſon.

How long was it before any body came to you?——Bell came to me in the afternoon of the Sunday; he came to ſee me, and told me, if I held my tongue nothing could hurt; Bell was taken that night; that work bag was wrapped in the baſket, to keep the plate from gingling; it was put in by Bell and Strong; I delivered it to Mr. Carpmeal, they were the ſame I bought of the priſoner; I gave twenty pounds for it.

*Priſoner Bell.* I leave it to my counſel.

*Priſoner Strong.* I leave it to my counſel.

*The priſoners called no witneſſes.*

*Court.* The teſtimony of the accomplice is unconfirmed in reſpect to Bell.

**ALEXANDER BELL, NOT GUILTY.**

**JOHN STRONG, GUILTY,**

*Of ſtealing, in the dwelling houſe, but not of the burglary,* **Death.**

*Tried by the London Jury before*
*Mr. Juſtice* HEATH.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
**And Publiſhed by Authority.**

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NUMBER VI. PART V.

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[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
## UPON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

605. JOHN LANGFORD was indicted for feloniouſly ſtealing, on the 3d day of July, one linen ſhirt, value 2s. a cloth waiſtcoat, value 1s. a pair of worſted ſtockings, value 1s. one ſcythe, value 5s. and a linen handkerchief, value 6d. the property of James Ireland.

JAMES IRELAND *ſworn.*

I am a labourer at Whittendon, in Glouceſterſhire; I loſt the things mentioned in the indictment, at the Red-lion in Stanmore; I came up to make the beſt of my time to work; I gave the things to the young miſtreſs of the Inn, and bade her take proper care of them; her name is Suſannah Wells; ſhe is not here; I found the things upon the priſoner laſt Sunday was ſe'night; he ſtripped off the handkerchief and waiſtcoat, and ſaid they were mine, and he would not carry them any further; he did not tell me how he came by them; I never ſaw the priſoner before I loſt the things.

JOHN NEWLAND.

What age are you, my boy?——About fourteen.

Do you know the nature of an oath, what will become of you in the other world if you ſwear falſely?——I ſhall go to hell.

JOHN NEWLAND *ſworn.*

Who is your father?—William Newland; I live at the Red-lion at Stanmore; the priſoner came to me and aſked me for the things that were the other man's, and I gave them to him; I gave him a bundle, I cannot tell what was in it, and I gave him a ſcythe, he ſaid, he was going to hay making, they were both going together, and he told my miſtreſs there was no work for him, and he came for the bundle and the ſcythe; I ſaw the proſecutor deliver theſe things to Suſannah Wells.

PRISONER's DEFENCE.

The proſecutor was a countryman of mine; we were at work both together, we had been drinking, and I made more free than I ſhould have done, becauſe he was a countryman of my own; I ſhould not have done ſo with any body elſe; I went to get the things to give him.

GUILTY.

*To be publickly whipped an hundred yards at Stanmore.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

606. **HUGH PRICE** was indicted for felonioufly ſtealing, on the 15th day of June laſt, ſeventy reams of paper, value 50l. two reams of other paper, value 32s. two other reams of crown, value 48s. and forty quires of other paper, value 40s. the property of Edward Cox:

And WILLIAM COLLINS was indicted for felonioufly receiving the ſame knowing it to be ſtolen.

RICHARD LIVING *ſworn.*

I am a tallow-chandler in Drury-lane; I bought ſome paper of Collins, upwards of twenty bundles; I never ſaw Price before I ſaw him at Bow-ſtreet.

——— MAITLAND *ſworn.*

I am a cheeſemonger; I only know that I bought a little paper of Collins; I know nothing of the other parties.

*Mr. Garrow, counſel for the priſoner Collins.* And you knew that Mr. Collins bore an extraordinary character?——Yes.

JOHN UMPAGE *ſworn.*

I only took Price into cuſtody; he ſaid nothing, he made no confeſſion.

EDWARD COX *ſworn.*

A quire of paper was brought to me by a grocer—

Is he here?——No; I examined my warehouſe; the priſoner Price confeſſed at Bow-ſtreet; his confeſſion is here.

Was any thing ſaid to him before he went to Bow-ſtreet, that it would be the better for him, or that you would be more favourable to him?——I did not ſay ſo.

Did you make him any promiſes?—No. *(The confeſſion produced.)* I ſaw the Magiſtrate and the priſoner ſign it; I believe it was explained. *(Read.)* "The examination of Hugh Price taken before me Sir Robert Taylor, Knt. who confeſſes, that he has lived as a weekly ſervant with Edward Cox aforeſaid, for about a year, that within three months, he has ſtolen a quantity of paper, of the writing and printing ſort, that at different times he has ſold to William Collins, and his wife, a quantity of paper, at the rate of two pence farthing per pound; that he has alſo ſold different quantities of paper to one Henry Webb, for different ſums, amounting to about half a guinea; neither Collins or Webb aſked him any queſtions how he came by the ſaid paper, but deſired him to bring them more, and they would buy the ſame at the ſaid rate."

*Proſecutor.* I loſt a conſiderable quantity of paper about this time.

*Priſoner Price.* They ſwear ſo ſtrongly againſt me I can ſay nothing to it, I muſt leave it to your Lordſhip.

*Proſecutor.* Here is another examination of William Collins; I ſaw this ſigned by Collins, and by Sir Robert Taylor. *(Read.)* "The examination of William Collins charged with felony by Edward Cox, taken before Sir Robert Taylor the 16th of June, who acknowledges that he has at different times bought a quantity of paper of a perſon who is now preſent, for which he paid twopence farthing a pound, ſome of which he ſold for threepence a pound, and further ſays, that the paper found in his ſhop, is part of the ſaid paper."

*Court to Jury.* The confeſſion made by Price only affects himſelf, Collins does not confeſs that he knew it to be ſtolen; therefore you can only find Price guilty, and you ſhould acquit Collins. There is a determination of the Juſtices that has been lately made that ſhould be known, that a principal may be admitted as a witneſs againſt the acceſſary, under the late act of parliament.

HUGH PRICE, GUILTY,.

*To be confined to hard labour twelve months in the Houſe of Correction.*

WILLIAM COLLINS, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

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607. SAMUEL JOSEPH was indicted for felonioufly ſtealing, on the 15th of June laſt, one pair of boy's leather

ſhoes, value 6d. a pair of ſilver ſhoe buckles, value 6s. a garter, value 1d. the property of William Parkinſon.

WILLIAM BELLAMY *ſworn.*

I know the priſoner; I heard the cry of ſtop thief in Redman's-row, the back of Mile-end, Stepney; I ſaw two lads go into a pond to ſwim, and ſoon after I heard the cry of ſtop thief; I was in a houſe getting a pint of beer, at the ſign of the Roſe and Punch-bowl, in Redman's-row, I ſaw the priſoner run out of the field from the pond ſide; I ran after him, and when I came cloſe to him, he threw away a pair of ſhoes and a little pair of ſilver buckles which I have in my pocket; I was within four or five yards of him; I picked up the ſhoes and buckles, and the priſoner was ſtopped immediately in my ſight.

*Mr. Scott, priſoner's counſel.* Whereabouts was you when this young man firſt went into the water?—About two hundred yards off; I ſaw him running from the pond.

WILLIAM PARKINSON.

What age are you?——Twelve.

What will become of you hereafter, if you take a falſe oath?—I ſhall go to hell Sir.

Have you been taught your catechiſm? Yes.

Swear him.

WILLIAM PARKINSON *ſworn.*

I went to this pond to ſwim; I put my buckles, and ſhoes, and garters under my clothes.

*(The clothes depoſed to.)*

*Priſoner.* There were other people running, and I run, and coming to croſs Mile-end-road a gentleman ſtopped me.

*The priſoner called two witneſſes to his character.*

GUILTY.

*To be publickly whipped one hundred yards at Stepney.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

608. JOSEPH BURDETT and JAMES EVANS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Jacob Hearn, about the hour of one in the night, on the 14th of July, with intention his goods and chattels, in the ſame dwelling houſe then being, feloniouſly and burglariouſly to ſteal.

JACOB HEARN *ſworn.*

My houſe was broke open; the cellar and the reſt of the houſe were faſt; it was about twelve when I went to bed, and at half paſt one the flap of the window was found moved out of its place; I found the priſoner Evans laying on the top of the butt; one of the watchmen and myſelf brought him down, and brought him into the tap-room, and tied his hands; I aſked him what he did there, he made no anſwer; we took him to the compter; I ſaid to Burdett, how came you to do this thing? and he fell a crying.

Were theſe lads drunk or ſober?—Sober, and very decent.

How was the flap of the cellar window faſtened?——With a ſmalliſh dog.

How was that dog faſtened?—I believe it was not much faſtened, they might lift it up on the outſide.

How were the doors faſtened?—Locked and bolted, and all very ſafe; and we came down ſtairs and unbolted them; there was but one dog, and that they ſome how or another got up.

It was but badly faſtened?—No, it was not.

*Mr. Garrow.* Will you deſcribe a little more particularly the nature of this flap, does it project from the ſtreet, or is it flat on the pavement?——Flat on the pavement.

Then upon this flap there are two doors I ſuppoſe?—No, only one.

Then there is this put which you call a dog on the pavement, is there any communication from the cellar to your dwelling houſe?——Yes.

How lately before had that been opened to let down any liquor?——Upwards of three weeks; I have been examined before Sir William Plomer, and the Lord Mayor.

Then do you recollect telling my Lord Mayor that you really could not tell whether the brewer might not have left the door open?——I am ſure it was faſt, becauſe I took hold of the bar to ſee, for we had been alarmed the night before.

When you found theſe lads they were quite clean?——Yes, and very ſober; I believe he had the ſame coat on he has now, and clean and decent; I found no implement of houſe breaking at all, nothing but a key atop of the cellar ſtairs; there is a door in the tap-room which we faſten at nights; therefore in order to get at any thing valuable in the houſe they muſt break through that door, except going into the cellar; the cellar windows are very ſhallow, not above four or five feet.

When you ſaw Burdett, you ſaid, I am aſtoniſhed you ſhould get into ſcrapes ſo near home?——His father keeps a public houſe cloſe to me.

I may venture to aſk this, which is an odd queſtion to aſk of a proſecutor, what is his character?—I heard them ſay he was a very bad boy; an idle boy.

But an honeſt one?——I never heard much of his honeſty; his father ſaid, I am ſorry to meet you on this occaſion; I ſhall be very glad to ſend him abroad.

### THOMAS MARTIN *ſworn.*

My partner called me from my ſtand, and I went down; and the window of Mr. Hearn's door was open; we found Evans firſt laying on a butt.

Deſcribe how you found him?—He was laying along upon three or four butts; I aſked him what he did there; then my partner came down and we took him up ſtairs.

What account did he give of his being there?——He ſaid he fell into the cellar.

Was he in liquor?—I did not perceive him in liquor at all.

Where did you find the other priſoner?—I found the other priſoner between the butt and the wall in the cellar; when I aſked who was there twice, he did not anſwer; then ſays I, I will ſtrike you with my ſtaff; I told him, it was him I wanted, and nobody elſe.

*Jury.* How did you find the flap of the window?——Over the curb, about ſix or nine inches, I will not ſay to an inch or two; finding it in that manner we ſuppoſed ſomebody to be in the cellar.

*Court.* It was not lifted up quite?——It was not, it did not lay in the grove or rabbit.

### DANIEL MOORE *ſworn.*

I am a watchman; I was on my duty between one and two in Coleman-ſtreet, and a young woman came to the end of the alley and called out watch, and ſaid, they had thieves in the houſe, I ran immediately for aſſiſtance; we went down into the cellar; Martin was there firſt, and another man; and we found firſt one man, and then the other.

### PRISONER BURDETT's DEFENCE.

I leave it to my counſel.

### PRISONER EVANS's DEFENCE.

As I was coming paſt, this young man had fallen down into the cellar, and he cried out for help, I went down to him, and he aſked me to help him up; he was lame, and trod upon a brick, and he pulled me down, being very much in liquor.

*The priſoner Burdett called three witneſſes who gave him a good character.*

JOSEPH BURDETT,
JAMES EVANS, } GUILTY, Death.

*They were humbly recommended to mercy by the Jury on account of their youth.*

*Tried by the London Jury before* Mr. RECORDER.

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609. WILLIAM MASON was indicted for feloniouſly ſtealing, on the 15th of July, one quart pewter pot, value 1s.

two pint pewter pots, value 1s. the property of Suſannah Weaver.

SUSANNAH WEAVER *ſworn.*

The priſoner came into my parlour with ſome more, and the priſoner came out, and was leaning over the bar door, and I ſaw him take a pint pot off the ſhelf; he appeared to put it into his breeches; I ſaw the mark of the pot in his breeches when he was in the parlour; he came out and paid me for the beer; I followed him and aſked him what he had in his breeches, he ſaid, my handkerchief; I got a conſtable.

A WITNESS *ſworn.*

I was coming out of Barbican, and the proſecutrix gave me charge of the priſoner; I took him into the parlour, he took the pint pot out of his breeches; I ſaw him, and took hold of him before he clapped it down; the pots were ſhewn to the proſecutrix, and delivered up to the conſtable; he claimed them as his own.

——— COUSIN *ſworn.*

I am conſtable; Mrs. Weaver came down to give me charge of the priſoner, and ſhe told me the priſoner had taken a pint pot; I found in one pocket a pint pot, and in the other a quart pot; the proſecutrix claimed them; I have had them ever ſince.

*(Produced and depoſed to.)*

PRISONER's DEFENCE.

I am a taylor; I went to carry a ſuit of clothes; there was an odd ten-pence; I agreed to ſpend it; I was very much in liquor; I went into another houſe with an acquaintance; I went to ſleep, and the perſon went away; I never ſaw the pots, nor knew where I was, till I found myſelf the next morning in Wood-ſtreet Compter, nor ſhould I have known where I was the next morning till I aſked what ſtrange place I was in.

*Proſecutrix.* I did not ſee that he was in liquor.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Publicly whipped, and confined ſix months in the houſe of correction.*

*Tried by the London Jury before* Mr. RECORDER.

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610. WILLIAM READ was indicted for feloniouſly returning from tranſportation, and being found at large on the 26th day of June laſt, without any lawful cauſe.

HENRY LOGAN *ſworn.*

I was mate of the Cenſor hulk; the priſoner was delivered on board the 19th of June, 1784; he was miſſed the 27th of March, 1786; I cannot ſay how he eſcaped; I am ſure he is the ſame man; I knew him perfectly well.

WILLIAM WHITEWAY *ſworn.*

I found the priſoner at large the 26th of June laſt, at a public houſe the bottom of the Minories.

*(The certificate of his conviction produced.)*

*Logan.* I ſaw it ſigned by the clerk of the aſſize.

*(Read.)*

Signed "J. Foller, clerk of the aſſize within the weſtern circuits; on Tueſday the 2d of March, in the 24th year of his Majeſty's reign, John Lewis and William Read, were in due form of law tried and convicted, &c."

*Court.* Is there any other witneſs?— No other.

Who proſecutes?——Mr. Duncan Campbell.

How do you prove that this is the ſame man that was convicted at Wincheſter?— We have no other witneſſes.

NOT GUILTY.

*Tried by the London Jury before* Mr. RECORDER.

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611. JOHN BARLOW was indicted for burglariouſly and feloniouſly breaking

and entering the dwelling houſe of Thomas Weſtron, about the hour of two in the night, on the 9th of July, and feloniouſly ſtealing therein three pair of womens ſtuff ſlippers, value 9s. three pair of ſhoes, value 9s. twelve pair of mens leather ſhoes, value 48s. ſix pair of ſmall ſhoes, value 9s. ſix pounds of mutton, value 2s. his property.

THOMAS WESTRON *ſworn.*

About two, on Sunday morning was a week, the 9th of July, I went to bed; I aroſe juſt before five; I was the laſt up in the family; at two in the morning I went into the back yard, and fetched ſome water to carry up ſtairs; and all the doors and windows were faſt when I went to bed, when I aroſe the doors were unbolted, and the ſhop door was open, and the things mentioned in the indictment were gone.

JOHN NEWMAN *ſworn.*

On Sunday night the 10th, or Monday morning, I ſaw two common girls coming along Barbican; I took them to the watch-houſe; I found a pair of ſhoes about the girls; I had heard of this robbery; and at the bottom of the ſhoes I ſaw T. W.; when I went to the priſoner he ſaid he gave the girl that pair of ſhoes at the Red Lion, the corner of Moorfields; he acknowledged ſo before Juſtice Blackborough; ſhe ſaid her name was Sarah Saint; I put them both in priſon; he deſired to poſtpone it till the the next day, and then the Juſtice diſcharged him and the girl, and the proſecutor took the priſoner up again; I aſked the priſoner where he had the ſhoes, he ſaid he bought them on Saffron-hill at ten at night, and before the Juſtice the next morning he ſaid he was drunk, and bought them of a Jew on Sunday.

WILLIAM HOWARD *ſworn.*

I apprehended him laſt Wedneſday morning; and when Mr. Weſtron came up, he ſaid he would beat him with his double fiſt.

GEORGE LOOSELY *ſworn.*

It happened to be my night to ſit up, and the patrol Newman brought two girls into the watch-houſe on Monday morning; theſe are the ſhoes that were found about her; I know nothing more; the girl is not here.

*Court.* There is no evidence at all that can convict the priſoner, there is nothing againſt him but that he gave this woman a pair of ſhoes that he bought.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* RECORDER.

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612. PHEBE TERRANT was indicted for feloniouſly ſtealing, on the 24th day of June, two yards of muſlin, value 12s. the property of Edward Nelſon, privily in his ſhop.

EDWARD NELSON *ſworn.*

I live in Cockſpur-ſtreet; I am a linen-draper; I remember the priſoner coming into my ſhop on Saturday the 24th of June, about eight in the evening; ſhe came to buy a printed cotton gown; after looking at four or five different patterns, ſhe fixed on a piece and had a gown off it; after ſhe determined on that, ſhe wanted a muſlin apron; I ſhewed her the muſlin; they were ſtriped muſlins; and ſhe looked them over, and ſhe at laſt fixed upon one piece for an apron; I was very particular in the muſlins I laid down; and while her parcel was doing up I looked over them very attentively, and I miſſed a remnant of fine corded muſlin; when the parcel was done up ſhe deſired it might be ſent to a public houſe in the neighbourhood; and I would ſend there in an hour's time, and it ſhould be paid for; I told her to pay for it then; ſhe ſaid ſhe had not the money, but there would be a perſon there at that hour that would pay for it; ſhe was going off, and I told her I had examined the muſlins, and had miſſed a piece, and was apprehenſive ſhe had it; ſhe denied it, and ſaid I might ſearch her if I pleaſed; I examined her pockets, ſhe ſhewed me her right hand pocket, there was nothing in it but a handkerchief and two-pence half-penny; I deſired ſhe would ſhew me her other pocket, ſhe was rather unwilling, but however ſhe ſhewed it me; and in this pocket there was the muſlin concealed; I told her it was mine, ſhe aſked if I could ſwear to it, I told her I could, for the mark was on it; ſhe aſked me if there was no other muſlin but what was my property; I told her there certainly was, but I could ſwear to this; then ſhe ſaid it was a ſad thing to be guilty of ſtealing, and a deal of ſuch like ſtuff as that; and I went to Mr. Hyde the Juſtice, and he committed her; I did not ſee her take it, nor did I ſuſpect her; I thought ſhe was a working man's wife with a child; there is my private mark upon it; I have the muſlin in my pocket; this is the ſame I took out of her pocket; *(Produced and depoſed to.)* My ſhop-man was in the ſhop, he is here; the mark is 8 yards $\frac{5}{8}$; they are my young man's figures; I can ſwear to them; I am ſure of them; the mark was put on when I took ſtock.

What quantity is there of it?——I believe two yards ſeven eights; it is worth about ſeven ſhillings, that is what it coſt me.

## WILLIAM MARTIN *ſworn.*

I am ſhopman to the proſecutor; I remember the priſoner being in our ſhop but not of her coming in; I was in the ſhop when ſhe was ſtopped, ſhe denied having the muſlin, I ſaw her ſearched, and the muſlin taken out of her left hand pocket, I believe it was a remnant of corded muſlin, I know the muſlin very well, it was marked by myſelf, there is $8\frac{5}{8}$ at one end of it, and two ſeven eights on the other; it is my own marking, and I am ſure it is my maſter's muſlin, I can ſwear to it any where.

Did you ſee her take it?——No, it was in her poſſeſſion before I came into the ſhop.

*Court to Proſecutor.* When had you ſeen this piece of muſlin before you miſſed it?——I cannot ſwear to the time, for I ſaw it almoſt every day.

Had you ſeen it that day?——I cannot ſwear I had, I laſt ſaw it in the courſe of a day or two, I ſaw it that day when I ſhewed it her.

## PRISONER's DEFENCE.

I know nothing of it.

How did it come into your pocket?——It was my own property, it was in my pocket before ever I came into that gentleman's ſhop, it was given to me when I came into London to make me an apron, my brother gave it me, I have a cap of the ſame.

How long before was it?——A fortnight before, my brother is gone to Guernſey.

## MARY BEAUMONT *ſworn.*

I know nothing of the muſlin; the priſoner lodged in my mother's houſe about three months, I never ſaw any harm by her in my life, ſhe went out to work, ſhe has no huſband.

Guilty *of ſtealing to the value of 4s. 10d.*

*Privately whipped, and confined to hard labour twelve months in the houſe of correction.*

*Tried by the London Jury before* *Mr.* RECORDER.

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613. **RICHARD GRACE** was indicted for feloniouſly ſtealing, on the 24th of June laſt, one velveret waiſtcoat, value 12d. a wooden three feet rule, value 2s. one ſliding pencil, value 12d. and three ſhillings in monies numbered, the property of John Parſons, privily from his perſon.

## JOHN PARSONS *ſworn.*

The priſoner accompanied me as far as Kenſington from London, on the 24th of June, I was going to Hammerſmith, we ſtopped at the Dun-cow, it was in the evening, to the beſt of my knowledge I think it was between nine and ten; the priſoner was no acquaintance of mine, I met with him by a young man coming to ſeek after his father, and I went with the young man, and the priſoner went with us as far as the Dun-cow; I happened to go to ſleep at the door, and when I awaked I found the priſoner gone, and my pockets picked of every thing I had about me; I was not ſober when I went to ſleep, I had a three foot rule, and five ſhillings in ſilver, and a pocket handkerchief, and ſeveral other little matters; I had a waiſtcoat in my pocket, I awaked about two in the morning, I was ſitting on the outſide of the door, I do not know what time he went away, I immediately went down to the houſe where I met with him, and the landlord perſuaded me to ſtay, it was a little after eight, the priſoner came in, I took him up upon ſuſpicion, there was an old pocket handkerchief and a ſliding pencil, and ſome direction cards.

Did you know the pencil to be yours? I had it the day before, and it was broke when it was found upon him, I did not know it by any particular mark, I thought it might be mine, the handkerchief was mine, I knew it by its being ſo very dirty, and two direction cards in my own hand writing, they had been in the coat pocket where the waiſtcoat was.

What did the priſoner ſay?—He ſaid he found the things in the neceſſary-houſe.

JOHN EDMUNDSON *ſworn.*

*(Produces the things.)*

*Proſecutor.* I am clear of the cards, and I believe the handkerchief and the pencil to be mine.

PRISONER's DEFENCE.

The proſecutor came to this houſe, where they took me with a light-horſeman, they had a pint of beer together, and they aſked me to drink with them, and I did drink, the young fellow and me went away, and left the proſecutor, they perſuaded me to go with them, and going acroſs the park, he was determined to inliſt for a light-horſeman; we had ſome liquor, and ſtood and drank it, I came out of the houſe before Parſons did; I believe I fell aſleep; I was rather in liquor, I got up about two, and went away, I found the things in the neceſſary; as for the waiſtcoat and the rule I never ſaw, but the handkerchief and the pencil, and the two cards I picked up in the neceſſary.

*Court to Proſecutor.* Was you in the neceſſary that night?——I do not know where the neceſſary is, I can poſitively ſay I never made uſe of one, ſince the morning.

*Priſoner.* If I had committed a robbery upon him, I ſhould have been a great fool to have kept thoſe things in my pocket, and to come back to the houſe.

GUILTY, 10d.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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614. THOMAS BURGESS was indicted for feloniouſly ſtealing, on the 8th of July, three iron locks, value 3s. and three keys, value 3s. the property of Meſſrs. Maganran and Dolan.

JOSEPH GOLDING *ſworn.*

On the 8th of July I loſt three locks and three keys, they were the property of the proſecutors, they were loſt off the counter; the proſecutors are ironmongers; about nine in the morning I ſerved a cuſtomer with two of theſe locks, there were five in the paper, I went to breakfaſt, and returned at ten, when I returned the priſoner was in the ſhop, I went to the deſk, I then obſerved his hand over this parcel, *(produces a parcel)* and I believe he ſaw me notice it, he drew his hand from the parcel, I then began to finiſh the direction I had began writing, but before I had finiſhed it I turned my head again, and he had hold of this parcel with his right hand, he took it, and I ſaw him put it into his pocket, I went round the counter to him, but before this, after he had put them into his pocket, there was a ſmall hinge, which was intended for a looking-glaſs, he had the hinge in his hand; this was, immediately after I obſerved him, put into his pocket; I ſaid, my friend, what did you put in your pocket, he ſaid he hoped we would not expoſe him becauſe he had been

a man

[illegible] loſſes, and ſaid he was very ſorry for what he had done; I ſent for a conſtable and took him; there are three locks and three keys in the parcel; the priſoner fell on his knees, and ſaid he was a very diſtreſſed man, and begged I would not proſecute him.

### PRISONER's DEFENCE.

I went into the ſhop to buy ſome hinges, there was nobody in the ſhop but this gentleman, with the newſpaper in his hand, he ſeemed rather attentive to the paper, it was an exceeding hot day, and there were twenty parcels on the counter, as I came in with two pound of pewter, and another parcel, I put down my parcels on the counter, he undid one paper, and then another, and they did not ſuit, ſays I, Sir, I have given you the trouble of opening the papers, I will have a pair of theſe, the handkerchief laid on a parcel, and I put it in my pocket, he ſaid you have taken a parcel.

Had he any parcel on the counter beſides this?——No; my Lord, I am ſure I ſaw him put it into his pocket, he ſaid I am very ſorry, I made a miſtake.

Did he put his handkerchief on the counter?——He ſaid he did, my Lord.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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615. MARY MOORE and ANN HOLLOWAY were indicted for feloniouſly ſtealing, on the 26th day of June laſt, ſeven yards of thread lace, value 15s. the property of Joſeph Fielder and Thomas Broughton.

**THOMAS BROUGHTON** *ſworn.*

I was out of the ſhop when the affair happened; I returned and found the priſoner in cuſtody; it was about ſix in the afternoon.

**SAMUEL MORLEY** *ſworn.*

I was called out of the ſhop by Mr. Fielder, who deſired me to take notice, for there were thieves at the window; I followed them down the lane, and brought them back; I did not find any thing upon them; I delivered them into cuſtody; I went back and found the property near the place where they were taken, on a ſtair-caſe in the Temple; I took them in Temple-lane.

**JOHN DRINKWORTH** *ſworn.*

I am a baker, I ſaw theſe two priſoners ſtanding at Mr. Fielder's and Mr. Broughton's window; they were pulling the lace through the pin-holes of the window; I ſaw them do it; I am ſure of it; I went immediately in to give information of it; and I brought the young man out who is here; I ſhewed him the two girls; they took the alarm, and walked away; we found them in the temple-lane, I am ſure they were the ſame.

Did you ſee them go up any ſtair-caſe?——No, I did not.

**JAMES HOLMES** *ſworn.*

I am the officer, this is the lace which was delivered to me by Mr. Fielder, in the preſence of Mr. Broughton.

*Mr. Broughton.* I ſaw Mr. Morley deliver it into Mr. Fielder's hands, and I ſaw Mr. Fielder deliver the ſame to the conſtable.

*Morley.* We found it on the firſt ſtair caſe of Temple-lane.

(*The lace depoſed to.*)

### PRISONER's DEFENCE.

I went to Temple-lane, and there were three women before me, and two of the women turned into one of the ſtair-caſes and the gentleman took us.

BOTH GUILTY.

*To be privately whipped, and confined twelve in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

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616. THOMAS PRESTON was indicted for feloniouſly ſtealing, on the

19th

29th day of June, one iron grate, value 5s. the property of John Swaine.

SAMUEL JOHNSON *ſworn.*

On the 29th of June, I was ſtanding at Mr. Swaine's door, and I ſaw the priſoner take a grate, I told him it was not his property, he had no buſineſs with it; I followed him, he called out ſtop thief, the proſecutor came and charged an officer with him, he never was out of my ſight at all, the grate was put into the officer's cuſtody.

FRANCIS POINTER *ſworn.*

This is the grate.

PRISONER's DEFENCE.

A man hired me to carry it.

GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

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617. JAMES CARROLL was indicted for feloniouſly ſtealing, on the 27th of June laſt, one pulicat handkerchief, value 1s. the property of Thomas Leonard.

LEVY STEVENS *ſworn.*

I was coming along the 27th of June, about five, I ſaw the priſoner looking at the gentleman's pocket, then I ſaw the priſoner put his hand into his right hand pocket, and take the handkerchief; the gentleman was a ſervant out of place, his name was Leonard, he ſaid he lived in Villars-ſtreet, he did not attend at the examination, the priſoner ſaid nothing; we took hold of him, and the gentleman that loſt it took it out of the priſoner's breaſt before my face.

PRISONER's DEFENCE.

I picked up the handkerchief.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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618. BENJAMIN PALMER was indicted for feloniouſly ſtealing, one oil-stone, value 5s. and one mahogany ſquare, value 1s. the property of Robert Clarke.

*There being no evidence, the priſoner was*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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619. JANE FORBES was indicted for feloniouſly ſtealing, on the 7th day of June laſt, one pair of Jean breeches, value 10s. a pair of corderoy ditto, value 4s. two pair of ſtockings, value 4s. three coats, value 15s. a pair of leather boots, value 2s. ſix chip hats, value 3s. two other hats, value 2s. the property of James Fitzmaurice.

JAMES FITZMAURICE *ſworn.*

I loſt the things mentioned in the indictment from my own room, I was at home, this woman followed me into the houſe, No. 2, in Long-acre, I had been in Roſemary-lane, and in my way home I had called at the Blue-anchor, and this woman and two more followed me into my room, I will take my oath to her, ſhe was the principal perſon, *they knocked me out of my ſenſes*, they dragged me through the place down ſtairs, and when I cried out for mercy, they began in this way, they had ſeized my throat, and knocked my teeth almoſt out of my head, they dragged me down to the corner of the alley, a great way from my room, they took every thing I had in my lodging, to the value of 44s. they did not leave me a halfpenny, then they ran away.

Did you know the priſoner before?——Yes, becauſe I ſaw her at the Blue-anchor ſeveral times.

SARAH ROCH *ſworn.*

I deal in old clothes; and the old man does; and he bought four pair of breeches, and put the things in his bag, and ſix hats; I went into the Blakeney's-head, and the priſoner had two pair of nankeen breeches in her lap; ſhe run after another woman and made her eſcape; I ſaw the ſtrings of the breeches hang out of her apron.

*Court to Priſoner.* What are you?—I follow dealing in old clothes, ſince I was not able to work.

Have you ever been here before in this Court?—Yes.

When, and upon what occaſion?—I was upon a falſe accuſation, accuſed with a hat I never had.

How long ago is that ſince?—Oh, lord, I cannot tell.

Was it one year or two, or how long?—I do not know.

WILLIAM HALES *ſworn.*

The priſoner and two more came into my houſe, and called for a half pint of gin at the Blakeney's-head; while they were drinking this liquor, the old gentleman came in himſelf, and called for a quartern of gin, and change for half a guinea; while he was having his change, he told us he had been robbed, the priſoner was preſent, then he ſaid it was by her, and one or two more, ſhe ſaid nothing about it, but went out of the houſe.

*Priſoner.* I know nothing about it.

Not Guilty.

*Tried by the London Jury before Mr.* Recorder.

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620. WILLIAM KNIGHT and SAMUEL NEWTON were indicted for feloniouſly ſtealing, on the 9th day of June laſt, a leather bridle with a plated bit, value 5s. the property of John Fell, privily in his ſtable.

JOHN FELL *ſworn.*

I live at the White-horſe in Hanover-yard; I loſt a bridle on the 9th of June; I was riding with it till paſt eleven, and I went into the ſtable at two, and between eleven and two it was offered for ſale; I am ſure the bridle was mine, it was plated, and entirely new; it was brought to me by John Clarke to know if it was mine; I knew it directly.

Did you ever examine to ſee if your bridle was miſſing?—No, I was ſo ſatisfied that I knew it; I can very ſafely ſwear to it; I know nothing of the priſoners; I ſaw Newton once before; I never ſaw him in my ſtable; the bridle was new, and the bit plated and not new.

JOHN CLARKE *ſworn.*

I am a ſadler in Charles-ſtreet, Soho; the priſoner Knight came before the other with ſome plated fronts, on the morning of the 9th of June, and roſes and ſome plated coach bits; he wanted to ſell them; I aſked him how he came by them; and he ſaid, he lived with a captain that was going abroad, and he gave them to him.

*Priſoner Newton.* It was me that came with the bridle to that man's ſhop.

*Clarke.* Between the hours of one and two on the 9th of June, the priſoner Newton came with a leather bridle and a plated bitt, I aſked him how he came by it, he ſaid, honeſtly, he bought them; I knew the bridle to be Mr. Fell's; I ſent one of my men for Mr. Fell, he was not at home; then Newton ſaid, he would go and fetch the man he bought it of; I kept the bridle and let Newton go; I went over to the ſtable; I ſaw the bridle two days before, and cut out the ſtuff for it; the bit was an old bit; I met the two priſoners together, after Mr. Fell ſent for me, and I went to Rolly's, a ſadler, in Tottenham-court-road, and the priſoners were there offering another bridle to ſell; I told the hoſtler, them were the men that brought the bridle; then they were ſtopped, the hoſtler's name is John Brooke.

JOHN BROOKE *ſworn.*

I am hoſtler to Mr. Fell; I had not miſſed this bridle; I did not examine particularly, becauſe I ſhould know the bridle from ten thouſand; I ſaw the priſoner Newton on Friday the 9th of June, a little after ten at night, he was by himſelf, he would aſk me to drink part of a pint of beer, and he ſaid, he would call every morning, I refuſed at firſt, but we had one pint of beer at the top of the gateway; our ſtables are in Hanover-ſtreet, Hanover-yard, down in the yard a good way; there is only one gateway into the yard.

Could any body have paſt you at this time when you was drinking the beer with him?—I do not imagine they could; I ſaw him again at Mr. Rolley's with the other priſoner, and I ſtopped them both.

GEORGE MEECHAM *ſworn.*

I produce a plated bit and bridle; I apprehended the two priſoners and Mr. Clarke gave it to me at the Dolphin alehouſe; and I have had it ever ſince.

*(The bridle depoſed to by Mr. Fell.)*

Mr. Clarke, is that Mr. Fell's bridle?—Yes.

*(Depoſed to alſo by the hoſtler.)*

*Priſoner Newton.* I do not wiſh to ſay any thing; I had the bridle from Knight.

*Clarke.* He told me he bought the bridle; I afterwards met Knight, and he told me he ſaw him buy it.

*Court.* There is not evidunch enough to put Knight on his defence.

*Court to Fell.* Did your ſtable appear to be broke open?—No; there is no lock on the door; I hung the bridle up in the ſtable myſelf.

What may be the loweſt value of it?—It is worth about ten ſhillings.

Would it ſell for ten ſhillings?—Yes.

WILLIAM KNIGHT, NOT GUILTY.

SAMUEL NEWTON, GUILTY. 4s.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* *Mr.* ROSE.

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621. JOHN MORRIS was indicted for felonioufly ſtealing, on the 11th day of June laſt, three pieces of woollen cloth, value 4s. the property of Thomas Oxley.

THOMAS OXLEY *ſworn.*

I live in Hampſhire-hog-yard, fronting the church at St. Giles's; I keep hackney coaches; the inſide lining of my coach had been cut; I had been out with it; I have four coaches and three pair of plates; I went out with my coach on the 10th of June; I did not come home till three in the morning of the 11th; I took off my horſes and put them in the ſtable; I fed them, and juſt eat a mouthful of bread and cheeſe; I went to to bed about half after four; the watchman came and ſaid, my coach was cut all to pieces; I got up, my coach ſtood cloſe to my dwelling houſe; I went to the watch-houſe and there was a man the watchman had taken; I went and examined my coach, and it was all cut to pieces; I found three pieces of cloth in the watchman's poſſeſſion; I compared the piece of cloth with the coach, and it matched; the priſoner is the man that I ſaw at the watch-houſe; I ſaid to him how could you be ſo cruel, I never injured you; and he ſwore a great oath, and ſaid, if I had taken your coach and horſes, you could not have hurt me.

What did you underſtand by that?—I underſtood that he thought there was no law for it; when we came to Mr. Walker's, Mr. Fletcher knew me; the priſoner made no defence.

——— DANZEL *ſworn.*

I am a watchman where the coaches ſtand; on Sunday morning the 11th of June, I ſaw the priſoner at half after three, and juſt at four, he came out of the Hampſhire-hog-yard with this cloth, which he was putting under his apron; I ſaw him put down his apron; I aſked him what he had got, and he ſaid a waiſtcoat, I aſked him to let me look at it, he need not be afraid; he would not; I ſaid, I thought it was not a waiſtcoat, or that he would not have hid it; I went to move his apron and ſome of the wool dropped; I took him to the conſtable of the night, and I went to the proſecutor's coach-yard, and the coach door was open, and all the wool about the coach; I have kept it ever ſince; nobody came out of the yard but the priſoner.

*(Produced and depoſed to by the proſecutor.)*

PRISONER's DEFENCE.

I never came out of the yard, two men

went in and they dropped this cloth; the man will ſwear my life away, I can ſee that plain enough; when he aſked me what I had got, I told him ſome cloth that would make a waiſtcoat.

**GUILTY.**

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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622. **RICHARD STOCKER** was indicted for feloniouſly ſtealing, on the 11th day of June, one flannel waiſtcoat, value 6d. a pair of leather breeches, value 4s. a ſilk handkerchief, value 1s. the property of John Ammor; a cloth coat, value 12s. a pair of ſhoes, value 1s. the property of Henry Hawkins.

JOHN AMMOR *ſworn.*

Theſe things were in the ſtable; I ſaw them on Saturday evening; I miſſed them on Sunday morning; I ſaw them on Sunday afternoon; they were found, ſome on the priſoner; there were ſome at his lodgings; he went and fetched them himſelf; the ſilk handkerchief was on the priſoner, likewiſe the leather breeches.

HENRY HAWKINS *ſworn.*

I loſt theſe things mentioned in the indictment; I ſaw them again at the public houſe, and the priſoner was with them, which was on Sunday evening; I ſwear to the ſhoes by a nail in the heel.

*Ammor.* The priſoner produced a cloth coat, and a pair of ſhoes he had on; I gave the things to Mr. Hawkins; Hawkins claimed the ſhoes, and I gave the things to the care of the conſtable, Peter Hardy.

PETER HARDY *ſworn.*

Produces the things which he had at the Juſtice's; the priſoner being preſent, which were depoſed to by the proſecutor Ammor.

PRISONER's DEFENCE.

I bought the things on the road going to my father's.

**GUILTY.**

*Publickly whipped.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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623. **MARY MATTHEWS** was indicted for feloniouſly ſtealing, on the 27th day of June laſt, twenty-ſeven pounds weight of pickled pork, value 10s. the property of Lewis Striffer.

MARTHA STRIFLER *ſworn.*

I keep a pork ſhop; I loſt the pork on the 27th of June; I met the priſoner coming down the one pair of ſtairs where I live; I thought ſhe did not belong to any of my lodgers; I followed her out of my back door, and aſked her, if ſhe had been at my houſe, and ſhe ſaid, yes; and I aſked her, if ſhe knew any of my lodgers, ſhe ſaid, ſhe knew the people in the one pair of ſtairs; I aſked what ſhe had in her apron, ſhe ſaid, nothing belonging to me; ſhe let me look in her apron, and there was twenty-ſeven pounds of pickled pork; I took it away from her; I knew it was mine, by miſſing it out of the kitchen; I do not know how much there was before ſhe went into the kichen; that went all out of one tub; the pork was almoſt all gone; there were four loins, and a piece in the tub in the morning; I had not been in the kitchen ſince.

PRISONER's DEFENCE.

I never was in the houſe in my life; I ſtepped into the paſſage to tie my garter up, I had one foot on the ſtairs and a woman gave it me in an apron; the woman was a ſlender acquaintance.

*Court to Proſecutrix.* Have you any lodgers?——Yes, four; ſhe firſt told me a man gave it her.

Are you very ſure of that?—Yes, then

after the officer came, ſhe ſaid in my ſhop that a woman gave it her.

Guilty.

*To be privately whipped, and diſcharged.*

*Tried by the firſt Middleſex Jury before Mr.* Rose.

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624. JOHN LLOYDE, JOHN WHITE, ANN POWELL, and ELIZABETH THOMPSON were indicted for feloniouſly ſtealing, on the 13th day of July, a cloth coat, value 2s. 6d. a cotton frock, value 18d. a waiſtcoat, value 1s. one pound of tea, value 4s. a handkerchief, value 1s. a cap, value 1s. a claſp knife, value 3d. forty-eight halfpence, value 2s. and two ſhillings, the property of Joſeph Ives.

JOSEPH IVES *ſworn.*

I am a labouring man; I live in Weſt's-gardens, in St. Paul Shadwell, near the Highway; on Thurſday the 13th of July, in the morning I loſt the things mentioned in the indictment, and I found the claſp knife on the priſoner White who cut us with it in his defence. *(Produces the things.)* Between four and five in the morning the child cried and diſturbed my wife, who was alſo in bed on the ground room, fronting the ſtreet; the ſhutters were open; my wife called me; I got up and ſeized a man in the room; he made towards the window; that was the priſoner John Lloyde; he had a black coat on; I never ſaw him before; there was light enough to ſee any body; I am ſure Lloyde was the man; when he went out at the window, and he went directly to the wall, he crawled to the wall; I looked out of the window and aſked him what buſineſs he had there, he turned about and ſaid, Sir, I have done you no harm, and he returned for his ſhoes that laid under my window, then I got hold of him by the collar, and tore off the collar of his coat; here it is; he made his eſcape by the collar coming off; then I followed, knowing, that there were a ſet of people of that ſort, that uſe Cable-ſtreet; there was no other perſon there but the priſoner; the things were all gone, when I got up in the morning, I had not a ſtitch to put on, nor my wife neither; I did not ſee that Lloyde had any thing about him; he had a great brown ſurtout coat on.

If he had had any thing under his coat they would have dropped under the window?——I ſhould think ſo; I did not obſerve he had any thing about him; I went to the Sun and Sword about half after five, and ſaw the priſoner Lloyde again with the other priſoner White, and the two women; that is about three quarters of a mile from my houſe; I knew Lloyde when he paſſed by, by his dreſs and face, he had the ſame great coat on that he had at the houſe; I got aſſiſtance; and Levi and me took him to the watch houſe, he had nothing of my property about him; then I charged White upon ſuſpicion to Levi, he took him into cuſtody, about two hours after Lloyde was committed, I was preſent; then White pulled out a pen-knife out of his pocket, he began cutting Levi acroſs the arm with it; he gave me two cuts acroſs the arm with it, then I ſaid ſeveral times directly, that is my knife; the knife was not taken from him; then Aaron Levi, the nephew of the other Levi came up to his aſſiſtance, and he ſtabbed him in the back; I ſaw him, he reſiſted a great while; I came up myſelf and he cut me five or ſix times acroſs my hand; my hand is not well yet; ſome of the mob cried, cut away, cut away, knock him down; I let him go, he purſued Aaron Levi with a naked knife; he attempted to ſtab me ſeveral times in the body; I caught the knife out of his hand as he was attempting to throw it down a cellar; I ſaid, it was my knife. *(Produced, and depoſed to by the proſecutor.)* It is worn hollow in the middle of the blade, and the horn of the handle is parted with two ſtrips of iron; it was a ſeaman's knife when I bought it; I am ſure it is mine. *(Shewn to the Jury, being bloody.)* I ſaw it between ten and eleven at ſupper, I wiped it and put it into my pocket;

ket; that is the waiſtcoat I loſt; I put it in the box by my bed ſide; I never ſaw the waiſtcoat ſince.

Have you any reaſon to ſuppoſe from the obſervation you made, that there was more than one man in your room that night?—No.

Had you ſlept from half paſt three, to half paſt four?——Yes, I was not awake till my child cried; at the time I looked out, I ſaw no perſon but the priſoner Lloyde.

SARAH IVES *ſworn*.

I am wife of Joſeph Ives; a little before the watch went half paſt three I got up and unfaſtened the ſhutters, and put out the ruſh-light as it was day-light; I was more than once or twice up with the child to give her drink and other things; the child cried for its chair; I was between ſleep and awake, and I heard a great noiſe in the room, and I awaked my huſband, and I ſaw Lloyde in the room; I ſaw no other perſon; I never ſaw him before.

Could you ſee his face?——I ſaw his head, his ſhort hair, and his brown coat; the things in the indictment were miſſing, they were my huſband's property; the green tea was in the middle pocket of the frock, and the handkerchief was in one of the pockets, the muſlin handkerchief and cap was laying on the ſame box, the claſp knife was in the right hand waiſtcoat pocket, and the halfpence were in the pocket, and the two ſhillings.

JOSEPH LEVI *ſworn*.

I am a patrol on Epping-foreſt; we have been up at London this fortnight; on the 13th I was at the Horſe and Leaping-bar door in Whitechapel, I was ſent for and went to the Sun and Sword, near Salſpetre-bank, and I took this priſoner White; it was juſt before ſix; the proſecutor had hold of the priſoner Lloyde; Lloyde had on a brown coat and white cape; he deſired me to take him to the watch houſe; he ſaid, Lloyde had ſtolen into his houſe, and he caught him and tore off the cape of his coat and brought it up with the priſoner to the watch houſe, and he began to cry very much, and ſaid, I never robbed any body before, but I have been forced to this.

You had ſome converſation with him?——Yes.

Have not you told him, that it would be better for him to confeſs?——Not a word of that kind, I am very ſure of it; I was not in the watch-houſe; I went down again, and took Ann Powell; it was near nine, I did not know her; I took hold of White; I was knocked down, ſays White, you bloody thief, I will not go with you; I had hold of Powell then; I took hold of White, he put his hand into his right hand waiſtcoat pocket and took out a knife which was ſhut, he half opened it, and put it againſt his knee and opened it quite, ſays he, I will cut your liver out; and theſe two cuts he gave me over the arm; I laid on the ground, and the priſoner White, cried out cut away; ſays the proſecutor that is my knife which he is cutting with; I had much ado to keep Powell with me; he cut me twice; afterwards we went to apprehend Thompſon, and there was a padlock on the out-ſide, as if nobody was at home, but ſhe was in bed with her clothes on; we took them before a magiſtrate, and White ſaid, on the firſt examination, he found the knife at the top of New Gravel-lane; I ſaw White make ſeveral cuts at Mr. Ives, after he cut me; he ſtabbed my nephew firſt; I ſaw him cut him in the back; the knife was not ſharp pointed; at the magiſtrate's he ſaid, he was very ſorry he had not killed every one of us; I found no property on the priſoner.

AARON LEVI *ſworn*.

I am a butcher; the laſt witneſs is my father's brother; I was going to breakfaſt between eight and nine in the morning; I went with my uncle, and came to the Blue Anchor in Cable-ſtreet; we took the priſoner Powel, who went by the name of Ann Price; we told her ſhe muſt go with us; we aſked her for the key of her lodging;

ing; ſhe ſaid ſhe had the key with her; we went there, but there was nothing found there, or upon her; going along the proſecutor gave charge of White; we went to catch hold of him; we ſaid he muſt go with us; and while we were talking he out with a knife; as I caught hold of him I ſaw him begin to cut; he cut Joſeph Levi firſt; he cut him over the ſleeve and arm; he cut me through the back, coat, waiſt-coat and all; I have the ſhirt in my pocket; (*Produced all bloody.*) he cut Ives over the hand, the blood ran all down his hands; he let him go; as ſoon as ever he let him go, White run after me; I run faſt, and he cried out ſtop thief; he run two or three hundred yards; and when we came before the Juſtice, he ſaid I am ſorry I did not kill you; if I had a knife, and could get at you, I would kill you now.

THOMAS CLAXTON *ſworn.*

I am an officer of Whitechapel; after White and Lloyde and Powell were taken, a man came to Whitechapel-office for an officer to take them to the watch-houſe; I went, and another officer going along, we went to take this Elizabeth Thomſon; we went to her houſe, and found it was locked up, and a padlock on the outſide door, we got in, and found her in bed, in her clothes; there was nobody there.

*Priſoner Lloyde.* I have nothing to ſay.

PRISONER WHITE'S DEFENCE.

I was drinking a pint of beer when they took me; they both had a ſpite againſt me; and they beat me till I could not ſtand; and I was obliged to uſe that violent way.

*Court to Ives.* Was there any beating of him before he uſed this knife?——No.

*Court to Aaron Levi.* Did you ſtrike him with a ſtick before he attempted to cut you?——No, he cut my uncle twice before I ſtruck him.

*Court to Joſeph Levi.* Was this man beat or ſtruck before he uſed this knife?—No.

*Court.* There is no evidence againſt the two women.

JOHN LLOYDE, GUILTY.

*To be tranſported for ſeven years.*

WILLIAM WHITE, GUILTY.

*Tranſported to Africa for ſeven years.*

ANN POWELL, } NOT GUILTY.
ELIZ. THOMSON, }

*Court.* Priſoners, you have both been charged with a very bad offence, namely that of ſtealing, and that in the night-time, the property of Joſeph Ives; and under circumſtances of particular aggravation. The caſe of John White is of ſuch ſort, that it is neceſſary to diſtinguiſh it by the puniſhment; and therefore it is that I think it neceſſary to paſs immediate ſentence upon both of you; as for John Lloyde it is neceſſary, and the Court thinks proper, that he ſhould be tranſported for ſeven years to ſuch part as his Majeſty, by the advice of his privy counſel, ſhall think fit to appoint; and as for you John White, you have been guilty of an offence of this ſort; aggravated as it was, you have added greatly to that aggravation by attempting to keep yourſelf from the hands of Juſtice in the manner you have done; the offence was certainly a very bad one, and when perſons attempt to ſupport ſuch conduct by attacking thoſe whoſe duty it is to bring them to juſtice, and by attempting the life of thoſe people that come to apprehend them, it is peculiarly neceſſary they ſhould be made examples of; in this caſe it is not owing to you, but rather to the hand of Providence, that the lives of theſe perſons were ſaved; the ſentence therefore is, that you be tranſported for ſeven years to Africa.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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625. WILLIAM WHITE was indicted for feloniouſly ſtealing, on the 31ſt of January laſt, a ſilver watch, value 40s.

and a linen ſhirt, value 2s. the property of Daniel Hubbard.

And ROGER WHITE was indicted for feloniouſly receiving the ſame goods, knowing them to be ſtolen, on the 3d of May laſt.

**DANIEL HUBBARD** *ſworn.*

On the 31ſt of January laſt, I went to bed about half after eleven at night, at my own lodgings, and William White, my fellow apprentice, with me; he ſlept in the ſame bed with me; I put my watch into my box, with the reſt of my clothes; I unlocked the box, and locked it again; the priſoner perſuaded me to put it in there; he ſaid it would be ſafer; and juſt as I was going to lock the box, ſays he, Dan, will you put my breeches in the box? and juſt as I was going to unlock the box, ſays he, you have no occaſion; in the morning about half after ſix he awaked me, and he ſaid, Dan the door is open; it was open; I aſked him to ſtrike a light, I am almoſt ſure it was latched when I went to bed, but not faſtened.

Did he ſtrike a light upon this?—Yes, and after he had ſtruck a light he went down ſtairs, and when he came up ſtairs I got up, and when I went to get the watch out of my box, the box was open, and the watch and all my clothes were gone; I believe it had been opened with a key; it was not broke open; the priſoner was in the room; I told him I had loſt all my things; he ſaid, have you! as I had loſt my things I got a warrant and took the two priſoners up on ſuſpicion of taking the things; we found the watch and a ſhirt; Roger is the father of the priſoner William; I was preſent when the watch was found; it was found at one Edward Foſter's, in Oxford-road; a perſon came and informed us that Roger White had been ſelling a watch there; ſhe is an acquaintance of Roger White's wife; ſhe is not here; Foſter is an ironmonger, or an appraiſer, or ſomething; he keeps a ſhop in Oxford-road; the man who bought the watch is here, the ſhirt was pawned at a pawnbroker's in Little Windmill-ſtreet, he is here; the priſoner made no confeſſion at all.

*Mr. Knowlys, priſoners Counſel.* This room is at Mr. Stringer's?—Yes.

He keeps a common lodging-houſe, does not he?—He lets part of his houſe out.

How many perſons were there that lodged in his houſe at the time?——Two young fellows lodged in his houſe at the time, one was married, the one is named Hitchins, and the other Peter Fairy.

Did a man of the name of Wood lodge in the houſe at that time?——No, Sir; there is one Mr. Williamſon, one Mr. Simpſon, and Mr. Alderſon, five lodgers beſides ourſelves; the priſoner was a fellow apprentice of mine for a twelvemonth; I am not ſure that the room door was latched, but the door below was faſt; I loſt all my clothes.

When was this young man and his father firſt taken up?——I cannot ſay, the Juſtice diſcharged the ſon till we could catch the father.

Have you ever ſeen Mary White on this occaſion?——I believe the information came firſt from her.

Is not this Mary White the wife of the father?—Yes; but he has two wives.

Has not Mary White been ſeparated from him a long time?——By all account ſhe has, I only knew them a twelvemonth.

Do you know any thing of Mr. Stringer loſing a pair of ſtockings ſometime before?——Yes, but he did not take any body up.

Did not Stringer ſuſpect ſomebody, and did not Mary White give him a pair of ſtockings to prevent him from proſecuting that man?——I do not know.

**GEORGE STRINGER** *ſworn.*

I came home about twelve at night, the laſt day of January; I have lived there going on eight years, I found all the doors faſt, I could not get in for half an hour, till I got the cellar door open to awake my wife, ſhe ſent the child to let me in, and I bolted the door after me.

Is your wife here?——No.

Do you know whether there was any body came in after you?——I believe not, they were all in bed; that is all I know, except that the priſoner is a very good apprentice.

### JAMES BAKER *ſworn*.

The priſoner Roger worked with me ſome time, as a ſhopmate, he went away for three or four days, and the maſter ſent me after him, he came to work again, and aſked me to buy a watch of him.

Recollect as near as you can when that was?——I believe it was ſome time in February, but I cannot ſay.

The beginning or the latter end?——I cannot ſay, I knew of his being taken into cuſtody, it might be about ſix or eight weeks before he was caught.

*Court to Proſecutor*. How long after your things were loſt was it, that you got the warrant againſt theſe people, and had them taken up?——It was a good bit after, I do not know how long.

What is the date of the commitment?——The 5th of June.

*Baker*. It was in February that I bought the watch, it was a ſmall ſilver watch, it was pawned for a guinea, at a pawnbroker's, Charnel-ſtreet, Groſvenor-ſquare; the priſoner, Roger, took me to the pawnbroker's where the watch was, and I took it out of pawn, and gave him half a guinea beſides, I took the watch and kept it afterwards, till I had a ſummons come from Litchfield-ſtreet, and I went and gave the watch to one Mansfield; the priſoner Roger was not in cuſtody, the priſoner William was; it was ſome time in February that the priſoner William was taken up; I might have had the watch a fortnight, it was the latter end of February.

Was the watch you delivered to Mansfield the ſame watch that you bought of the priſoner?——Yes; he ſaid he had a watch on board a ſhip, I did not enquire, as I always took him to be a very honeſt man, I never ſaw any miſbehaviour before, I never ſaw him wear a watch before.

### THOMAS MANSFIELD *ſworn*.

I belong to Litchfield-ſtreet office.

When was it that the young man was firſt taken up and diſcharged?——I do not know; he was taken up twice, the firſt time I took him was the 3d of May; I am ſure of the time that the watch was given to me.

*Court to Baker*. How long before you gave the watch to Mansfield was it that you bought it?——I cannot ſay, to the beſt of my knowledge it was ſome time in February; I cannot tell how long I had the watch.

What reaſon have you for thinking that you bought it in February, had you it a quarter of a year?—No, I had not.

Had you it a week?——Yes, more than a week; I gave him half a guinea, and took the duplicate in my own name, and it was ſome time after I bought the watch that I took it out of pawn.

Might that be a month?——I do not think it was.

Might it be a week?——Yes, more than a week and leſs than a month.

How long do you think you had the watch in your pocket?——I cannot tell indeed.

What intereſt did you pay?—One ſhilling and a halfpenny.

*Jury*. That is three months.

In what name was the watch pawned?——In the name of Roger White.

*Mansfield*. On the 3d of May laſt I heard the proſecutor was robbed, I went to James Baker, the top of Oxford-road, I told him my buſineſs, he ſaid he had a watch, which he received from Roger White, I told him he muſt go with me, his maſter gave him a very good character; after that I took William White, then I went to one Ann Sherman, and ſhe directed me to a pawnbroker's in little Windmill ſtreet, and there I found a ſhirt, and after I found the ſhirt, the priſoner William White denied it, and ſo he has always.

*Proſecutor*. I had the watch about ten days, it is No. 155, it had two pieces of blue ribbon on it, and a ſeal with a cypher, not my own cypher, it had a braſs key; I believe there was a little bit of white paper in the watch caſe, with the number written upon it, I am ſure it is mine.

*Mr. Knowlys.* When did you laſt ſee it?—On the 31ſt of January.

Did you examine the watch as to the marks before the magiſtrate?——Yes, I gave a deſcription before I ſaw it at all.

Do you know the ſhirt?——It is not marked, I know it by the frill that is upon it, which my aunt worked; I took particular notice of it, I am ſure it is mine.

*(Depoſed to.)*

### ANN SHEERMAN *ſworn.*

I work for the priſoner Roger's lawful wife, Mary White; and I went there the firſt of February, about half after ſeven in the morning, the wife that he did not live with; I had not been there above ten minutes before Roger White came in, and knocked at the door, ſhe deſired I would not let him in till ſhe had put her clothes on, then I let him in, and in about five minutes he pulled a ſhirt out of his boſom, and deſired me to go and pledge it; I took and looked at it, I ſaid I could not get much upon it, I went and pawned it for one ſhilling, and brought that and the duplicate to him, I pawned it at Mr. Morris's, Little Windmill-ſtreet. I afterwards went with Mr. Mansfield, and they delivered it to him.

*Mr. Knowlys.* You are very intimate with Mary White?—Yes, but I pawned it for the priſoner, I am ſure I did not pawn it in her name.

### PRISONER WILLIAM WHITE'S DEFENCE.

I know nothing of the things being taken away, I leave it to my counſel.

### PRISONER ROGER WHITE'S DEFENCE.

I leave it all to my counſel.

*Court to Proſecutor.* Do you know Baker at all?—No, he was quite a ſtranger to me.

### ELIZABETH McCONWELL *ſworn.*

I have known Mary White theſe ſeven or eight years; ſhe is the wife of Roger White.

Did you ſee Mrs. White at any time give a ſhirt and watch to the priſoner Roger White?——I work for a chemiſt; I got up ſoon in the morning on the 1ſt of February; I went up Oxford road; the ſhop was not open; I went into the Spotted-dog and called for a pint of beer; during the time I ſet there Mr. and Mrs. White came in together; it was between ſix and ſeven in the morning; the Spotted-dog is the corner of Broad-ſtreet.

You are ſure this was the 1ſt of February?——Yes; Roger White and Mary White came in together, between ſix and ſeven, and called for a pint of purl, when the purl was brought I ſaw Mrs. White give a watch to Mr. White.

Did ſhe give him any thing elſe?—I ſaw nothing but a ſhirt and a watch.

Did ſhe ſay any thing to him?—She told him to go out and pawn that watch and ſhirt for a friend of her's that lay ſick.

What did he ſay?—He went out in two minutes after with the ſhirt and the watch; he returned in a minute with the ſame things, and gave them to Mary White, and told her it was too late for him to ſtay; and ſhe ſaid, no, he muſt pawn the ſhirt and the watch, and bring the money and duplicate to her lodging; that it would look better for a man to pawn the ſhirt and the watch than a woman; ſhe went out and left Mr. White in the box, and he went out in a few minutes; and I know nothing more; they might be at the Spotted-dog about thirty minutes.

Who was preſent?——The boy and the landlady.

How long was he in the houſe before ſhe produced the ſhirt and the watch?—I know it was ten minutes after this when I left the houſe; and it was juſt a quarter of an hour after ſix when I went in.

The Remainder of this Trial in the next Part which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

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THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of William White and Roger White.*

*Court to Manſfield.* Who did you get the duplicate of the ſhirt of?—There was no duplicate; it was given to the priſoner; I had no duplicate of either.

*Court to Ann Sheerman.* What time in the morning of the 1ſt of February did you go to to Mrs. White's?——About half paſt ſeven in the morning.

Was ſhe up or in bed?——She was in bed, and in ſleep I believe; I knocked at the door twice.

Who lodges in the ſame houſe with her?——I do not know, they were all trades people; it was about half paſt ſeven when I went there.

Where does ſhe lodge?——No. 2, in Little Windmill-ſtreet.

How long after was it before Roger White came there?—About ten minutes; Mrs. White was ſtill there; ſhe deſired me not to let him in, till ſhe had got her clothes on; when he came in, he ſaid, he had been up ever ſince five in the morning and had received a guinea of his maſter, and he was obliged to borrow ſome things of the apprentice boy to make it up.

Was there any thing that paſſed between them that led you to think they had ſeen one another on this morning?——He was there before he produced the ſhirt about five minutes.

Did he tell his wife he had not been able to pawn it?——No.

She never ſaid a word whether he ſhould carry it or not?——Not a word, nothing paſſed between them that led me to apprehend that they had been together that morning before, or that the wife knew any thing of his buſineſs.

WILLIAM WHITE, } GUILTY.
ROGER WHITE, }

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

*Court to Priſoners.* You have both been convicted upon evidence which appears to me, as it has done to a very cautious and attentive Jury, perfectly ſatisfactory, each of you of felony, but unqueſtionably your degree of guilt is extremely different; the misfortune of the younger priſoner ſeems to have been that of having a very abandoned and wicked father, who, inſtead of protecting his younger years and training him up in the paths of honeſty and virtue, has been unqueſtionably the means of bringing his ſon as well as himſelf into the ſituation in which they ſtand; in ſuch a ſituation the caſe of the ſon deſerves compaſſion, the caſe of the father deſerves none; and if the law had made it a capital crime, few would have deſerved that ſentence more; but the law has not made it a capital offence, and the puniſhment of the father, wicked as he is, muſt be ſhort of death; but when we conſider that he has been the inſtigator of his ſon to commit this crime, of which he was to be the partaker, and has afterwards ſought to cover that crime, by bringing a perjured witneſs into Court; it appears that no puniſhment ſhort of death can be too great for that offence; the offence of the ſon, would under the influence of the father alone, call for a milder degree of puniſhment than I think it will now admit of, becauſe it was committed with the circumſtances of a breach of truſt, riſing in the night and robbing his fellow apprentice while he was in ſleep; I therefore think that leſs puniſhment than the uſual one of tranſportation would not be adequate to the offence of the ſon; the ſentence of the Court is, that you William White be tranſported for ſeven years, to ſuch place as his Majeſty by the advice of his privy counſel ſhall think fit to direct and appoint; and that you Roger White, be tranſported to Africa, for the term of fourteen years.

And let the witneſs Elizabeth M'Conwell be committed to Newgate to take her trial next ſeſſion for perjury.

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626. **THOMAS FLOOD** was indicted for feloniouſly ſtealing, on the 5th day of June laſt, a cloth coat, value 10s. a ſilk waiſtcoat, trimmed with gold lace, value 10s. a linen ditto, value 2s. five ſhirts, value 20s. one ſtock, value 6d. the property of John Turner.

JOHN TURNER *ſworn*.

On the 5th of June I loſt the things mentioned on the indictment; I live in Liverpool; the priſoner at the bar was a man ſhipped with me to go down to Liverpool; I was alongſide the ſhip on Monday evening about nine o'clock; it is called the Delight; I was maſter of her; and about half paſt ten the ſame evening not finding my own boat there, I took a ſculler and went on board; in the morning not finding the mate on board, I turned out about five and called the people up; then I went down, I went to look in my trunk to get my linen out; my trunk was kept in my cabin; all my linen was gone, what quantity I cannot ſay.

Which ſide of the water was this veſſel?——It lay abreaſt of the Tower, on the Middleſex ſide; I alſo loſt my coat and waiſtcoat which were not in the trunk, the cloth coat was loſt from the cabin, the waiſtcoat trimmed with gold was in the trunk; I examined the people and found the priſoner was not on board; I went about eight in the morning to Juſtice Smith's in Eaſt Smithfield, and there I ſaw the priſoner, and part of the property was found and brought there; I ſaw four ſhirts there, the marks had been newly picked out; I am ſure they are mine; I ſaw the waiſtcoat and the coat; the linen ſtock is marked J. T. I had not ſeen the priſoner in the cabin that day; my trunk had been on board ſix or eight days.

WILLIAM WHITEWAY *ſworn*.

I am an officer at the public office Eaſt Smithfield; I found theſe goods at two different ſhops in Roſemary-lane, one coat at one ſhop, and the cloth waiſtcoat, and four ſhirts at another.

*(The waiſtcoat and ſhirts depoſed to.)*

JOHN SADLER *ſworn*.

On the 7th of laſt June, I had information of the priſoner; I went and apprehended him; I took him to the King's Arms and ſearched him, and in his pocket I found two black ſtocks and one white one, which the proſecutor ſwore to be his property. *(The ſtock depoſed to.)* I am ſure the priſoner is the man; I had had him in cuſtody half an hour before I ſearched him.

JOHN FINDLAY *ſworn.*

I keep a ſale ſhop; I was walking at the door and the priſoner and another came by with two bundles, on Tueſday the 6th of June, about eight in the morning; I aſked them if they wanted to buy any clothes, they told me no, they had ſomething to ſell; they came in, and there were theſe ſhirts; they had each a bundle, I cannot ſay which had this bundle, the priſoner ſaid, the clothes were his own; there were five ſhirts, and a waiſtcoat trimmed with gold; I bought nothing elſe of him; they are here.

JOHN ARDEN *ſworn.*

I am an apprentice to Mr. Wynne; I bought a green coat of the priſoner, the next morning I gave it to Mr. Whiteway.

*(The coat depoſed to.)*

PRISONER's DEFENCE.

It was the King's birth day, and I wanted to come on ſhore, the mate granted me liberty; about four I wanted to get my things ready, and another young fellow belonging to the veſſel was on ſhore; I met him and he had a bundle; he aſked me to go with him, I ſaid, I will go along with you; he ſaid, he was going to ſell or pawn ſome things; he took me to that man's houſe, and he ſold theſe things; then to another houſe and he ſold ſome more things; I wanted to go on board, he ſaid, he would in the morning; Mr. Sadler came and took me for theſe things.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

627. THOMAS EVANS was indicted for feloniouſly ſtealing, on the 1ſt day of May laſt, one woman's hat, value 5s. the property of John Kemp.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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628. The ſaid THOMAS EVANS was again indicted for feloniouſly ſtealing, on the 1ſt day of May, one pair of linen ſheets, value 5s. the property of John Kemp, being in a certain lodging room let by him to the ſaid Thomas, againſt the ſtatute.

MARY KEMP *ſworn.*

I know the priſoner; he came as a lodger to my houſe; my huſband and me were both at home; he took the lodging on the 20th and ſet off the 21ſt; when he went away, I ſaw his back bulge out; I was ſitting up ſtairs in bed; I told my huſband to purſue him but he did not; he was to pay me eighteen pence a week; I put on my ſhoes and run into the ſtreet after him; he was taken for the ſame offence by another woman; I never ſaw my ſheets again.

You do not know they were ſheets in his pocket?——I miſſed a pair of ſheets and a hat; I never ſaw them again.

*Priſoner.* Pray did I take the lodging of you?——Yes.

How came you to ſay before the Juſtice, that you did not let the lodgings, you ſaid, you was not at home, you was at work?——I never ſaid ſo; he came of a Friday, I was out, he came again on Saturday; I was out and my huſband, about a quarter after ten, he ſaid, he was the perſon that agreed for the lodgings, he ſat down in the kitchen for ſome time till I made the bed, then he went up and my huſband carried up the candle with him; I purſued him immediately in the morning, and my huſband run up ſtairs, and called out, oh, my God, the ſheets are gone.

JOHN KEMP *ſworn.*

I was preſent when the priſoner came in

on

Saturday night; he ſat down by the ſide of me; he ſaid, he would give me eighteen pence a week for the lodgings, to pay weekly, but he would have a bed to himſelf; after my wife had made the bed I went up with a candle, and in the morning between five and ſix I heard him unbolting the door, and I jumped out of bed; he had the ſtreet door open; my wife ſat up in the bed; I unlocked the door as ſhe ſat up in the bed, ſhe ſaw ſomething bulge, ſhe called out; I ran up ſtairs and found the ſheets were gone, I called out and ſhe ran after him, but he was gone; I never found my ſheets again; I miſſed the ſheets and a hat.

## PRISONER's DEFENCE.

My Lord and Gentlemen of the Jury, the proſecutor ſtood as I came down ſtairs; I aſked him what o'clock it was, he ſaid, ſix or half paſt ſix, and I wiſhed him a good morning; I ſhould think if any body had robbed him, they would not have ſtopped to have aſked queſtions; why did not the woman follow me, I went gently from the door, and I went to the public houſe over the way.

*Mrs. Kemp.* I ſaw nothing of him; I run immediately; I never ſaw him till I ſaw him at the Juſtice's.

*The priſoner called three witneſſes who gave him a good character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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629. **JOHN HACK** was indicted for feloniouſly ſtealing, on the 18th day of July, two gallons of ſhrub, value 16s. one wooden caſk, value 1s. the property of Philip Booth and Jon Metham.

### WILLIAM CHEESE *ſworn.*

The proſecutors are partners; they are diſtillers and rectifiers on ſpirits; on the 18th of June they loſt this wooden caſk, it contained two gallons of ſhrub; I left nobody with the cart; we left it oppoſite a coach-maker's ſhop; I know the caſk to be the property of the proſecutors; the caſk ſprung a leak; it was marked ſhrub on the other ſide.

*Jury.* What is the mark of the caſk?——Philip Booth.

*Mr. Keys, Priſoner's Counſel.* You are porter to the proſecutors?—No, I go with the cart.

What time did you go out in the morning?——I cannot ſay.

What number of caſks had you in the cart that morning?——Twenty-eight.

When had you ſeen this caſk?—I cannot ſay; the caſks all anſwered my bills; I ſaw it two hours afterwards; all our two gallon caſks are alike; they are all marked in the ſame manner; I had no other that was marked ſhrub but that; I took the caſk under one arm and the priſoner under the other to Juſtice Willmott's office, and left them there, and wrote my name upon the caſk, and there is the mark of an E.

*Court.* Did you cover the caſks with ſtraw?——Yes.

Then you carried it to the office and then home?——Yes, and it has been there ever ſince.

### RICHARD GEARY *ſworn.*

I am a coach-maker; I ſaw this cart oppoſite my houſe on Tueſday; it ſtood againſt the ſhop, as it has done a good many years; I ſaw the priſoner in the ſhop where I work, he was talking about bringing ſome little wheels, I bargained with him for the wheels; I went out to ſee what was the matter, and I ſaw the priſoner walk with it under his arm; I did not ſee him take any thing out of the cart, I called halloo, and he began to run, and then I called ſtop thief, he ran down to the bottom of the ſtreet with the cag under his arm; it was thrown down; I did not ſee him throw it down.

Was he out of your ſight?——Never, from one end of the ſtreet to the other till it was thrown down, then he turned the corner, and was out of my ſight for a few minutes; I went to the bottom of the ſtreet as quick as I could; I ſaw the priſoner coming along in cuſtody to our ſhop.

In whoſe hands did you ſee the caſk?—It was an entire ſtranger to me that had it, and they gave it to me directly.

Should you know the perſon again if you was to ſee him?——Yes, the priſoner is the man.

Do you believe the caſk that is now produced in Court, was the caſk that was under the priſoner's arm?——It was the ſame ſize; I believe it was the ſame; I gave the caſk to Cheeſe the diſtillers man directly; Cheeſe marked it at the Juſtice's, and made a long ſtroke and a little one; here is the mark.

JOHN GARTER, *ſworn.*

How old are you?——Thirteen.

Do you know the nature of an oath?——Yes.

What will become of you if you tell a ſtory?—Go to hell, Sir. I was coming to work; I drive a horſe round a mill; I ſaw this man ſtep up the top of the wheel and take a caſk out of this cart.

What ſize caſk was it?—It was the ſize of this caſk.

Do you know whoſe caſk it was?——One Mr. Booth's.

Do you know the coach-maker?—Yes.

Was he ſtanding at his own door?——Yes, facing his door.

Had you ever ſeen the priſoner before?—No; the priſoner is the man; when he had taken it, he went down the ſtreet, and he began to run, I ran after him, and I ſaw him drop the caſk in the ſame ſtreet, but I did not ſee the caſk taken up; I went after the man; I believe this is the ſame caſk he took away; it was about this ſize; I ſaw it afterwards in the hands of Richard Geary.

The priſoner was a ſtranger to you before this time?——Yes; I was ſtanding about five or ſix yards from the cart on the other ſide of the way; he was getting on the off wheel, his back was towards me; I ſaw him coming along; I thought he belonged to the cart; I ſaw his face, and the caſk under his arm; this is the ſame man I ſaw on the cart; I loſt ſight of him two or three minutes; he was pitted with the ſmall pox.

*Priſoner.* I leave it to my counſel; I am innocent.

*The priſoner called three witneſſes who gave him a very good character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* Mr. ROSE.

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630. NICHOLAS RILEY was indicted for feloniouſly ſtealing, on the 12th day of July, ſeven yards of thread lace, value 6s. the property of Mary Price, widow.

MARY PRICE *ſworn.*

I am a widow; on Wedneſday the 12th of June laſt, I loſt ſeven yards of thread lace, about four or five in the afternoon; I had been robbed the week before; the ſame thieves that robbed me before, came to me again; I loſt it in Roſemary-lane, at the front of Mr. Collins's houſe that I rent; the priſoner came up to my place where I ſell my goods, which is out in the ſtreet, and he took the lace, I had hold of the end of this very lace, and he ran away with it; and he took five yards; he ſnatched it away from me; I ran after him; I was determined to die before I would let it go, and running after him with it, he put his hand in his boſom and drew it out; there was a multitude of people about us; I had ſeen the priſoner before, and had a notion that he had robbed me; there were two or three women came up with him; I ſaw his face while they prevented his going off; I had no lace but what was my own; he was committed.

*Priſoner.* Did you ſee me pick it off the ſtones?—No, I ſaw him open it.

Did not you ſay it was the woman in the brown gown that took it?—No, that was another man.

## PRISONER's DEFENCE.

I had been into the fair, and bought this coat and hat, and I found the lace on the ſtones, the proſecutor came up to me and ſaid it was hers, and I gave it to her, and ſhe went to the ſtall and ſtood there a few minutes, and came back again and ſeized me by the wriſt, and ſaid it was taken by a woman, and I muſt know the woman, I had no man or woman with me.

GUILTY.

*To be confined to hard labour ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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631. JOSEPH WILD was indicted, for that he on the 15th day of June laſt, on one William King, unlawfully and wilfully, and feloniouſly did make an aſſault, and did then and there, in a forcible and violent manner, demand the monies of the ſaid William King, with intent his monies feloniouſly to ſteal.

*The indictment was opened by Mr. Knowlys, and the caſe by Mr. Silveſter.*

### WILLIAM KING *ſworn.*

I am one of the Provoſt Marſhals at St. James's; I had been at the bowling-green at Pimlico, I had had a pint of ale, and had been ſeeing them play at bowls, coming through the park I meant to come out at Spring-garden-gate, the gate was ſhut, and I turned about to go to the ſtable yard, when I came to the back of the Duke of Marlborough's gardens, a ſoldier, not the priſoner, came up and aſked me how I did; I told him he knew nothing of me, I wondered at him aſking me, he ſaid he did, he then aſked me if I would go and take a walk; I aſked him what he meant by a walk; he ſaid he would very ſoon tell me what he meant; I told him he was miſtaken, I deſired him to go about his buſineſs, he was much miſtaken; then he ſaid you will give me ſomething; I looked very earneſtly at him, and I believe I might make uſe of an oath, damn me, ſays I, you raſcal, what do you mean by that? inſtantly then the priſoner and another laid hold of me, and ſaid damn his eyes if he does not give me money, I will ſwear that I ſaw his hands in a very indecent manner in the other ſoldier's breeches; he damned his eyes many times, and made uſe of theſe words, blaſt me, and blaſt my eyes, and one ſaid that is right, ſtand to that; they were all three about me; I had then ninety pounds about me in bank notes, I had either ſix, ſeven, or eight guineas, I am not ſure which, in gold, and ſome ſilver, and my watch in my pocket, I was very much alarmed and flurried, I expected to be robbed of every farthing I had; I immediately called for the aſſiſtance of the centinel, the firſt, to the beſt of my recollection, that was neareſt, was at the back of the palace gardens, none came to my aſſiſtance, I exerted myſelf very much, and fought and wrangled, and got near the centinel; I ſaid theſe raſcals want to rob me, and I inſiſt upon it that you take charge of them; and he ſignified that he had no right to take charge of them, but he held up his firelock between the three ſoldiers and me, and ſaid damn you, you raſcals, what do you want with the gentleman? then they let me go, I went from them, and they followed me, and began blaſting my eyes, and ſaying that I wanted to attempt an indecent act in behaving in the manner I did to the ſoldier, they ſwore that they would take me to the centry box, I got away from them by the aſſiſtance of the ſoldier, I came to the gate, where they all three followed me, and demanded my money over and over again; they ſwore one to another that they would ſwear it, and the priſoner particularly damned his eyes and limbs that he would ſwear it to the colonel, and they called one another by their names; I then came into the ſtable yard, and there were a couple of Lord Harrington's ſervants ſtood at the door, I told them, and one ſervant took hold of my arm, and ſaid he would ſee me into St. James's-ſtreet, and there two of the ſoldiers ran away whom I do not know;

the

this one abuſed me and made out that kind of caſe, and when we came into Cleveland-row I loſt ſight of the priſoner; the ſervant left me, and I came on through Pall-mall home, I neither ſaw nor heard any thing of him for ten days or a fortnight; I had been ſeveral days on my duty at St. James's, on account of the drawing-rooms, and levies; and I was going one day with Mr. Millas from the Houſe of Lords, and the priſoner accoſted me again, he aſked me if I did not remember being in the park a few nights before, and he acknowledged himſelf to be one of the men that had hold of me, and that I was too ſtrong for him, he ſaid that I ſaid they wanted to rob me, but they did not mean that, for they only wanted ſome money to drink; neither did he ſee any harm of me, nor did he want to expoſe me; the priſoner would not tell his name, nor the names of his comrades, he ſaid he did not know them, but they belonged to the ſame regiment with him, but they had the other regiments clothes on that night; with that he went back towards St. James's; and the next morning, which was Saturday morning, I went into Kent, and did not return till Monday evening; on the Wedneſday I was on my duty at St. James's; I then got hold of the priſoner's name, and the next morning I got a warrant for him, and took him up; when we came before the magiſtrate I repeated the ſtory I have done now, the priſoner then told the magiſtrate that he ſaw me in that indecent manner with the ſoldier, and that was all he ſaid; he ſaid, I was ſitting on the other ſide by the Mall.

Upon the oath that you have taken had you been ſitting down in the park at all that night?——No, Sir; I had never opened my lips to any body breathing.

I underſtand you have ſince found the centinel?——Yes.

*Priſoner.* You was along with a man, I was paſſing with a girl, aſk him one queſtion, whether I did not tell the men that are over him at St. James's the next day, that I ſaw him on duty, I accuſed him of it before my ſerjeant in the ſtreet, and told him every thing of it, and he denied he was there.

*Proſecutor.* I did not ſee him till a fortnight after.

Did he accuſe you before the ſerjeant?——No, he did not.

*Priſoner.* The next day that I ſaw him, on the 25th of June.

*Court to Priſoner.* Did you charge him before the ſerjeant?——I ſaid to my ſerjeant there is the man that I ſaw laſt night.

*Court to Proſecutor.* Did you ſee that man the next day?—I never ſaw him for a fortnight.

Did he accuſe you the next day?

*Priſoner.* I ſay the next time that I ſaw him.——

*Proſecutor.* No, my Lord, he ſaid he ſaw no harm of me.

*Priſoner.* Aſk him whether when Lord Harrington's ſervants were walking with him, I told him of the things that he had done, and if he would come the next morning, there were three men that did accuſe him of theſe things, that he had connections with him in the park, and when Lord Harrington's black ſervant heard it, he left him.

*Court to Proſecutor.* Did he charge you with indecency before Lord Harrington's ſervants?——He ſaid he ſaw me with a man in the manner that he has now been ſaying, and before Lord Harrington's ſervants, when the other two ran away.

*Priſoner.* Why did not he take me up before that time?——I did not know him, I could not have known him if he had not attacked me the ſecond time, nor I ſhould not have known the other two.

*Priſoner.* Aſk him whether that man that ſtands along with him at the front gate of the park did not ſay he would not ſtand with ſuch a man unleſs he cleared himſelf up, for he was a man that was not fit to talk to a man? he only took me up for defence of his own character, he would not have taken me up, and ſaid nothing at all to me if I had held my tongue.

*Court to Priſoner.* Would you have me aſk him that queſtion.

*Priſoner.* Pleaſe to let me conſider of

it;

if you pleaſe to aſk whether he was not ſat down on one of the benches with a ſoldier, and whether I did not paſs by with a girl? ——I never was off my legs, nor ſaw any woman in company with any ſoldier.

*Priſoner.* I *doffed* my ſhoes off my feet, and went and run up to the place to hear, I could not hear what paſſed, but as ſoon as they got off their ſeat, ſays the ſoldier, I will have ſomething more to drink.

### SAMUEL PRIGG *ſworn.*

I was ſentry that night, on the 15th of June, from ten to twelve; about half after ten ſome ſoldiers and the proſecutor came up wrangling and *jawing* one another, and they began to uſe the gentleman very ill; the priſoner was not with them three ſoldiers; I took the gentleman from the ſoldiers and parted them; I ſaid what have you been doing of? ſays one of the ſoldiers, I was making water up againſt a tree, juſt by Carleton-houſe, and this gentleman came and took hold of my private parts, and he deſired me to keep the gentleman priſoner till I left the ſentry, and then to take him to the guard-houſe; I told them I did not chooſe to do it, you are three of you, take the gentleman to the guard-room; ſays the gentleman, I am willing to go to the guard-room; then the priſoner came up to me, and ſaid, I would take them all up if I was you, and that was all he ſpoke.

He is in the ſame regiment with you? ——Yes.

Did you know the other two men? —— I did not, they were ſtrangers to me; I think two of them belonged to the Coldſtream, and the other to the third regiment, I do not know that I ever ſaw them before in my life.

What regimentals had they on? —Two of them had two Coldſtream coats on, that is the ſecond regiment, and one of them had the third regiment; two of them were grenadiers, and one was *a batman.*

Of what regiment is the priſoner? —— The firſt, he was on duty at that time.

*Priſoner.* I was on duty there.

Was the priſoner on duty? ——Not in the park, he belonged to the King's guard that night, he went off to his guard that night; the priſoner belonged to that guard that marched off the parade that morning.

*Mr. Silveſter.* What buſineſs had he in the park at that time of night? —— He might be walking through to ſee his wife ſafe home.

But his buſineſs did not require him to be in the park? ——No.

*Court.* He was obliged to be near? —— Yes; but he had liberty to go any where in the park, or aſſiſt any ſentry.

Where is the guard room? ——Juſt by the park.

*Priſoner.* Whether I did not aſk him if I was the man, before Lord Harrington's ſervants, and he ſaid no?

*Proſecutor.* I ſaid he was the man that firſt demanded the money.

*Priſoner.* The proſecutor then ſaid to Lord Harrington's ſervants that I was not one of them.

*Proſecutor.* There was only three ſoldiers in all, and the priſoner was the firſt man that made the expreſſion of money; this was the man that ſaid damn my eyes he muſt give us ſome money.

### JOHN MILLAR *ſworn.*

I am a Provoſt Marſhal, I was walking with Mr. King; the priſoner at the bar came up to Mr. King, and ſaid do not you remember ſeeing me in the park the other night? King ſaid he did; ſays the priſoner, I underſtand you give it out that we wanted to rob you, I was one that had hold of your collar, and we had a ſtrong tuſsle together, but you was too ſtrong for me and got away; we did not want to rob you, what we wanted was ſome money to drink; we aſked him what his name was, and his other two confederates; he immediately replied, and ſaid he did not know the men, and did not know their names; but they belonged to the firſt regiment, only they had the ſecond regiment's clothes on that night; he ſaid he muſt confeſs he ſaw no harm between them; with that Mr. King ſwore, and aſked him what he wanted, and what he [illegible] the prisoner said he did not [illegible] in the street; that was all [illegible] while I was present.

Was you afterwards before the magiſtrate? ——Yes.

Tell us what paſſed there?——The priſoner, when he came to the magiſtrate, ſaid he ſaw Mr. King ſitting down in the park in a very indecent manner, with another ſoldier; that he pulled off his ſhoes to hear what they were talking about; that the priſoner and a woman paſſed him ſeveral times.

*Priſoner.* Pleaſe to aſk him whether the marſhal man at the gate did not accuſe the proſecutor, and ſay he was ſuch and ſuch a man, and that they would not ſtand with him unleſs he cleared himſelf?——I do not know a ſyllable of that; here is one of the marſhalmen here in court.

*Priſoner.* Pleaſe to examine that marſhalman, but that is not the marſhalman.

*Court.* How many marſhalman are there?——Six, and here are three.

## PRISONER's DEFENCE.

I was not the man that ſpoke a word to him, neither wrong nor right till the ſentry was charged with him; I had no converſation with him; I was along with a girl at the ſame time; I came down the park, and a ſoldier and he had a tuſtle; the three men ſaid they would have ſomething to drink, or elſe they would take him to the guard-room, and he ſaid he would give them no more; then he went to Lord Harrington's ſervants, and I came up; the proſecutor had an apron on, and a round hat; and his hair was tied at that time, and his apron was tucked on one ſide; and when I ſaw him with the ſoldier, his apron was wrapped up plump round him; and when he got up he put down his apron; I ſaid to the proſecutor, you know you have behaved indecent to the ſoldiers, and am I one of the men; no ſays he, you are not; and when I told the black ſervant the whole of it, he would not go no farther; I went to the guard-room, and told the ſerjeant of it; the next morning I could ſee never a marſhalman, but I aſked the man that took care of the king's chapel, I deſcribed the proſecutor as a tall man that ſtooped in his walk; he could not tell me his name; the next day I went on guard, that was the 20th, and I aſked the name of the marſhalman, they ſaid, I believe by the deſcription it is Mr. King; ſays I, I ſaw him doing things he ſhould not, with a ſoldier, one night between ten and eleven; I could not ſee him that day; I conſtantly told of it, and was told that he went in the report of *a ſhake*; and the marſhalman ſaid they would not ſtand with him without he would clear it up; I never was reported to captain, colonel, or ſerjeant for wronging any man; I never was in priſon before in my life; I am lately come out of the country; I have not been long in the regiment; Mr. King would not come down to ſpeak to me when they went up.

## JAMES MOSS *ſworn.*

I was ſentry in St. James's park; and I heard a noiſe oppoſite the park; I am of the firſt regiment; I was at Penny's gate, that goes to St. James's, where the guards march through, and the gentleman called out ſentry for aſſiſtance; I ran over to him, and the other ſentry was with him when I went; and the gentleman ſaid, that the three ſoldiers, two of the ſecond regiment, and one of the third, attempted to rob him; they accuſed the gentleman of putting his hand into one of their breeches, and catching hold of his private parts; the ſoldiers perſuaded me to take the gentleman in cuſtody to the guard-room, and the priſoner came up, he was not with them; there were three ſoldiers beſides; the priſoner at the bar came up; he was not with them; there were three ſoldiers beſides the priſoner at the bar.

*Court.* Take care what you ſay; are you ſure that there were three ſoldiers beſides the priſoner?——Yes, two of the ſecond regiment, and one of the third.

*Court.* Take care you do not ſwear

falſely; you may anſwer for that in another place?—Then the priſoner came up and ſaid, ſentry I would take them all to the guard-room if I was you, which I refuſed, and would not take him; I told him they were more able to take him than I was, I was not able to take four to the guard-room; the priſoner walked off to his guard immediately, the other three ſoldiers and the gentleman went towards the guard-room, where I was centinel.

Then the priſoner never went out of the park?—No, he did not.

Then you are clear and poſitive that there were three ſoldiers beſides the priſoner?——Yes.

And you are very clear at the ſame time that the priſoner did not follow the gentleman into St. James's-ſtreet, but went into the park again?——Yes.

Recollect yourſelf, be cautious?—He never went out of the park to the beſt of my knowledge.

*Samuel Brigg called in again.*

*Court.* How many ſoldiers were there beſides the priſoner?—The priſoner was not there; there were three ſoldiers; the priſoner was not there when the other three ſoldiers were there; the priſoner came on my poſt juſt as the other three walked off; the three ſoldiers and the proſecutor came from Carleton houſe to my poſt; the priſoner did not come up till after they were walking off to the guard-houſe, then the priſoner came to me and ſaid, if I was you, I would take them all priſoners, then he walked off to his guard; he was not interfering with them any more than I was; he was not nigh them; the priſoner at the bar never ſpoke to the gentleman, only ſaid to me, if I was you I would take them all priſoners; he walked off to his guard directly, and they went off my poſt; I had nothing more to do with them then.

*Court to Proſecutor.* How many ſoldiers were there?—Three, the priſoner and two more; there were only three in all, and the priſoner was the firſt that collared me oppoſite Marlborough-wall, that the firſt man that demanded my money, I am ſure that it was the priſoner; I was worſe uſed by the priſoner than by any of the others; he ſwore he would have money; I ſwear to him from the recollection of his voice when he ſpoke low to me the ſecond time, and from the threatening expreſſions he made uſe of.

*Jury.* I underſtand that Mr. King ſaid that the reaſon that he did not take him up before was that he did not know him?—Yes, I did.

*Court to Priſoner.* Have you any other witneſſes to examine?——I came and told the ſerjeant in the guard-room that night; I told it the next day to the Marſhalman, and the proſecutor might have come down to St. James's, and have taken me up any day; he knew I was on guard every fifth day; and if he could have ſworn to my voice, why did not he come the next day, or the day after? it was three weeks before he took me up.

ROBERT MANN *ſworn.*

I am a ſerjeant; on the 15th of June, about eleven at night, the priſoner came to the guard-room, and accuſed a gentleman, one of the marſhalmen (he did not mention his name) with ſitting with a ſoldier in the park, upon one of the benches, with one arm round the ſoldier's neck, and the other hand in his breeches; I heard no more of it; on the 25th of June, that was ten days afterwards, I ſaw the priſoner ſpeaking to the proſecutor in St. James's ſtreet, fronting St. James's coffee-houſe; I did not hear what paſſed; I was ſtanding in front of St. James's gate; I ſaw them talking together in the middle of the ſtreet for about ten minutes.

*Mr. Knowlys.* Was you before the magiſtrate when this man was taken up?—Yes.

Did you ſay this at that time?—I was only aſked to the ſoldier's character, I did not mention this.

How came you not?——I was not aſked that queſtion.

*Court to Prisoner.* Have you any witneſſes to your character?——I have nobody in London that knows me; I came lately out of Derbyſhire.

*Court to Serjeant.* What has been his general character?——He never was taken up for any thing of the kind.

What has been his general character as a man?——I know no other of him than I know he lived with a woman of the town.

Did he bear a good character as an honeſt man?—I never heard to the contrary.

*Mr. Knowlys.* I believe you was aſked as to his character before the magiſtrate?—Yes, as a ſoldier only.

What character did you give him before the magiſtrate?——All that I ſaid was, that he now and then neglected duty, and came dirty to duty at times; I was not aſked whether he was an honeſt or diſhoneſt man.

*Court.* Then I aſk you now what has been his general character?——I never knew him diſhoneſt.

What has been his general character, men have characters, I do not aſk you to particular acts? in what reputation has he generally been for his honeſty in the regiment?—He has never behaved amiſs any farther than what I have told you.

That is not an anſwer.—I never heard him accuſed of any diſhoneſty.

Then he has had a general good character?——Yes, as an honeſt man, I never heard any thing to the contrary.

*Mr. Knowlys.* Are you of the ſame regiment with that man?——Yes, Sir, of the ſame company; I have been in the company ſeven years.

*The Jury withdrew for a ſhort time, and returned with a verdict*

**GUILTY.**

*Tranſported for fourteen years.*

*Court.* I agree with you perfectly, gentlemen, in your verdict.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

632. JOSEPH BROWN was indicted for feloniouſly ſtealing, on the 15th day of June laſt, one printed linen gown, value 20s. one pair of nankeen breeches, value 20s. one nankeen waiſtcoat, value 6s. two pair of ruffles, trimmed with laces, value 2s. two night caps, value 3d. one ſhirt, value 1s. one laced tucker, value 2d. one muſlin tucker, value 2d. and one linen cloth, value 1d. the property of William Moulton.

SARAH MOULTON *ſworn.*

I was looking out of window; and I had put theſe things at the other end of the room on two ſtools; on the 15th of June, between nine and ten in the morning they had been waſhed; they were in a bundle; when I came from the window I miſſed my things; I had not been many minutes looking out. I went to the room door and ſaw the priſoner on the garret ſtairs; I went up to him; ſome of the things were on the garret ſtairs, and the gown was put at top, and not ſeeing the gown I deſired him to pull the gown out of his pocket; he ſeemed very much frightened as well as myſelf; I ſent for a conſtable; and he was committed.

JOSEPH FIDMARSH *ſworn.*

On the 15th of June, I took charge of this man, he was ſtanding on the ſtairs the bottom part of the houſe; theſe things were put in my poſſeſſion in the preſence of the priſoner, they have been in my poſſeſſion ever ſince.

*(Depoſed to.)*

CHARLES SHIPLEY *ſworn.*

On the 15th of June I heard the cry of ſtop thief, between nine and ten in the morning; I ſaw this man come out of the houſe; I purſued and brought him back, he had no hat on.

PRISONER's DEFENCE.

I went there to ſee an acquaintance; theſe things lay on the ſtairs.

**GUILTY.**

*To be confined twelve months in the Houſe of Correction.*

*Tried by the London Jury before Mr.* RECORDER.

633. **SAMUEL HOUGHTON** and **CATHERINE LONG** were indicted for felonioufly ſtealing, on the 5th day of June laſt, one ſilver watch, value 30s. the property of Joſeph Martin.

*The parties not appearing the priſoners were*

ACQUITTED.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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634. **SARAH JONES** was indicted for felonioufly ſtealing, on the 20th day of July, one ſilver watch, value 3l. a ſteel chain, value 2s. two ſtone ſeals, value 2s. a key, value 1d. and a hook, value 1d. the property of John Bowler.

JOHN BOWLER *ſworn.*

I loſt a ſilver watch with a ſteel chain and two ſtone ſeals with a key and a hook, laſt Thurſday night; I am a corn chandler; I went home with the priſoner; I am not married; I met the priſoner in Bell-alley, Golden-lane; ſhe ſpoke to me firſt; I was quite ſober, I had drank no liquor at all; I walked home with her; no perſon was in the room; I laid half a crown on the chair and the watch atop of it; ſhe pretended to take it up to look what o'clock it was, and there was a perſon at the door, I immediately aſked her for it; ſhe ſaid, ſhe had given it to that perſon; then we went out together to go after that perſon whom ſhe ſaid, ſhe had given it to, we walked to the public houſe and had a pint of beer; then I loſt ſight of her for about half an hour; there were two in Bell-alley and ſhe ſpoke to them and told them ſhe had taken my watch, they ſaid, they could not ſay any thing about it; I ſaw her again, ſhe came out of Bell-alley, and the officer came up before; I ſpoke to her; he aſked what man had loſt his watch, I ſaid, I was the perſon, and I told him that was the girl, he immediately laid hold of her; the watch was in her pocket; it was taken out; ſhe refuſed to be examined at firſt.

Had you given her any money before this?—No more than I agreed for, which was two ſhillings.

DOUGLAS WYLER *ſworn.*

I am headborough of St. Luke's; the proſecutor loſt a watch; I ſaw it taken out of her pocket; ſhe refuſed to be examined; I never ſaw the proſecutor before that night; it was my watch night and two women came to the watch-houſe, and ſaid, a man had been robbed of his watch, in conſequence of which, I went and took the priſoner; and ſhe had a watch in her right hand pocket. *(Produced and depoſed to.)* I found her in Bell-alley, Golden-lane; I aſked who was the perſon that loſt their watch, the proſecutor ſaid, I am; I ſaid, where is the girl that robbed you; he ſaid, here; I took her into cuſtody, ſhe confeſſed ſhe had the watch; I aſked the proſecutor if it was his, and he ſaid, yes; I have had it ever ſince; there is the picture of a woman on the chain; I cannot ſay the maker's name, or the number, the ſeals are red.

What are the figures upon them?——I cannot tell, I ſhould know them again.

PRISONER's DEFENCE.

My Lord, this gentleman went home with another girl, and going home, the man that this girl lived with knocked her down, and I did ſpeak to the gentleman, and aſked him to let me look what it was o'clock; and ſhe tried to ſnatch the watch out of my hand and run away; and I aſked the proſecutor to go and ſee after her, and in turning back I met the officer, and he ſtopped me, he aſked me if I had the man's watch, and I ſaid, I had, and I took it out of my pocket and gave it to the proſecutor.

*Court to Proſecutor.* Was you going home with another girl?——No, I was not, I am ſure the priſoner was the girl.

GUILTY.

*To be privately whipped, and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

635. JOHN SMITH was indicted for feloniouſly ſtealing a ſilver tea ſpoon, value 1s. the property of Ann Jones.

GUILTY.

*To be whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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636. SARAH YOUNG was indicted for feloniouſly ſtealing, one cotton handkerchief, value 6d. and half a crown, the property of Thomas Bentley.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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637. JOSEPH COOPER was indicted for feloniouſly ſtealing, on the 17th day of July, one he aſs, price 5s. the property of Newcome King.

The aſs was found in the poſſeſſion of the priſoner, having been untied and taken away from a public door where the proſecutor had left him.

*(The aſs depoſed to by the proſecutor and his wife.)*

GUILTY.

*To be whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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638. THOMAS SMITH was indicted for feloniouſly ſtealing, on the 16th day of July, two linen ſhirts, value 14s. the property of James Chaddick.

There being no other evidence but the priſoner's confeſſion, obtained by promiſes of favour, he was

ACQUITTED.

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

639. SAMUEL WARD was indicted for feloniouſly ſtealing, on the 3d day of June laſt, two window ſaſhes, value 12s. belonging to Hans Winthorp Mortimer, Eſq. then fixed to a building belonging to him.

*A ſecond count*, for ſtealing two window ſaſhes, value 12s. the property of the ſame perſon.

*(The witneſſes examined ſeparate.)*

SAMUEL HOLBROOK *ſworn.*

I am ſteward to Mr. Mortimer; I know theſe ſaſhes belong to one of his houſes in Tottenham-court-road, No. 19, on the Terras; they were fixed on the ſtaircaſe; I ſaw them on the 9th of June, between nine and ten.

WILLIAM DONALDSON *ſworn.*

On Saturday the 3d of June, I aroſe early, and coming out of my houſe which is oppoſite to this, I heard a noiſe, and preſently after I ſaw the priſoner come out with the ſaſhes, he lodged them at the back of the houſe; I got aſſiſtance, and he was ſecured; his left hand bled very much, one of the ſquares was cracked.

*John Cox* confirmed the above as to taking the priſoner.

PRISONER's DEFENCE.

I ſtopped a minute where the ſaſhes ſtood.

*Donaldſon.* He owned before Sir Robert that he went in fooliſhly and meant to carry the ſaſhes back again.

*The priſoner called one witneſs to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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640. EDWARD ABBOTT was indicted for feloniouſly ſtealing, on the 17th day of July, eight live hens, price 4s. eighteen live chickens, value 18d. and five

live cocks, value 2s. the property of Thomas Kemp.

*William Brown*, a private watchman in Whitechapel-road ſtopped the priſoner with the fowls upon him; he ſaid, he brought them from Burntwood, and dealt in fowls. *(The fowls produced and depoſed to.)* One hen had had a cropper crown, that was pulled off.

*Priſoner.* I bought them.

Guilty.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. Rose.

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641. **JOHN HAWKINS** was indicted for feloniouſly ſtealing a live gander, value 2s. the property of James Naſh.

There being no evidence but that of an accomplice, the priſoner was

Acquitted.

*Tried by the firſt Middleſex Jury before* Mr. Rose.

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642. **JAMES YORK** was indicted for feloniouſly ſtealing, on the 14th day of June laſt, one half crown, value 2s. 6d. and one ſhilling, the property of Thomas Evans.

CHARLES WILD EVANS *ſworn.*

On the 14th of June I was entruſted with my father's keys, in conſequence of his going out of town; his name is Thomas Evans; he is an apothecary; he had a ſuſpicion that he had loſt money out of his drawer in his ſtudy; in conſequence of which, he marked two parcels of money, three ſhillings and ſixpence in each parcel; I did not ſee him mark them; he ſhewed me the mark afterwards; there was a half crown and a ſhilling in each parcel; he put the money after it was marked in a drawer in his deſk in his ſtudy, from which it was taken; a little after three my father went out of town; I went home to dinner, and when I returned I found that out of the parcels was taken a ſhilling; that was about half paſt four; upon miſſing this I went into the ſhop, and I told the man of having miſſed the money; while I was telling him this, the priſoner at the bar returned from taking medicines to Kenſington; the priſoner was a footboy; upon his coming into the ſhop we ſent him to light a candle; before he lighted the candle, he went into this ſame ſtudy and took out a half crown which was remaining in the parcel; as ſoon as ever he had gone out with other medicines I went into the ſtudy; I found there was but one parcel, and that half crown that I had ſeen before he came into the houſe was taken away; I immediately ſent the journeyman to bring the boy back; I deſired him to produce all the money he had in his pocket; he refuſed it at firſt, but after a little time he produced what money he had in his breeches pocket; and I only found a ſhilling which was not ſatisfactory to myſelf as being the ſhilling he had taken out of the drawer; I conceived one ſhilling might be marked like another, and it was not deciſive in my own opinion, notwithſtanding the mark; I then inſiſted he ſhould produce every thing he had in all his other pockets, which he did, and upon emptying his coat pocket, in his handkerchief was the half crown which appeared to me as though he had endeavoured to conceal it, but which dropped out of his handkerchief; the reaſon I ſent for a conſtable was, that he denied having taken it; and he was committed.

Did he always perſiſt in denying it?——When Sir Sampſon aſked him if he had taken it, his anſwer was, it was a hard queſtion to anſwer. *(The half crown and ſhilling produced.)* It has not been in my poſſeſſion till I came into Court; it has been in father's poſſeſſion ever ſince; he could not attend.

But how do you fix that the money you are going to produce now is the ſame you took from the priſoner?——By the mark which correſponded with the marked money in the drawer.

*Jury.* You doubted the mark on the

ſhilling, was the mark that was on the half crown the ſame that was on the ſhilling?——The ſame mark undoubtedly; the ſhilling was taken firſt before I went to the ſhop, the half crown was taken the time I was in the houſe; and the half crown I could particularly ſwear to, becauſe I particularly examined it after I found the ſhilling had been taken.

What ſort of marks were thoſe that your father put on the money?——With the rim of the ſhilling and the half crown they formed a triangle.

*(Shewn to Court.)*

*Court.* The lines meeting upon it formed a triangle with the rim of the money?—Yes.

Was the ſame mark put on the ſhilling and on the half crown?—I think on one parcel the mark was rather larger than on the other.

But I ſpeak on the parcel which was found on the boy, the ſhilling is the ſame?——Exactly the ſame, except it had been made by a rule.

Do you recollect no ſpecific difference between the mark on the ſhilling and the half crown?——No, I do not.

Had the ſhilling and the half crown of that parcel which he took the ſame mark?—Yes.

Have you examined this mark then to ſee whether they have the ſame mark?——I have, and they agree as perfectly as poſſible.

Do you recollect any ſpecific difference (I do not mean by line or compaſs) between the ſhilling and the half crown?——I do not.

The half crown, that has the impreſſion plain upon it, was that which was found upon the priſoner?——Yes.

Did you obſerve on the other parcel the difference of the marks?——*(Shewn to the Jury.)*—I can ſpeak with greater certainty to the half crown than I can to the ſhilling, although in my own mind I believe as to the ſhilling, the impreſſion on the half crown is ſtronger, and I particularly examined the mark to ſee whether it was plain, whether if it was to be taken away I could diſtinguiſh it again.

## PRISONER's DEFENCE.

The money the proſecutor lays to my charge is the money I received from Mrs. Morrice.

*The priſoner called three witneſſes, who gave him a good character.*

*Court to Evans.* Is this place kept locked?—It was generally, but I cannot ſwear it was then.

GUILTY.

*Tranſported for ſeven years.*

*He was recommended by the proſecutor.*

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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643. LOUISA DAVIS was indicted for feloniouſly ſtealing, on the 5th day of June laſt, one woman's cotton gown, value 12d. one woman's camblet gown, value 6d. one petticoat, value 2s. two caps, value 12d. one handkerchief, value 6d. two cotton handkerchiefs, value 1s. two aprons, value 1s. one pair of ſtockings, value 1s. one pair of cotton ditto, value 1s. one pair of ſtuff ſhoes, value 2s. one pair of ſhift ſleeves, value 6d. one ſhift, value 6d. five yards of ribbon, value 2s. the property of Eleanor James, ſpinſter.

### ELEANOR JAMES *ſworn.*

I loſt my things on Whitſun-Monday morning, from my own room, at Milbank; I went out about twelve at night, and I was out all the forenoon; the priſoner ſlept with me about a week, when I came home ſhe was gone, and my property, my things were looſe in the room; I found the priſoner, a fortnight after, at Walham-green, picking of peaſe in a field, ſhe ran away when ſhe ſaw me, ſhe was taken to the round-houſe; a young man went with me; ſhe did not deny taking the things, ſhe had my gown and petticoat on, and apron and handkerchief, and ſhe had pawned a gown at Brentford for four ſhillings as ſhe told me, and I found it there; I never found any thing more, ſhe ſaid ſhe had made away with the reſt; the pawnbroker is not here.

### DANIEL REARDEN *ſworn.*

I live in the ſame houſe, I laid over the priſoner and the proſecutor, I laid till ſeven, we had two keys to the fore door, when I came down ſtairs, the key that belonged to the proſecutor and the priſoner was thrown under the door, I had not ſeen the priſoner all day; when the proſecutor came in ſhe went into her bed room, and ſaid her things were gone; the priſoner acknowledged taking the things, and directed where they were, the gown was on her back.

*(Produced and depoſed to.)*

*Priſoner.* I pawned the gown to get ſhoes; I have not a friend in the world.

GUILTY.

*To be privately whipped, and confined twelve months in the houſe of correction.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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644. **CATHERINE HUGHES** was indicted, for that ſhe, not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, on the 31ſt day of June laſt, in the 26th year of his Majeſty's reign, with force and arms, at the pariſh of Chriſt-Church, in the county of Middleſex, in and upon one Elizabeth Ham, ſpinſter, in the peace of God and our lord the king then and there being, did make an aſſault, and with a certain large knife made of iron and ſteel, value 6d. in and upon the neck and throat of her the ſaid Elizabeth did ſtrike, penetrate, and cut, giving her, with the knife aforementioned, one mortal wound, of the length of ſix inches, and the depth of two inches, of which ſhe inſtantly died; and the indictment charges that ſhe the ſaid Catherine, her the ſaid Elizabeth did kill and murder:

She alſo ſtands charged upon the Coroner's inquiſition with the ſaid murder.

### ANN GOOD *ſworn.*

I live with Sarah Hawkins.

What relation is Sarah Hawkins to the priſoner.——Her ſiſter.

Did you know Elizabeth Ham?——Yes.

What relation was ſhe to the priſoner and to Mrs. Hawkins?——Siſter to them both.

Give us an account if you can by what means the deceaſed came to her death?—I know nothing at all of it, I was gone of an errand.

What day did ſhe die?——The third of June.

Tell us what happened when you came home?——I heard that Mrs. Ham was dead.

What did you ſee yourſelf?—I ſaw her laying dead.

Did ſhe appear to have any marks of violence upon her?—Yes.

What?——Her throat cut in a violent manner.

As you have lived ſervant to the houſe, in what ſtate had the priſoner been for any time before, did ſhe ſeem to be in the perfect poſſeſſion of her underſtanding and ſenſes?—She had not been ſenſible for a long time.

From whence do you recollect that ſhe was not in her right ſenſes for ſome time before this thing happened?—Better than two months.

What acts can you give us an account of that ſhe did from which you ſo collect?——If you aſked her a queſtion ſhe would not give you an anſwer; and if ſhe did give you an anſwer, it would not be the proper anſwer to the queſtion we aſked her.

Can you recollect any particular inſtance of that ſort?——If you aſked her how ſhe did, ſhe ſaid when ſhe got up ſhe did not like to go to bed, and when ſhe went to bed ſhe did not like to get up.

Do you recollect any thing elſe particular?

what ?—Yes, Sir; on the 30th of May I went up ſtairs to her apartment to aſk her whether ſhe would have any beer, and ſhe ſat with her hands before her, and never made me any anſwer, but looked very wild at me indeed, I aſked her again, and ſhe made me no anſwer; I was very much frightened; I turned round under a pretence to buckle my ſhoe becauſe ſhe ſhould not ſee that I was frightened.

*Jury.* Was ſhe alone then?—Yes.

*Court.* What did ſhe ſay or do?——I turned round, becauſe I thought if ſhe thought I was frightened ſhe would break out; ſhe ſaid nothing, but kept her eyes fixed, and looked very wild.

Do you recollect any other inſtance of her talking wildly?——Yes, Sir; ſhe told me ſeveral times ſhe would haunt me.

How long was that before?——It was about a month.

Then before the time that this accident happened, from all that you ſaw of her you took her not to be in her right mind?—I am ſure ſhe was not.

*Mr. Silveſter, Priſoner's Counſel.* I believe ſhe complained once that you had been pelting her?—The deceaſed told me ſo, ſhe was up in her room when ſhe ſaid that, and the deceaſed with her, and I below ſtairs, doing my work, and ſhe ſaid to the deceaſed, there is Nanny now a pelting of me.

Mrs. Ham was her ſiſter?—Yes.

Did they live in harmony?——They lived very happy ever ſince I have been there.

I believe you was going away, you was ſo frightened?——I gave my miſtreſs, Mrs. Hawkins, warning a fortnight before this accident happened and ſhe aſked me why; I ſaid, Madam, I beg your pardon, I hope no offence, but you know Mrs. Hughes, and I am afraid ſhe ſhould break out; I have ſeen her pick the ſkin off of her lips till the blood has run down over her chin.

You had no other objection to your place?—No, Sir, no other; I was uſed very well, I have been there almoſt four years.

**JOHN TOWNSEND** *ſworn.*

How near do you live to the houſe where the deceaſed lived?——About twenty-five yards.

Tell us what you know about the deceaſed's death?——I know very little about it; I was ſitting at the door, at No. 12, in Pater-noſter-row, on half a hundred of potatoes; I was looking over towards Mrs. Ham's door, and I ſaw the ſiſter hanging ſome meat out, I think her name was Hawkins, as ſhe was hanging the meat out I heard ſomething fall, I judged within myſelf it might be a ſheep or lamb, Mrs. Hawkins cried out and knocked againſt the door with a knocker, and I thought it was remarkably odd; I croſſed the ſtreet, and went in behind, and I ſaid Mrs. Hawkins what is the matter, indeed Sir, ſays ſhe, I do not know, but I am afraid there is a good deal the matter; ſays I, pray who is in the houſe, you have no thieves I hope, ſhe tried to open the door of the back room, and ſhe could not, ſhe looked between the wainſcot, and I looked over the glaſs, and I ſaw nothing but a little child ſitting, and Mrs. Hawkins dropped down on her knees, the bottom pannell of the door was ſplit from top to bottom, and I whipped my foot againſt the pannell and opened the door the value of an inch and a half, and I ſaw the breaſt of a woman covered with blood, with a black petticoat on; then I ſaid to the man that lives at next door, for God's ſake, Mr. Morgan, break the door open, I had not power, I was ſo frightened, then I came out of the ſhop; when the door was broke open I did not ſee into the back room, I only ſaw her lay, and I ſhoved her clothes to get into the room, I came away immediately, I did not ſee the wound.

Was you often in the family?——I uſed frequently to be backwards and forwards, and joking with them.

Did you ever ſee any thing particular in the priſoner?——The priſoner has always had a remarkable wild look.

Do you mean that ſhe had ſuch a kind of look as cauſed a doubt in your mind that ſhe was not right in her mind?——I really thought ſhe was not right in her mind.

*Jury.* Have you ever heard any of the neighbours ſay that there was any thing the matter with her?——I have heard the ſervant maid ſhould ſay that her miſtreſs had been very wild at different times before this thing happened, I believe a week.

*Mr. Garrow.* Had you ſeen much of her the laſt two months before the accident?——I cannot ſay I had, but I ſaw her the Monday before, going into a green ſtall, with the ſame wildneſs, much in the ſame form as I have always obſerved.

Who told you that the maid was going to leave her place on account of it?——I heard of it, but do not know who told me; I was informed that ſhe was gone away.

You know ſo little of the family that you did not know whether the girl was gone or not?——No, I did not mind the girl.

## JOHN MORGAN *ſworn.*

I live next door; on Saturday the third of June, about nine, I was ſtanding at the ſhop door, and I heard the ſiſter cry out, and I went in to know what was the matter; hearing her in ſuch diſtreſs of mind, I ſaid, good God! Mrs. Hawkins, what is the matter? ſhe cried out, Betſey! Betſey! I looked through the window that looked into the room behind the ſhop, and I ſaw a little child ſitting; I ſaid there is nothing the matter with the child; I thought ſhe meant the child Betſey; ſhe was trying to get the door open; I went to the door and forced it open, and there I ſaw the body of Mrs. Ham dead; her throat was cut; Mrs. Hawkins deſired I would ſend for a ſurgeon; I ſaid I thought a ſurgeon would be of no ſervice, for ſhe was was quite dead; then ſhe ſent me for Mr. Hawkins; when I came back there was a great buſtle about the place, and they got the body up ſtairs; but how ſhe came by her death I know not; then after ſome time there was a rumour ſpread about, that there was a woman got out of the one pair of ſtairs window backwards, and was gone into an adjoining back place; and I and another neighbour got over out of my yard into this place to look for the perſon that was got out of the window, and we found in this place the priſoner Hughes.

—In what ſituation did you find her?——I believe ſhe was ſitting; ſhe was in a kind of a ſhut up place that there is under the ſtairs in the ſlaughter-houſe; we aſked her to come out, which ſhe did; I aſked her how ſhe came to do ſuch a thing as to kill her ſiſter (ſuppoſing ſhe had done it) and ſhe ſeemed all of a tremble and twitter; ſhe did utter ſome words, but I cannot be poſitive what they were, after ſhe was taken to the watch-houſe.

Have you been pretty much in the family to ſee much of the priſoner?——I have lived in the neighbourhood but a few months before, but I had often ſpoke with her.

Had you made any ſuch obſervation of the priſoner as might enable you to judge of her ſtate of mind, whether ſhe was ſane or not?——Upon my word I can ſay nothing to that; I was once with Mr. Hawkins, and he ſaid he thought his ſiſter Hughes was in a very bad way; I ſaid I was very ſorry for it; but not knowing any thing of it, I did not enquire what way; I thought ſhe might be going in a decline; ſhe had bought things of me; I ſell phyſical herbs; ſhe had bought two or three times a pennyworth of valerian root to make tea, which is reckoned a very good thing for the nerves and lowneſs of ſpirits.

*Jury.* When you forced open the door and ſaw the deceaſed did you ſee the priſoner?——No, nobody but the deceaſed and the child.

## WILLIAM PIKE *ſworn.*

I was going round Spital-fields market about nine, on the 3d of June, at the end of the ſtreet, and I ſaw ſeveral people run over to Mrs. Ham's, and I ran, and went into the room where the deceaſed lay, and her ſiſter Mrs. Hawkins was holding her up on the floor with her back towards her lap, and I ſaid good God! Sally how came this done? did ſhe do it herſelf? Mrs. Hughes was with her, and I ſaid, do your think ſhe did it herſelf? and ſhe ſaid no, it is Mrs. Hughes has done it, and nobody elſe, and God ſend ſhe had not left them together; Mrs. Hawkins kept crying out for the doctor; I took hold of the chin of the deceaſed, and held up her head, to look at the wound, and I ſaw it was deſperate, and I ſaid, a doctor will be of no uſe to her, the body is dead, all the doctors in the land can be of no ſervice; then Mrs. Hawkins ſaid, call Mrs. Hughes down, I went up one pair of ſtairs, and that was faſt, and the two pair was faſt, I went into the garret, and looked every where, and out of the garret window, I came down ſtairs again, and told Mrs. Hawkins, and ſhe deſired me to go up ſtairs again; I did ſo, and burſt open the door of the one pair of ſtairs; when I came into that room, I looked all round it, and into a little bed-room; I could find nobody; I went up two pair of ſtairs, and broke that door open, and in the garret I could find nobody; I came down and aſſiſted to lift the dead body up; in moving her we ſaw the knife lay by her ſide, and I ſaid, good God! Sally, did ſhe do this thing herſelf? here is the knife; and ſhe ſaid, good God! ſo it is: then Mr. Try and Mr. Little came in and the doctor, and he ſaid he could do her no good; then I went out of doors, and there was an alarm given of a woman going out of a one pair of ſtairs back window, over the tiles, after I had told them of it I came out of doors again, and me and another went into the ſlaughter-houſe, through Mr Morgan's; he was looking over the wall into the back yard, and I jumped over the wall, and Mr. Morgan followed me; I ſaw a ſtick in the yard, I took it in my hand, and went round the ſlaughter-houſe and found the door on the double lock; it was a ſpring lock; I ſaid, ſhe is not gone out this way; I went to another little door underneath the ſtairs, and pulled it open and there I ſaw her ſit under the ſtairs; and I ſaid, good God, how could you do this wicked deed? the anſwer ſhe made me was, ſhe did not know; the devil had been very buſy with her, and they had had a great many words; I looked at her to ſee if ſhe had any thing in her hand to do me a miſchief, being a dark place; I took hold of her by the hand and ſaid, you muſt come along with me; Mr, Morgan was behind; ſhe came out immediately; I aſked her ſeveral queſtions, but to ſay what ſhe anſwered me particularly I cannot; I ſaid, God forgive you to take the life of your fleſh and blood; only look at your hands and mine bloody with your ſiſter's blood! whether ſhe ſaid, God forgive me! or what I cannot particularly ſay; people kept crowding in, and after that Mr. Reeves and I took her to the watch-houſe.

Was you acquainted much with the priſoner before?—No, I was not particularly.

Had you any ſufficient opportunities of making obſervations of her?——I never heard any thing particular about her before, neither of the neighbours, or of the maid ſervants; I never aſked.

JOHN REEVES *ſworn.*

Was you with the laſt witneſs Pike at the time that he went over the ſlaughter-houſe?—Yes, I was upon the wall; I jumped over and laid hold of one of her hands and brought her out; ſhe ſat down on ſomething in the yard; I ſtood before her and aſked her how ſhe came to do ſuch a wicked deed; her right hand was very bloody juſt as if the carver had been in it; and the blood had traced from the carver to her apron.

What do you mean by a carver?——A large knife which the butchers uſe.

The Remainder of this Trial in the next Part which will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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# THE WHOLE

# PROCEEDINGS

# UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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## *Continuation of the Trial of Catherine Hughes.*

Well what did ſhe ſay to your queſtion? ——She made no anſwer, ſhe muttered a little to herſelf, but what I could not hear; the mob crowded in and we took her away; a little time after that I left her.

What did you think as to her ſtate of mind, as to her ſanity? —— She trembled very much and looked down.

Did you know any thing of her before? ——Nothing at all.

**ELIZABETH HOLLOWAY** *ſworn.*

I lived ſervant juſt by; I ſaw the priſoner getting out of window; I thought ſhe was going to clean the window; and I ſaid, Lord have mercy upon me, you will fall down and break your neck; and ſhe got on the tiles, and jumped off.

How many yards was it high?—I cannot tell; ſhe went into the ſlaughter-houſe; I knew her before by ſight.

*Jury.* Have you ever heard the neighbours ſay that ſhe was out of her mind before this tranſaction?—Yes, I have.

**WILLIAM SEARLE** *ſworn.*

I was abſent at the time it happened; I have known the priſoner's family for theſe forty years; I have known her ever ſince ſhe was a child; I had recourſe to the houſe daily; I ſaw the deceaſed before I went from the ſhop; I was gone about twenty minutes to Whitechapel; about ſix weeks before I looked upon the priſoner to be inſane; moreover than that, that very day week ſhe deſired me to fetch her ſome water from the pump, which I did, ſhe drank it very eagerly; I ſaid to her ſiſter Mrs. Hawkins, Sally, I do not think Mrs, Hughes ought to be left alone.

Tell us if you can what particular obſervations you made that induced you to think ſhe was out of her mind?——By rather being low in ſpirits ſome times, and her eyes juſt ready to burſt out of her head.

*Mr. Silveſter.* I believe theſe people lived very loving together?—Yes, Sir, as loving as any family.

*Jury.* Did the priſoner ever make any ſtrange anſwer?—No further than what I tell you now; ſhe appeared in that light to me.

*Court.* Did you ever hear her talk wild, or talk at all?——She did not talk at all; ſhe appeared low in ſpirits.

Mrs. HAWKINS *ſworn.*

I do not know any thing about it.

Was you in the houſe at the time?——No, I was at the door hanging the meat up.

Tell the Court what you heard while you was at the door?—I heard ſomething fall, when I went in I found my ſiſter wounded.

Did you get into the door without any difficulty?——No, Mr. Morgan puſhed the door.

Was your ſiſter dead at this time?——I believe ſhe was.

At the time you left your ſiſter who did you leave with her?——None but a little child.

What age was the child?—Two years old.

Did Mrs. Hughes come afterwards in the room?—No, ſhe did not.

What ſtate of mind had Mrs. Hughes been in before this happened?——In a very bad ſtate.

For how long a time before?—For ſome months.

What do mean by a bad ſtate, do you mean as to her health or to her mind?——She was quite out of her mind.

Had ſhe given any inſtances of inſanity either in words or in actions?——Very much.

Tell us ſome particular inſtances that occur to you from which you drew that concluſion?—I was going up ſtairs into my own room about a month before; I heard her groan very much, and beg of the Lord to ſend peace to her ſoul; I went into my own room, and I came down ſtairs into the deceaſed's room from the priſoner's room, I heard ſomething fall with a great force; I returned back hearing the fall; at my return into the room I found it was the bellows that fell down; I went to Mrs. Hughes and ſhe immediately fell down on her knees; ſhe foamed at the mouth and fell all along; after that I raiſed her up and put her in a chair; ſhe beat her head againſt the mantle piece, and tore her hair, and begged of God to ſend peace to her ſoul; ſhe afterwards beat herſelf, and pulled her handkerchief off her neck ſeveral times; I put her handkerchief on her neck, ſhe ſaid, ſhe would jump out of the window; ſhe got up on a ſudden and took a candle out of a cloſet, and lighted the candle by a remarkable good fire; I aſked her what ſhe was going to do; ſhe ſaid, ſhe was going to light the fire, I told her there was a very good one; ſhe ſtared and looked very wild and put her hand all over the fire; ſhe ſtared and I went to put the candle out, and as I put the candle out ſome of the hot tallow fell on the priſoner's fingers, and ſhe aſked me if I wanted to kill her; I ſaid, no.

Upon the whole from that time to this do you think that ſhe was out of her mind?——Very much ſo.

Down to the very time?—Yes.

*Court to Jury.* Gentlemen, you have heard this evidence, what do you think of it.

*Jury.* The woman is inſane, there is no doubt of it.

*Court.* I have no doubt myſelf; I think it is very fit this woman ſhould be taken care of.

*Mr. Silveſter.* Mr. Mendez the governor of St. Luke's has got a ticket for her, and has reſerved a place for her.

NOT GUILTY.

*Not Guilty on the Coroners inquiſition.*

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURT.

645. JOHN STUBBS was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 13th day of July, in the 26th year of his Majeſty's reign with force and arms, in and upon one Jonh Carpenter, in the peace of God and our Lord the King then and there being, feloniouſly and wilfully, and of his malice aforethought, did make an aſſault, and that the ſaid John Stubbs then and there driving a certain timber carriage loaded with timber and drawn by three horſes, did drive the off wheel to and againſt the ſaid John

Carpenter, whereby he was forced to the ground, and being ſo on the ground he then and there did drive and force the ſaid timber carriage upon and over the thighs, ſide, and head of the ſaid John Carpenter, giving to him thereby ſeveral mortal bruiſes, whereof he inſtantly died?

He was alſo charged with killing and ſlaying the ſaid John Carpenter on the Coroner's inquiſition.

WILLIAM HARTING *ſworn*.

The deceaſed was my fellow ſervant; he was coming in with his dray juſt by the King's-head, Kingſland; he was on the left hand coming to London; that was his proper ſide of the road; he was walking by his horſes; he paſſed a great deal nearer on his left hand ſide than on the right hand ſide; there was room for a carriage to paſs on each ſide; there was a timber cart followed him; the priſoner was with the timber cart, following him right in his track; the deceaſed ſtopped his dray near to the Bull; the priſoner ſaid, d——n you what do you ſtop here for, and he anſwered I muſt ſtop here.

Did the deceaſed return the d——n to the priſoner?——No, Sir, he did not; the priſoner ſaid, d—n your blood I will pull your wheel off; ſo do, ſays the deceaſed; then the priſoner came on the inſide of our dray, on the left hand; the priſoner brought his horſes from behind the dray to the left till he got paſt the dray; he turned his horſes head towards the middle of the road; he ſaid nothing but run over the deceaſed's head.

How did it happen?——Mr. Carpenter fell down, the wheel cut his ſhoe and broke his buckle, and threw him down; he fell down to the left and the wheel went over his head; I was on the off ſide of our dray and the priſoner was on the near ſide of his horſes; he had three horſes; I am a carter; I have been ſo above thirty years; I know the road well.

In one cart paſſing another that is before it, which is the uſual and proper ſide to paſs on?—When we are following a carriage, and there is a ſtoppage, our place is to turn to the right hand.

Are you ſure of that?—Yes.

Leaving the carriage you paſs on the left hand?—Yes.

This man paſſed to the left inſtead of the right?——Yes.

Had he any room to ſpare?——No great quantity.

When he had got paſt the cart he was then cloſe to the left hand ſide of the road?——Yes.

Then was it not neceſſary for him to turn his horſes to the right, to get into a proper part of the road again?——Certainly.

Do you think he ſaw where Carpenter was at the time he turned his horſes to the right, from your judgment where you ſtood?——I do not know he did, nor I cannot ſay he did not.

As well as you could obſerve at the time did it appear to you that he intended to drive againſt the horſes, or his cart againſt the man?—No, Sir; I do not think ſo, I think that when he ſaid d——n your blood I will pull your wheel off, I take it he intended to hit the wheel, but not the man; the priſoner did not look back, he went on, I followed him and brought him back; I ſaid to him, do you ſee what you have done here, ſays I, you have done wilful murder; and he made me anſwer, it was an accident.

*Jury.* Do you believe he had ſeen him till you ſpoke to him?——I do not know whether he had or not.

You have no reaſon to believe he did ſee him before?——I do not know, the poor man never ſpoke nor ſtirred.

JOHN EDGAR *ſworn*.

I ſaw the dray ſtanding on the other ſide of the road, and this timber cart came forward, and the driver ſaid d——n you, what do you ſtand there for, why do not you move your dray? he ſaid he would not; then the priſoner ſaid, I will pull your wheel off; the deceaſed ſaid do; and I ſaw him fall, and ſaw the wheel go over him.

Can you tell whether the priſoner was at the foremoſt horſe or the hindmoſt horſe? ——The deceaſed was at the foremoſt horſe; I cannot tell which of the horſes the priſoner was at, there were two horſes in the dray.

### PRISONER's DEFENCE.

This man croſſed his dray upon me, and I could not get off to turn another way with my cart; I ſaid I ſhall catch your wheel; he ſaid never mind; then, ſays I, take care of yourſelf; I did not know I had touched the man till I had got paſt.

### THOMAS WOODMAN *ſworn.*

I was within ſix yards at the time this accident paſſed.

Relate all that you ſaw, mind to ſpeak the truth, and be as diſtinct as you can? ——The firſt I ſaw was the priſoner coming on the proper ſide of the way, that is the left ſide, the dray came acroſs upon him, then the deceaſed ſtopped, and the other ſtopped, the dray ſtopt firſt.

When the dray ſtopped, whereabouts was the foremoſt of the three horſes of the cart? ——Cloſe up at the back of the dray, as near as poſſible; the priſoner ſaid d——n me what did you ſtop here for, get out of the way, and he ſaid he would not; then he ſaid if he did not get out of the way he would pull his wheel off; the man fell down about eighteen inches before the wheel, how he was thrown down I cannot tell, I did not ſee any thing hurt him.

### WILLIAM STUBBS *ſworn.*

The priſoner is my father, I was with him, we was coming in the track on the right ſide of the way, and the drayman croſſed over againſt us, ſays my father, what did you croſs over ſo for, there is room enough, draw off; ſays the drayman, I ſhall not; ſays my father, I ſhall pull your wheel off; and the drayman went to do ſomething to his horſe's head, and he turned his head, and gave the man a knock, and knocked him down, and the wheel went over him, I was ſitting on the cart.

Which of the horſes was it? ——The firſt horſe, my father was at the hind horſe; I am ſure the man was down firſt before the wheel went over him; I called out to my father, and ſaid *whoy*, and my father ſtopped the cart as faſt as he could.

Do you think your father could ſee what happened before you called him? —No, Sir; he was looking forward before him, he had got hold of the horſes heads.

### THOMAS BRAYLIGHT *ſworn.*

The priſoner is my ſervant, I have always found him a good diligent and careful ſervant, and careful in driving; I was not preſent at the accident, I have ſeen the place, I have talked to him a good deal, and pretty ſeverely; I ſpoke pretty ſharp, he always appeared very civil; I always thought him a good kind of man, and always employed him when I wanted, on account of his family.

Not Guilty.

*Not guilty on the Coroner's Inquiſition.*

*Tried by the ſecond Middleſex Jury before Mr.* Recorder.

*Court to Priſoner.* I hope the unfortunate death, of which you have been the cauſe, will make a proper impreſſion on your mind, and that you will be careful of your future conduct.

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646. THOMAS CLARKE was indicted for feloniouſly ſtealing, on the 13th day of July, a leather portmanteau, value 4s. a cloth coat, value 10s. ſix linen ſhirts, value 10s. a pair of nankeen breeches, value 4s. another pair of breeches, value 3s. a waiſtcoat, value 3s. a pair of ſtockings, value 2s. a pair of worſted ditto, value 1s. a pair of ſhoes, value 1s. four neckcloths, value 2s. two ſtocks, value 6d. two half handkerchiefs, value 1s. the property of Chriſtian Winthurſt.

*(The witneſſes examined apart.)*

### BENJAMIN GRIMES *ſworn.*

Leaving off work on Wedneſday, the 3d of May, between ſeven and eight, I went with a parcel in the Strand, I called in at the Caſtle public houſe, and the proſecutor and the priſoner were near the box where I ſat, and he ſhewed me a ſmall piece of paper, making motions as well as he could, and I could not make it out, he ſeemed very uneaſy; ſome time after they left the houſe, the proſecutor and the priſoner together; I ſaw them do nothing, only they were together; in about a quarter of an hour after, as I was going home, a little below Temple-bar, between that and Shoe-lane, I ſaw the priſoner and the proſecutor, and another man together, the other man and the priſoner had hold of the proſecutor by the arm, and the proſecutor had this portmanteau upon his ſhoulder, and the other, not this man, ſeemed to be hauling the proſecutor along, and before they came to Shoe-lane the priſoner took the portmanteau from his ſhoulder; the other two that was with him ſeemed to force the proſecutor along, till they came quite to the end of Shoe-lane, and there the priſoner, with the portmanteau, run up Shoe-lane, I ran after him, and overtook him, and took him by the collar, and aſked him where he was going; he ſaid what was that to me; I aſked him whether it was his property; and he ſaid it was, and I had no buſineſs with it; I brought him to Mr. Sharp, and he took him into his houſe; the portmanteau was delivered into the watch-houſe, to the conſtable.

*Mr. Knowlys, Priſoner's Counſel.* Where was it you firſt ſaw the proſecutor?——At the Caſtle in the Strand.

Who was in company with him at the time?——Another man and the priſoner.

Did the other man ſeem to be acquainted with the proſecutor?——He ſeemed to talk his language.

The priſoner could not talk his language?—Not that I know of, I did not hear him.

What ſtate were they all in?——I be-believe the young fellow, the proſecutor, ſeemed rather in liquor.

What weight was the portmanteau do you think?——I do not know, about twenty pound; for what I know, they all appeared to go out in company together.

Did not the priſoner, when you came up with him, appear to be a little in liquor?—I did not take notice.

At that time he had the portmanteau upon his back?——Yes.

Was you by when this portmanteau was taken?——Yes.

Was not the portmanteau taken from the proſecutor's back apparently by his conſent at the time?——I do not believe it was.

How far did the proſecutor walk with theſe two men before the man turned down Shoe-lane?——No time at all, it might be a quarter of a minute when he got the portmanteau.

How far did this man go down Shoe-lane?——He went to the firſt turning, and turned that way was which is Crown-court.

Do you know whereabouts the Ben Johnſon's head in Shoe-lane is?——Yes.

How far was it from the Ben Johnſon's head?——Not far.

What countryman are you?——A Somerſetſhire man.

What buſineſs?——A carpenter.

When you ſtopped the priſoner, did not the priſoner ſay that the property for any thing you had to do with it was his, but that the perſon who owned it was behind? did the proſecutor make known to you where he intended to go that evening?—He did not.

What time of the evening was this?—Between nine and ten; I ſaid nothing till I caught him by the collar; nobody was there but myſelf.

## PETER QUICKLY *ſworn.*

The firſt I ſaw was at a public houſe in the Strand; I was with the laſt witneſs, and ſaw the priſoner, the proſecutor and another man drinking in a box together; I could not tell the converſation; I was in another box along with Grimes, the proſecutor came up to us with a direction, and aſked us if we could tell him; it was ſomewhere by St. Martin's-lane, but we could not make it out, ſo the young man was laying on the table, the other man came and took him in his arms into the box where they were ſitting; in a few minutes after the proſecutor took the portmanteau into the tap-room, and ſat upon it, and put his hand over his head as if ſleepy; and in a few minutes after they went out of the public houſe; and in about a quarter of an hour after, me and Grimes ſaw the proſecutor with the portmanteau in the ſtreet; we could not hear the converſation; the other man had hold of the proſecutor by the arms; the priſoner was on the other ſide; and juſt before they came to Shoe-lane, the priſoner got the portmanteau; whether he took [illegible] from him, or whether he gave it him, I cannot ſay; I ſaw no force uſed; and at the end of Shoe-lane the priſoner hung back, and run as hard as ever he could go up the lane; my partner ſays this young man is *done* out of his property; he run after him and brought him back; I came up to him and ſaid, is this your property? yes, ſays he; I took the property to the owner.——

*Mr. Knowlys Priſoner's Counſel.* Are you a friend of Grimes's?——Only a fellow workman.

*An interpreter was ſworn, who begged leave to inform the Court that his motive for interpreting was merely humanity, not with any view of emolument. He interpreted the proſecutor's evidence.*

CHRISTIAN WINTHURST *ſworn*.

The priſoner and another man took the portmanteau off my ſhoulder, and ran away with it; he aſked me for the portmanteau, and he would carry it for me, but I ſaid as I had carried it ſo many hundred miles, I could carry it a little longer.

What did your portmanteau contain?—The things in the indictment.

*Mr. Knowlys.* Where was it that the priſoner firſt had your portmanteau?——In the *large ſtreet*.

How far in the large ſtreet before you firſt loſt ſight of the priſoner after he had taken the portmanteau?——As ſoon as he took the portmanteau from my ſhoulder, I loſt him at once, I ſaw no more of him; coming back again I ſaw a parcel of people in the ſtreet; I ran up the ſtreet, and there I ſaw another man holding the portmanteau, and he run up and ſaid, that is the man.

How long had you been in company with the priſoner and his companion?—We were a very ſhort time together; we were in that public houſe three quarters of an hour.

Whether at that time you found yourſelf intoxicated?——I was not drunk; they had thrown ſome brandy or gin in my beer, and inſiſted on my drinking it.

Where did you purpoſe ſleeping that night?——In St. Martin's-lane; I had a direction to one Mr. Slade.

Was not you aſleep at the Ben Johnſon's head in Shoe-lane?——No.

Did not you yourſelf aſſiſt the priſoner to get the portmanteau on his back?——No ſuch thing, I would not give it him.

Did you make any reſiſtance when he was taking it away?—No, Sir, he took it off my ſhoulders, I did not conſent to it.

JOSEPH THOMPSON *ſworn*.

Here is the portmanteau; I have had it in my poſſeſſion ever ſince it was delivered to me at Guild-hall; it has never been opened.

*To Grimes.* Was the portmanteau that was delivered to Thompſon the ſame that was taken from the priſoner?——Yes.

*To Proſecutor.* Is it your's?——Yes.

JOHN POTTER *ſworn*.

*Court.* Take care what you ſay!——Yes; on Monday when this affair happened I went to work at Jones's manufactory, Tottenham-court-road; I worked till between ſeven and eight in the evening, and took my work into the compting-houſe; I was coming home a little paſt nine; juſt as I came through Temple-bar, I ſaw three men very much in liquor; I rather rook notice of them, eſpecially the tall man, with ſomething on his back; that is the man.

Was the priſoner one of the perſons?——He was in company, and walked rather behind them; juſt as I came to St. Dunſtan's ſtan's church, they made a full ſtop; I ſaw a tall man ſhift a kind of portmanteau from his back to a ſhort man's back, conſiderably ſhorter than himſelf; and he walked faſt, and I walked behind him; I ſaw the tall man ſhift it; the other man aſſiſted in putting it on the ſhort man's back; I walked a little behind them, and I ſaw them paſs the end of Fetter-lane; I made the beſt of my way home; I ſaw no more.

MARIA SEWELL *ſworn.*

I have known the priſoner eighteen years; my huſband keeps the Red Lion in old Bedlam; him and his family are very honeſt as far as I know.

*The priſoner called ſix more witneſſes who all gave him a good character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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647. GEORGE TUCKER, HENRY FOSSET, and THOMAS TAYLOR were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of George Reave, Eſq. about the hour of one in the night, on the 24th of June, at the pariſh of Tottenham, in the county of Middleſex, and burglariouſly ſtealing therein two pair of ſilver buckles, value 20s. twenty yards of cotton dimity, value 4l. twenty yards of ſtriped dimity, value 3l. three yards of plain muſlin, value 19s. 6d. three piſtols, value 10s. 6d. one five guinea piece, value 5l. 5s. three guineas, value 3l. 3s. his property.

GEORGE REAVE, Eſq. *ſworn.*

My houſe was broke open on the 24th of June laſt; my coach-man came, and ſeemed much ſurpriſed at the nature of the robbery; he ſaid he heard no noiſe in the night, but that he took this wax light, and gave it to my ſervant; ſays he I found this wax taper ſticking in one of the windows; (*Produces a wax taper.*) The young woman, Hannah Lyle, came to me, and ſaid I was the ſecond down in the houſe; the coach-man got up to let in a man and horſe; I immediately went into the garden, and on one ſide near the window that had been broke, I found a plaiſterer's ladder reared up againſt the wall; my ſervants ſaid they knew nothing of it; I diſcovered on the border in the garden, many marks of people's ſhoes, and in ſearching the wall I diſcovered ſeveral branches of the fruit-trees were broke; which appeared as if they had got over the wall that way; when I got to the bottom of the garden, to the door, it appeared to have been forced upon the inſide; there was the marks of the chiſſells, or what they uſed; I then came back into the houſe; I loſt the things mentioned in the indictment; none of them were found; in the bow parlour, upon the cellaret, I had left, the night before, two pair of ſilver buckles; the tea-tongs were miſſing; alſo in another drawer under the book-caſe, my wife put ſome long-lawn, ſome ſprigged muſlin, and a purſe, containing a five guinea piece, and three guineas of Queen Ann's; one of them was crooked; and the piſtols were gone; after ſearching and putting ſome of my papers in order, I ſent to the bricklayer in the neighbourhood to find out from whom the ladder came; I left information at Bow-ſtreet; and ſoon after my coachman made a confeſſion; he was admitted an evidence; the matter remained over till the Monday morning following; an examination came forwards, and he charged the priſoners as his accomplices; they were among the five that were taken up.

Were you preſent when he was examined?——I was.

Were the three priſoners all preſent?—Yes, they were.

Did the coach-man perſiſt in charging them to their face?——Yes, the officer took hold of them, and ſaid, is that the perſon, is that the perſon; they all denied knowing any thing of the man, or the tranſaction; none of the things were diſcovered; I have not found any of the property.

### HANNAH LYLES *ſworn*.

I am a maid ſervant to Mr. Reeve; I was up at a quarter after ſix; the coachman was up before me; I went through the houſe into the kitchen; I ſaw the ſtable door was open; I went into the ſtable, and I found him there; the door was open and the windows; and my maſter's drawers were all about the room; I know nothing more than the ſtate in which I left the houſe.

### CATHERINE PRINCE *ſworn*.

I faſtened this door on the Saturday night, and left it very ſafe; I obſerved in what ſtate it was on Sunday morning; the ſhutter and the hinges were forced from the frame of the window; it could have no force from the outſide but from the inſide; the coachman was out the night before, and I let him in before eleven; he took one boot off at the door when I let him in; he had it then in his hand.

### JOHN LUCY *ſworn*.

I received information of this robbery, and in conſequence I apprehended the priſoners on Thurſday the 29th of June.

Is there any thing but his evidence that led you to apprehend the priſoners?—No, my Lord, none at all.

Where did you apprehend them?—George Tucker in Goſwell-ſtreet, the corner of Sutton-ſtreet, Thomas Taylor, and Henry Foſſett, at the King's-head, Golden-lane; I did not ſearch them at firſt; they were ſearched, but nothing was found upon them; I did not tell them for what they were apprehended at firſt, but when they knew it, they ſaid, they were innocent; they always declared their innocence; the window of Mr. Reeve's houſe appeared to have been forced from inſide, there was no force from the outſide.

### JAMES SHAKESHAFT *ſworn*.

I apprended two of the priſoners; they always denied it.

### ——— ARMSTRONG *ſworn*.

I never heard theſe priſoners ſay any thing about this buſineſs; I know nothing but the apprehending them.

*Court.* Let the coachman ſtand up.

### JOHN SKINNER *ſworn*.

*Court.* The firſt thing I have to inform you is, that though the Juſtice admitted you an evidence, the ſafety of your life depends on your making a full diſcovery; now, Sir, what is become of your maſter's property?——I cannot tell.

Recollect, Sir, for you are not ſafe, take time, and recollect before you are committed?——I cannot tell where it is gone to.

Do you mean to be believed in a Court of Juſtice when you ſay that you do not know where the property is gone?—I cannot tell where it is gone to.

What became of it at the time it was taken?—The three priſoners took it away with them, they were altogether.

Was not you to have your ſhare?—Yes.

Did you never know what they did with it?—No, I never ſaw them after.

*Court to Proſecutor.* When did this man firſt make any diſcovery?—On the Friday, not till after theſe men were apprehended, he ſaid nothing to me till then.

*Proſecutor to Coachman.* On the Tueſday morning following the robbery, John Skinner, where was you going at half after three in the morning?——I was not out of my bed.

Do you remember who you ſaw near the quaker's meeting?——No, Sir, I was not out of my bed.

Do you remember meeting Siddons the turnpike man and ſpeaking to him?——No, I did not.

*Proſecutor.* Siddons told me ſo this morning.

*Court.* Now, what do you ſay?——I was not out of my bed at that time.

You perſiſt in that?——I do.

*Court.* I ſhall examine you no more, and you ſhall be tried for your life, though the Juſtice has admitted you as an evidence; Mr. Newman, take him as your priſoner into cuſtody, and let ſomebody be ſent for the turnpike man.

*Proſecutor.* I am one of the commiſſioners myſelf, and I will write a note for that purpoſe.

*Court.* The coachman is ſtill amenable to juſtice.

*Court to Proſecutor.* Sir, you need have no uneaſineſs upon your mind, you have kept your faith with this worthleſs fellow; he has not made a full diſcloſure as the law requires; therefore I ſhall order him to be committed and proſecuted without throwing the burthen upon you.

*Court to Jury.* Gentlemen of the Jury, theſe three priſoners are entitled to be acquitted.

ALL THREE ACQUITTED.

*Court to Priſoners.* You have, if you have any knowledge of this buſineſs, had an eſcape which may be fortunate or unfortunate according as you make uſe of it hereafter; by this verdict you are now in a ſtate of perfect ſecurity as to this robbery, you never can be called in queſtion for it again, whatever evidence may appear againſt you, and whatever you yourſelves ſhall admit concerning it; therefore if there are any of you that are diſpoſed to make an attonement to the laws of your country, you may make any confeſſion with perfect ſafety, and it will be a proof to the Court and your Country, that you mean to quit that lawleſs courſe of life.

*Priſoners.* We never ſaw the coachman in our lives; we never ſaw him till we ſaw him at the Juſtice's.

*Court.* Let the three priſoners be detained till the call over, and kept ſeparate.

*Court to the two Maid Servants.* Do either of you know any thing of the coachman's being out early on the Monday morning?——No, Sir, we do not, we were both up together in the morning at two o'clock.

*Catherine Prince.* I firſt ſaw the coachman about ſix as near as I can recollect in the kitchen; I cannot ſay whether he came down ſtairs; he did not come from the ſtable.

Was the outer door of the houſe open that morning?—I cannot ſay that it was.

When you came down do you know whether the houſe doors were faſt?——We came paſt the houſe door and it was ſhut, but we did not look to ſee whether it was faſt.

Can it be opened from the outſide?——Not that door that goes into the houſe; there is a haſp that it cannot be opened on the outſide; we waſhed in the kitchen next to that where the door was.

Did you obſerve whether the door from the kichen was faſt when you came down?——It was faſt, I cannot recollect when it was open.

*Court to Footman.* When did you firſt ſee the coachman?——We ſlept in different beds in the ſame room.

On the Monday morning or the Sunday night was you diſturbed?—I never waked on Sunday night till ſeven the next morning, nor on Saturday night; I heard nothing each night; I very ſeldom wake of a night; the coachman was up before me; the things were always in the ſtables with him; yeſterday morning I was coming from London to Tottenham, I called at Mr. Armſtrong's, and met Mr. Siddons, ſays he, how do you do, young man? I am glad to ſee you here again; ſays he, I wiſh I had thought on this affair, for on Monday morning after the robbery was committed, I met John Skinner oppoſite the quakers meeting, at half paſt three, as I was going on duty.

*Siddons the turnpike man came, being ſent for.*

*Siddons.* I know the perſon of the coachman Skinner very well; I have known him four years; I ſaw him on the 26th of June, I got up about three in the morning to go on my duty, and I met him at half paſt three, it was quite light; I was quite nigh to him, within three yards; I bid him a good morning, and he bid me the ſame.

Have you any doubt that he was the man?—No, Sir, I cannot ſay that I have; I had no ſuſpicion of him; I am ſure it was John Skinner.

Did you ſee him with any body elſe?—He was by himſelf.

Did you ſee any body elſe that morning?—After I was coming to town that morning,

ing; I aſked a man to let me ride, coming to London I ſaw three men that looked like Londoners, but to ſwear to the men I cannot; Skinner was going from Edmonton, from his maſter's houſe about half a mile.

Had he any bundle in his poſſeſſion ?—— Nothing at all in his hand, neither ſtick nor any thing elſe.

*Court.* Let the coachman ſtand committed by order of the Court to take his trial for burglary the next ſeſſion.

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648. FRANCIS JENKINS otherwiſe GIPPEY was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 22d day of June laſt, in the 26th year of his Majeſty's reign, with force and arms, in and upon one William Anderſon, in the peace of God and our Lord the King then and there being, did make an aſſault, and him the ſaid William in and upon the head, and private parts of the body, did ſtrike and beat, and him the ſaid William to and againſt the ground, did feloniouſly and wilfully, and of his malice aforethought, divers times feloniouſly caſt and throw, and did alſo pull and drag him the ſaid William, giving him as well by the ſtriking, beating, and kicking, as by the caſting him to and againſt the ground aforeſaid, in and upon the head, and private parts of the body, divers mortal wounds and bruiſes, of which he languiſhed to the 2d day of July, and languiſhing did live, on which ſaid 2d of July, he, the ſaid William Anderſon, of the ſaid mortal wounds and bruiſes aforeſaid, did die, and ſo the Jurors aforeſaid ſay, that him the ſaid William Anderſon, he the ſaid Francis Jenkins otherwiſe Gippey, feloniouſly did kill and murder.

He was alſo charged on the Coroner's inquiſition with the ſaid murder.

WILLIAM WILKS *ſworn.*

On the 22d of June, between four and five in the afternoon, there was one Thomas Blake and his ſon and I at the horſe trough, and the deceaſed, William Anderſon was juſt at the entrance of our yard, he ſtood there talking with ſome of our people, but I cannot tell particularly which; he was a duſtman, and had juſt ſhot a load of duſt; his cart was at the duſt hole, a little way from him; the priſoner came over the way from the Coach and Horſes, and ſpoke to William Anderſon, and ſays to him, why don't you come and ſpeak to this man over the way; and Anderſon ſays, it is of no uſe for me to go, for I have no money to pay him; and then the priſoner went up to him and ſaid, you b——r I will make you go, and ſtruck him at the ſame time.

Did he go up to him in a threatening angry manner ?——I am not poſitive; but by the manner it muſt; he then ſtruck him immediately.

Where did he ſtrike him ?——He ſtruck him on the ſide of the head.

What did the deceaſed do upon that?—— He rather drew back from the blow, and rather ſmiled, but Jenkins followed him up, and gave him a blow with the ſame hand on the head, and at the ſame time his foot went croſsways of his private parts.

Do you think he meant to kick him there or did he only mean to trip up his heels, can you deſcribe a little more particularly in what manner he kicked him? —His foot went croſsways.

Do not you think he meant to trip up his heels ?——A man meaning to trip up a man's heels could never be ſo high as that I think.

What was the conſequence of the ſecond blow ?——He reeled round and fell backwards into a cart which ſtood with the tail to the ground.

Was it his own cart ?——No, it was another cart; and the priſoner went to him and ſaid, you b—r I could fight you with one hand, when he was laying in the cart; and the deceaſed anſwered, let me alone, for I am not able to ſtand againſt you, you have pretty well done for me already; the priſoner then pulled him out of the cart.

Had it the appearance of lifting him out

of

the cart or dragging him out?——It had not much the appearance of lifting him up, it was more in the manner of pulling him out; after he pulled him out of the cart he ſet him on his legs and he fell down afterwards; after that he took him round the arms and drew him acroſs the road, to the Coach and Horſes, between twenty and thirty yards; I did not like to interfere in it; there were more preſent that might have interfered as well as me; he took him into the houſe.

Did the man when he fell into the cart ſeem very much hurt?—Yes, he did, he changed countenance, and put his hands acroſs; he ſeemed to be very much hurt by the kick, I do not think he was much hurt by the blow; he fell from the kick into the cart.

If he appeared to you at that time to be much hurt, why did not you interfere?—I did not like to interfere in it with ſuch ſort of people; they might have done me an injury as well as another; there were others there might as well have interfered as me.

Did the priſoner ſay any thing at any time about his having hurt him, or not having hurt him?—Not that I know of.

Did the deceaſed ſtrike the priſoner at all?—Not in the leaſt.

Are you ſure the priſoner never ſaid any thing about having hurt or not having hurt the deceaſed?——I did not hear him ſay a word.

You have been examined before?——Yes.

Was the account you gave then a true one?—Yes, as near as I can recollect.

Did the priſoner ſay any thing about Anderſon?—Not that I ever heard, I never heard him ſay that he had hurt him or had not hurt him.

Did any body join with the priſoner in this?—Yes, one Boulton was in the cart; when he was pulled out, one of them ſaid, I cannot tell which, when he was ſet on his legs, the b—r was not hurt; that was when he was pulled out of the cart.

Who was Boulton?—He was another duſtman; they were all duſtmen together.

Did the deceaſed make uſe of any provoking language?——Not a word, which I was amazed at, as he was a very ſwearing man.

*Priſoner.* Where was Boulton when I came out of the Coach and Horſes?——I did not obſerve, you came out with a knife and a bone in your hand.

*Jury.* When the priſoner came out with a knife in his hand, if he had been maliciouſly inclined, and had a mind to take away the man's life, he had an opportunity?——He had a knife when he came over; he put it out of his hand, he made no uſe of it againſt the priſoner.

*Court.* I fancy you will find that he did not intend to take away the deceaſed's life; but there will be another queſtion; murder may be committed without abſolute and direct intention of taking away a life.

THOMAS BLAKE *ſworn.*

I am a duſtman; I was preſent when this unfortunate affair happened, I was ſtanding at my ſhed door, on the right hand ſide, very near the deceaſed; the deceaſed had juſt been and ſhot a load of duſt, then this priſoner came from the Coach and Horſes, and aſked the deceaſed the reaſon he did not come and ſettle a reckoning they had had before; Anderſon ſaid I have no money, it is of no uſe for me to go over; the priſoner then ſtruck him on the ſide of the head, the deceaſed ſeemed to ſmile, then the priſoner up with his hand, and ſtruck him again; then he gave him a kick.

Did the priſoner make any anſwer to the deceaſed when he ſaid he had got no money?——No; he ſtruck him without ſaying any thing.

Upon that blow did either of them ſay any thing?——No; Anderſon ſeemed to make a ſmile, upon which the priſoner ſtruck him again directly, and as ſoon as ever he ſtruck him, he made a ſwinging kick at him, and kicked him in the private parts, and he turned round and fell into a cart; it was not a kick ſtraight forwards.

Do you think he meant to trip up his heels?—It ſeemed like it.

*Court.* Did it appear to you as if he aimed at his private parts, and meant to kick him *there*?——No, it did not.

After the ſecond blow and the kick what happened?——When he was in the tail of the cart the priſoner threatened to fight him with one hand, and the deceaſed ſaid he was not able to ſtand, for he had done for him already.

Did the deceaſed appear to you to fall backwards by the force of the blow and kick?——He reeled round and fell into the cart; then I went away to carry a buſhel of cinders, and when I returned I met them drawing him acroſs the road, that might be about three minutes, I did not go above thirty yards, the priſoner had the deceaſed under the arms, and was drawing him acroſs the road.

Deſcribe as near as you can in what manner he was drawing him acroſs the road?—He had him under the arms, and was drawing him along, he drew him againſt the ſteps.

Take hold of that man that ſtands in the Court, and ſhew me how he dragged him?—He daſhed him againſt the ſteps. I did not ſee him thrown down violently, but he let him ſlip down, he threw him down like upon the ſteps, he let him go, and down he dropped.

Not as if he meant to do him a miſchief, not like daſhing him down?——No.

After the deceaſed told him that he was not able to fight him, and that he had pretty well done for him already, did the priſoner offer to ſtrike him after that?——No; he did not.

Did you ſee any more?——No, not then; this was on the Thurſday; on the Sunday following a woman came and begged of me to go and cut off the deceaſed's beard; I went, and found him in bed, and on the hind part of his head the hair was all cut off the back part of his head, and there was a very large bruiſe, as broad as the palm of my hand, and as black as could be; I ſaw no bruiſes any where elſe; he complained much of his head, and appeared light-headed; while I was ſhaving him, he ſaid, gentlemen, pray do not ſqueeze me ſo hard; he ſaid nothing to me about the hurt, nor I did not ſay any thing to him.

*Jury.* You did not obſerve his head hitting againſt the ſtone, when he let him down on the ſteps?—No, I did not; I ſaw him on the Monday; I then ſaw the place again, and in the middle of the place there were three ſpecks, like three drops of tallow.

THOMAS BLAKE, Jun. *ſworn.*

I ſaw the priſoner come acroſs the road and ſpeak to the deceaſed, and aſk him to come acroſs the way and ſettle the reckoning that they had, and the deceaſed ſaid it was of no uſe to come, for he had no money.

Then the priſoner had ſome concern in the reckoning?—Yes.

Was it at all explained what that reckoning was?—No, Sir; it was an old reckoning; then the priſoner ſaid no more to him, but up with his fiſt and hit him on the ſide of his head, and with that the deceaſed drew back, and made a ſmile, and he up with his fiſt and hit him again, and kicked him at the preſent time he hit him.

Deſcribe in what manner he kicked him?——He made a kick at him and kicked him right acroſs here.

Did he kick ſtraight at him?——No; his foot came aſkew at him, he kicked above his heels, he kicked at his thigh; it did not ſeem to me to aim to trip up his heels, he did not kick ſtraight at him, but aſkew.

What was the conſequence of that blow and kick?——He fell down into the tail of a cart with the vengeance of the blows and kick; then the priſoner Jenkins came up, and run his fiſt in his face, and called him a b——r, and ſaid he would fight him with one of his hands.

What did the deceaſed ſay to that?——He ſaid he was not able to ſtand againſt him, for he had almoſt done for him already; then the priſoner took him out of the cart, and ſet him upon his legs, and he fell down, he could not ſtand with the violence of the kick; then he took him under the arms, and drew him all acroſs the road, after he had drawn him all acroſs the road, he let him drop on the ſteps.

Deſcribe as near as you can the manner in which he let him drop on the ſteps?—He did not fling him down with any force, he only let him drop with his own weight on the ſteps, he did not fling him down as I ſaw.

Was you all brother workmen together?——I work for another man.

When he tumbled backwards into the cart, did he fall with violence?—Yes.

Did his head hit againſt any thing then?——Yes; he fell with great force, and the back part of his head hit againſt the bottom of the cart.

### GEORGE STRINGER *ſworn.*

I was preſent when this happened, I ſaw the priſoner come up to Anderſon, but I was not near enough to hear what he ſaid, I ſaw him ſtrike him.

How often?—Once.

What more did you ſee?——I ſaw him kick him on his private parts.

In what manner?—I cannot tell how it was done, I was not ſo near him as the other witneſſes.

Did you ſee the deceaſed at the public-houſe afterwards?——Yes; he recovered after he came over.

How long after?——I cannot ſay how long it was, it was the ſame day within about three quarters of an hour; there was me and the priſoner, and the deceaſed, and another man, we were drinking; the priſoner and I was playing for a pot of beer, and I won the pot of beer of him fairly, and the priſoner wanted to cheat me out of it, and it came to a quarrel, the priſoner ſtruck me, and I ſtruck him, and we went out to fight a battle, and a gentleman gave us ſome ſilver; after our battle was done, ſays he to the deceaſed, I will knock your head off with one hand, and the deceaſed ſaid you have no occaſion to take one hand for I will fight you with both.

Did they fight?——Had it not been for the landlady of the public-houſe, and me taking him apart, they would have fought.

Was the priſoner ſober at this time?—No, Sir, he was not, far from it.

Was he ſober at the time when he ſtruck the priſoner?—No, Sir, far from it.

He was conſiderably in liquor?—Yes; very much ſo; the deceaſed and me went out the next day for a load of duſt.

*Court to Wilks.* Did the priſoner appear drunk or ſober when this happened? I do not know how he was, for I cannot tell many times when they are drunk, or when they are ſober.

*Blake, ſenior.* He was neither drunk nor ſober, he was rather forward in liquor, not very drunk, but muddle headed.

### ANN ANDERSON *ſworn.*

You are widow of this unfortunate man that was killed?—Yes.

What time did he come home in the evening after the accident?—About nine o'clock.

What ſituation was he in that evening?——He ſaid, when he came into the room, he was not well, and he ſat down on the bed, he did not ſay any thing to me that night, only he was not well; he got up and went out the next morning, along with me, I work in the ſame yard.

How long was you at work?——About three hours; he complained very much in the morning, and was very ill; I perſuaded him not to go out.

Did he ſay to you at any time how he got the hurt; what hurt did he complain of moſt?——When he came with the horſe and cart into the yard, he ſupported himſelf up by the head of the horſe, he appeared to be a dead man; the firſt complaint he made, was, that this man kicked him in his private parts.

After that, when he grew worſe, what did he complain of?——A violent pain in his head, he did not mention any part.

Did he mention to you how he himſelf

thought he had got the hurt in his head?——Not till the Sunday following; he deſired me to look at the top of his head, which he ſaid was much hurt; I cut the hair off the top of his head, and aſked the other witneſs to ſhave him, and when the man ſhaved him, he aſked him whether it was not the ill uſage he received from the priſoner, and he ſaid yes.

Did he at any time deſcribe to you in what particular manner he got the bruiſes at the back of his head?——Upon his death bed he told me that it was by his dragging him acroſs the road, and daſhing his head down againſt the edge of the ſtones; that was what he ſaid about five hours before he died.

When did he die?——On Sunday was three weeks.

That was the Sunday ſe'night after the accident happened?—Yes.

### Mr. HODGES *ſworn.*

I think I was ſent for the 27th, to the Marybone infirmary, I think it was on the Tueſday, but I cannot particularly ſay.

In what condition did you find this man?——I found one ſide of his head particularly very much bruiſed, his face, and head, and eyes were very much ſwelled; he had a great deal of fever about him at that time.

Did you find any other particular bruiſe that attracted your attention?——Not particularly.

Do you recollect, particularly, a large wound on the back of the head, near the top?——This was on the ſide towards the back; that was the principal bruiſe.

Had he any delirium?——The nurſe told me he appeared at times to be what ſhe called wandering; when I firſt ſaw him he anſwered my queſtions perfectly ſenſible; the young gentlemen of the hoſpital had ſeen him before, I bled him, and attended him from Tueſday till the Sunday morning; I heard on Monday morning that he died on that night.

How ſoon did you apprehend any thing like mortal ſymptoms coming on?—Why, Sir, from the firſt time I ſaw him I apprehended particular danger; in the firſt place the quickneſs of his pulſe, and the next day I found him with a great degree of delirium, and an increaſe of fever.

Did you apprehend a fracture?——I did apprehend that there was a fracture, and I made an opening down to the bone, and found no fracture.

Was there any ſuppuration?——Yes; there was a large quantity of matter between the ſcull and the ſcalp.

Was it on the fleſhy ſcalp, or on the membrane that ſurrounds it?—It was exterior to the pericranium.

Was the pericranium very much inflamed?——Conſiderably ſo.

Did it terminate in a mortification?—Not abſolutely ſo, but tending as much as could be.

What did you in your judgement apprehend to be the immediate cauſe of his death?—I ſhould ſuppoſe from the injury he had received from his head whatever it was; from the violence of the blow or bruiſe whatever they were.

That was probably the primary cauſe, but what I mean is this; did you find any thing on the brain?—Yes, I did; I found the membrane that covers the brain very much inflamed.

Any matter formed within?——No; but the veſſels were filled very much with blood.

*Priſoner.* Aſk the ſurgeon whether the man had not the venereal diſeaſe very bad?——I never heard of any complaint of that; the injury on his head was the cauſe of his death.

### PRISONER's DEFENCE.

I and another man were drinking at the Coach and Horſes, and we ſaw Anderſon ſtand acroſs the way, juſt by the water trough of the red-lion, ſays he, go and fetch him over to have ſome beer; I went and laid hold of his arm, ſays I, Billy come and have ſome beer, ſays he, I have no money, ſays I, never mind that, if I aſk you to drink I do not aſk you to pay, and I took hold of him, and drew him along; then he hit me a knock on the head, then I hit him another, then he up with his foot, and gave me a kick over the ſhin.

*Court to Priſoner.* Conſider in making your defence that there were a number of people preſent, and unleſs you can call witneſſes to prove your defence, you will not do your caſe any good.

*Priſoner.* So far as hurt the man I did not mean to hurt him any more than my own brother; I was in liquor, I had been drinking all day.

*Court.* Have you any witneſſes here that ſaw the affair?——Only the gentlewoman of the houſe.

MARY GODLY *ſworn.*

I keep the Coach and Horſes at Paddington; I did not ſee this affair happen out of doors, I only ſaw it after they came in; there was a fight, a quarrel aroſe, that was the firſt that I ſaw between a ſtranger and the priſoner; they fought; after they came in, the deceaſed and the priſoner would have fought; I would not let them.

Was the deceaſed as willing to fight as the priſoner?——He was; I laid hold of his jacket to keep him from the other; he went away ſome time, and came again and drank out of the ſame pot, and he ſat down and drank for ſome time; he called me out of the bar, and gave me a ſhilling; I took the pot of beer out of it, and I had a remarkable ſmall ſix-pence, and he ſaid that would do very well, and he ſaid Nancy had been out all day a drinking, and had been drinking part of the week; the priſoner had been at our houſe about an hour; he was very much in liquor; the deceaſed had not been at our houſe for ſome time.

*Priſoner.* The ſecond day I went to ſee how the man was? he did not want any thing; I aſked him to drink a glaſs of wine or any thing; a woman that lived in the houſe came up, and ſaid his wife had been out all day, and had brought him bite or ſup.

Is that woman here?——No.

*Court to Mrs. Godly.* How long have you known the priſoner?——Four months; he is as quiet as any that comes to the houſe; I never ſaw any other; I never heard that he was malicious.

*Priſoner.* A day or two after I ſaid to Boulton, if the poor fellow is ſo bad, I will put in a ſhilling on Saturday-night, and you put in what you like, and we will make a gathering for him.

*The priſoner called three other witneſſes, who ſaid he was a quiet peaceable man, not malicious nor revengeful.*

*Court to Jury.* Gentlemen, it ſeems to be neceſſary for me ſhortly to ſtate to you the general outlines of the law on this ſubject: the killing of a man is always criminal, unleſs it is altogether involuntary or is in ſelf-defence againſt a perſon who is doing an unlawful act: it is criminal in a vaſt variety of different degrees; the killing of another which amounts to felony, may be either felony or man-ſlaughter; a killing which is the reſult of deliberate malice, or what the law calls malice prepenſe, is in all caſes murder; a killing ſhort of that not juſtifiable, which is either done on a ſudden provocation, or where there has been no provocation; where it is done in a manner that does not argue malice, is an offence of a leſſer degree, under the denomination of manſlaughter; however, by malice prepenſe the law does not neceſſarily imply a direct and deliberate intention to kill, for wherever that exiſts the caſe is put out of all doubt, and there is no difficulty in the conſideration of it; but there are degrees of malice far ſhort of that, which if death] enſues, amount in the eye of the law to murder, as where a man kills another in the proſecution of an unlawful and felonious act; there, though he did not actually intend to kill the perſon he has killed, yet the felonious intention with which the act was accompanied ſupplies that malice which the law requires, and every killing with a felonious intention is in the eye of the law murder ; again, where a man either without provocation, or on a very ſlight provocation makes uſe of a weapon or an inſtrument which is likely to occaſion the death of the perſon to whom it is uſed, to effect a purpoſe which was ſhort of death ; if it is done without provocation, or on a ſlight procation, and death enſues, it is murder : there is another violence that is murder, which is, where a perſon in conſequence of a previous reſentment which has a degree of malice in it, attacks another with the intention of doing him ſome perſonal injury ſhort of death ; that being in the proſecution of a deliberate intention to do him a perſonal injury, if death enſues, the party is anſwerable for it, and gulity of murder in ſtrictneſs of law ; becauſe he was proſecuting unlawfully and maliciouſly a deliberate intention to do the perſon ſome miſchief ; and where a man on a ſlight provocation, or on the ſudden without provocation, gets into a quarrel with another, and proſecutes it with ſuch a degree of cruelty and violence as is likely to produce fatal conſequences, in that caſe, though the firſt beginning of it is not ſo criminal, if it is proſecuted with that degree of cruelty and violence, and death enſues, it has been juſtly accounted murder ; the caſe that you are now to try will come within one or other of the two laſt deſcriptions that I have ſtated to you ; *(Here the learned Judge ſummed up the evidence, and added)* it is perfectly clear from the evidence, that this priſoner did not intend to kill the deceaſed ; and the queſtions for your conſideration are firſt, whether you think that at the time he came over to the deceaſed, he came over with a preconceived and deliberate purpoſe of doing him a bodily miſchief ſhort of death ; for if you are of opinion that he came deliberately and coolly over to beat this man without ſufficient cauſe, death enſuing that will make it, in my opinion, murder ; or if you are of opinion that he did not come over with ſuch intention, but are of opinion, that he daſhed his head againſt the ſteps with intention of doing him a further miſchief, I am of opinion, (if it aroſe from cool and deliberate malice on the part of the priſoner, though void of intention of proſecuting that malice to death) it will be murder ; if you think there was no cool and deliberate malice of any kind from the priſoner to the deceaſed, but what happened was on the ſudden, taken up in the moment, without uſing a deadly weapon, and without intention of, of killing, then it is not murder.

*The Jury retired for ſome time, and returned with a verdict*

GUILTY.

*Of manſlaughter, but not of wilful murder, both on the indictment and Coroner's inquiſition.*

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

*Foreman of the Jury.* Priſoner, I beg you will down on your knees and thank the Judge for his candour and attention to the circumſtances of your trial.

*Court.* Priſoner, your caſe is by no means free from a very conſiderable degree of guilt, for you have moſt raſhly, and with a great deal of brutality, and without any provocation to excuſe it, been the cauſe of this poor man's death ; I hope the reflections of your own mind in ſo unfortunate a ſituation will be a ſeverer puniſhment to you than any the Court can inflict upon you ; but I think it right for the ſake of example, and for the ſake of juſtice, that you be impriſoned for twelve months in his Majeſty's gaol of Newgate.

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604. ELIZABETH JONES and MARY ABSOLOM were indicted for feloniouſly ſtealing, on the 18th day of July laſt, one pair of women's ſtuff ſhoes, value 2s. one pair of ſtockings, value 18d. one cap, value 6d. and one half handkerchief, value 6d. the property of Thomas Jones.

**THOMAS JONES** *ſworn.*

I know the priſoners; they came into my ſhop to buy two gowns laſt Monday was a week, in the forenoon; they bargained for two gowns, and left 6d. earneſt; and whilſt they were having them tried on, they ſtole the goods mentioned in the indictment; I miſſed the things the moment they were gone.

Did you follow them?—No, I did not.

Did you ſend after them?——No, they came back for ſome things, and I charged a conſtable with them who was going paſt the door.

Did you ſearch them?——No, I was told where the things were pawned; I ſaw them about five minutes before; I had no cuſtomer from the time they came out to the time they came back.

**FRANCIS FLEMING** *ſworn.*

I have the ſhoes; they were pawned by a little girl laſt Tueſday.

*Mr. Akerman.* My lord, ſhe is committed as a receiver.

Is any bill found againſt her?——No.

*Court.* Bring her up.

*(When brought out of Newgate, ſhe appeared a miſerable little child.)*

Who committed this child?—Sir Edward Bindloſs.

*Court.* How old are you?——Eleven.

Do you know the nature of an oath?—No.

Do you know what will happen to you if you ſwear falſely?——No.

Have you ever learned to read?——No, Sir, I cannot.

Have you ever been taught your catechiſm?——No, Sir.

Whoſe child are you?——Mr. Myles's, he is a porter in Petty France, Weſtminſter; he has three more beſides me.

Have you a mother?——Yes.

Have they been to ſee you here?—No, they knew I was taken to Clerkenwell; I do not know whether they know I am here.

*Court.* Let this child be detained till the call over.

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*Mr. Sheriff Sanderſon.* My Lord, I will take care of her.

*Court.* That is very humane of you Sir.

*Priſoners.* We know nothing about it.

BOTH ACQUITTED.

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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650. **MARY JONES** was indicted for feloniouſly ſtealing, on the 17th day of June laſt, five ſhillings, in monies numbered, the property of John Irvin.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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651. **JOSEPH TIMMINGS** was indicted for feloniouſly receiving, on the 3d day of June laſt, one iron gate, value 20s. belonging to William Raine, from a certain perſon unknown, well knowing the ſame to be unlawfully come by.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

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652. **JOSEPH WRIGGLESWORTH** was indicted for feloniouſly ſtealing, on the 4th day of June laſt, ſix live rabbets, value 6s. the property of Samuel Sewell, the ſame being kept and confined in certain hutches.

NOT GUILTY.

*Tried by the London Jury before* *Mr.* ROSE.

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653. **ISAAC GOUGH** was indicted for feloniouſly ſtealing, on the 19th day of June, one brown gelding, price 4l. the property of Richard Lee.

*(The witneſſes examined apart.)*

**RICHARD LEE** *ſworn.*

I live at Farnborough; I loſt a brown gelding the 10th of June from Farnborough-Common.

When had you ſeen him there before?——At nine the evening of the 19th; I miſſed him at eight the next evening; I found him again at the Roſe, in Smithfield, about ten days after I loſt him; I know not how he came there; I have ſeen the priſoner in the country, but not at that time; I am quite ſure the horſe I found at the Roſe was my horſe; he was crop eared and broken kneed, and blind, and a hand bruſh tail.

Any white legs?—No.

**CHARLES SHORTER** *ſworn.*

I am a day labouring man; I came to Smithfield to ſell a horſe; I ſaw this horſe in Smithfield on the 30th of June expoſed to ſale; there was a boy on the horſe; he ſaid, here is my father, and his father went and fetched the owner; then I took the priſoner down to the Roſe.

Did the priſoner ſay he was the owner of the horſe?——Yes.

What did he ſay?—He ſaid, he bought him at Cambridge fair, and gave a guinea and an half for him; he was expoſed openly to ſale in the market; I am ſure it was Mr. Lee's horſe.

**JOSEPH DODD** *ſworn.*

I am a patrol of St. Sepulchres; I aſked the man how he came by the horſe, and whether it was his property; he ſaid, it was; I then aſked him where he bought it, he ſaid, at Cambridge fair, and he gave a guinea and an half for him; I aſked him if he had tolled the horſe in the fair, he ſaid, no.

**EDWARD RYLAND** *ſworn.*

I know no more about it than taking the priſoner; he told me he bought him at Cambridge fair; and that nobody ſaw him buy him; and that he never tolled the horſe, which I underſtand to be booking of him.

When is Cambridge fair?——On the 24th of June.

**PRISONER's DEFENCE.**

I bought the horſe at Cambridge fair of a tinker; that is the receipt he gave me for it; I cannot read.

*(Handed up to the Court.)*

Have you ever ſent for this man?——It is impoſſible for me to ſend for him; I do not know where to find him if I had; when I brought this horſe up, I gave him to one John Hendrick to ſell for me; he will give me a character.

**JOHN HENDRICK** *ſworn.*

I know the priſoner; he buys and ſells low priced horſes; and I have ſold two or three for him before this; I never heard a bad character of him, he always paid me.

*The priſoner called another witneſs to his character.*

NOT GUILTY.

*Tried by the London Jury before* *Mr.* RECORDER.

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654. **RICHARD DOBSON** and **ELIZABETH DOBSON** were indicted for feloniouſly ſtealing, on the 26th day of April laſt, three linen ſheets, value 10s. the property of *Samuel Lewis*, in a lodging room.

BOTH NOT GUILTY.

*Tried by the London Jury before* *Mr.* RECORDER.

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655. **THOMAS DENHAM** and **ANN DENHAM** were indicted for feloniouſly ſtealing, on the 13th day of June laſt, one woman's printed cotton gown, value 20s. a laced cloak, value 30s. a pair of laced ruffles, value 6d. a pair of robins, value 6d. and a ſtriped muſlin apron, value 4s. the property of John Balls, in his dwelling houſe.

**JOHN BALLS** *ſworn.*

On the 13th of June, between three and

four my wife was going up ſtairs, as ſhe thought ſhe had loſt her clothes; ſhe told me, and I ſuſpected the priſoners, and got a ſearch warrant; the priſoners were out; I waited till they came home, which might be about two hours after; I got a conſtable to execute the warrant; the priſoners lodged in my houſe; I was not in the room when the room was ſearched; I did not ſee the things found.

*Court.* The priſoners are man and wife?——Yes.

HANNAH BALLS *ſworn.*

I know the priſoners perfectly well, they lodge with me; they came to me as country people; on the 13th of June I was going out in the afternoon; I went into a back room where I uſually kept my clothes, and looking in a box, I miſſed my cloak; I then looked and miſſed a chintz gown, a corded dimity waiſtcoat of my huſband's, a dark cotton gown, a black ſilk cloak, an under dimity petticoat, a ſhift, and many things which were never found; a pair of laced ruffles, a bit of lace, a pair of laced robins; I was preſent when the room of the priſoners was ſearched by the conſtable, there was a chintz gown found which was my property, that was under the bolſter of the bed; a cloak, a pair of robins, and a bit of lace were there alſo; no more was found in my preſence; the priſoners were both at home when the ſearch was made; the man ſaid, he knew nothing at all of the matter, and the woman ſaid, ſhe knew nothing, but the man immediately anſwered and ſaid, for God's ſake, if you know any thing of this caſe, or if you have any thing that belongs to Mrs. Balls, for God's ſake, give it her; the woman immediately followed me on the landing place, and in the preſence of two or three people ſaid, for God's ſake forgive me, and I will make good all you have loſt; I ſaw on Friday one gown in particular; I miſſed them on the Tueſday.

Then you have no knowledge yourſelf what time they were taken?——No, they were taken either Friday or Saturday.

Do you know at all whether the man was at home at the time or not?——I believe he was not at home, becauſe he was frequently at the latter end of the week working at his buſineſs.

What is his buſineſs?—He is a journeyman taylor.

*Mr. Knowlys, priſoners counſel.* You cannot pretend to ſay but you might have loſt different parcels of it on the Friday, and on the Saturday?——I cannot ſay, they were things I did not immediately want, therefore I did not look after them.

WILLIAM ASHLEY *ſworn.*

On Tueſday in the afternoon this woman came to me, and deſired I would come to their houſe; I am a conſtable; Mr. Ball gave me a warrant to ſearch his lodgers room; I went up ſtairs, and with my fingers I knocked at the door; the priſoner opened the door; they were both ſtanding by the fire ſide; I made them acquainted with my buſineſs; I deſired them to give me any thing they had; Mrs. Ball came into the room and turned down the bed, and found a bundle; the man ſaid to the woman, before the bundle was found; I know nothing of any thing of any body's but our own, ſave the furniture; but he ſaid to his wife, if you have any thing, for God's ſake, give it up; he ſaid ſo, ſpeaking in compaſs, twenty times; the woman ſaid, ſhe had nothing at firſt; when this bundle was found, ſhe fell a crying very much, and deſired Mrs. Balls to leave the room; I then held the bundle in my hand, and aſked the woman if ſhe had any thing more, and out of her pocket ſhe gave me this white apron.

The Remainder of this Trial in the next Part which will be publiſhed in a few Days.

ERRATUM.——No. VI, Part VI, page 930, in the Trial of Joſeph Wild, inſtead of "*Tranſported for* fourteen *years*," read "*Tranſported for* ſeven *years*."

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER VI. PART VIII.

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[PRICE SIXPENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of Thomas and Ann Denham.*

A WITNESS *ſworn.*

On the 13th of June, Mrs. Balls came to me, and ſaid, ſhe was robbed; then I ſaid, get a warrant and take all your lodgers up; I got a warrant; and I know nothing more; on the 19th of June I ſaw the woman in the room where theſe things were ſtolen from; that was the Friday before; Mrs. Balls was at home nurſing the child; ſhe was not in the room; I ſaw the woman in the room, ſhe looked at me at the door, the door was cloſe to the ſtairs; I ſhut to the door; I went by and ſaid, I beg your pardon, be you who you will; the woman ſaw me, and I ſaw her; I cannot ſwear it was the woman, but a monſtrous likeneſs.

PRISONER THO. DENHAM's DEFENCE.

I never ſaw any thing of the property till the conſtable came.

PRISONER ANN DENHAM's DEFENCE.

I found the things coming home on the ſtairs, the apron tumbled out, and I put it in my pocket to go down to ſhew it to Mrs. Balls; my huſband was not at home, and ſhe was buſy in the ſhop; my huſband did not come home till ten; on the next day my huſband and I went out, and on our returning back we found our door had been broke open; I ſaid, I knew nothing of any thing of Mrs. Ball's, but I owned to the property: the ſtairs being a thoroughfare, I did not know but ſomebody might have dropped them; for there were people paſſing.

*Court to Proſecutor.* What was the value of thoſe things that were found?——I value thoſe that were in our preſence at two guineas and a half.

*Court to Mrs. Ball.* How came you to know the bundle was in the bed?——I went to the bed to ſearch for my ſheet and blankets.

Had you been in the room before?——Yes, I had; it was by order of Juſtice Abbington; he ſaid, in caſe it was my own furniture, I had a right to go in and examine whether my blankets and ſheets were there.

*The priſoners called one witneſs who gave them both a good character.*

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. RECORDER.*

656. MARY BURK was indicted for feloniouſly ſtealing, on the 10th day of June laſt, one watch in a gold caſe, value 8l. the property of Stephano Renſetti, privily from his perſon.

*An interpreter was ſworn, who being very deaf, Mr. Oney, the phyſician of Newgate, was ſworn interpreter.*

STEPHANO RENSETTI *ſworn.*

I loſt my watch, on the 10th of June, on Saturday about half paſt ten, the priſoner took hold of me by the arm; I was in liquor; ſhe aſked me to treat her with a pint of wine, I ſaid, I would; I went into a tavern, but I do not know what tavern it was; we continued there nearly half an hour, during which time we had a pint of wine.

Are you ſure you had your watch when you went in there?——I am ſure I had it then.

Did you perceive her take the watch?——No.

How ſoon did you miſs the watch?——Not till I came out of the tavern, and was going through the alley.

What did you ſay to her when you miſſed your watch?——She was gone before I perceived I had loſt my watch; and I ſaw her no more that night.

How ſoon after was ſhe taken?—The next day.

*Mr. Scott, Priſoner's Counſel.* What company had you been in before you met the priſoner?—None.

Had not you loſt a gold ſnuff box before you loſt your watch that evening?——After I loſt my watch three or four women got round me and puſhed me from ſide to ſide; and then I loſt my box.

Had not you been in company with other women, and with that very man that is now a witneſs?——With no other women, nor with the man.

THOMAS BANKS *ſworn.*

I am a watchman in Parliament-ſtreet, this gentleman came to me about half paſt ten, and ſaid, he had been robbed the night before of his watch, and the perſon was gone through Privy-gardens, I refuſed to go, becauſe it was out of my bounds, and in another pariſh.

*Court.* Why ſo?—I ſaid, bring the perſon to me; I have been checked for it.

By who?—By the church wardens.

*Court.* Then I am ſure the church wardens ought to be checked by the Court of King's Bench.

*Watchman.* The proſecutor told me the perſon that robbed him was in Privy-gardens, and run into a ſentry box; the woman was brought to me, and I took her to the watch-houſe, I ſearched her but not minutely, as the robbery was done the night before; ſhe denied robbing him; ſhe owned he had been with her the night before, and had given her a couple of ſhillings and a pint of wine.

LEWIS ROSSE *ſworn.*

I ſaw this gentleman the next day after the robbery, he was crying; I aſked him what was the matter; he ſaid he had been robbed the night before of his ſnuff-box, and his gold watch; he told me the whole, I adviſed him to go to the ſpot where he had the woman; I went along with him to find the woman; I ſecured her myſelf.

Did you ever hear her ſay any thing about the watch?——No, ſhe denied it; when we came up to Privy-gardens I heard the woman ſay here is the man, I muſt run; and accordingly ſhe run into a ſentry box.

Who did ſhe ſay ſo to?——To ſome other women that were there.

*Mr. Scott.* What time of the evening was it when you went with your friend?——Between ten and eleven.

Was it dark?——It was.

There were ſeveral other women, beſides this woman?——Yes, and they all fell upon me.

As it was dark, and there were ſeveral other women, how can you ſwear it was that woman hat ſaid, here is the man?

MICHAEL GRIFFIN *ſworn.*

I read an advertiſement in the paper about a watch, and I happened to go to Tothil-fields bridewell, and this priſoner had a note to carry to a man that bought the watch, his name was Farder, a ſhoemaker; I read the note, and I enquired after Mr. Renſetti, and gave him the note.

(*The note read.*)

"I ſhall be obliged to you to ſend me a
"a trifle of money to Newgate, I have
"not a perſon to give me a farthing, and
"you muſt be ſenſible you have not given
"me the value of the watch. I am, Sir,
"your humble ſervant, Mary Burke. I
"ſhall be glad you will aſk Mrs. Bailey
"to let me have my hat."

*Mr. Scot.* That note might refer to any watch in the kingdom?——The ſhoemaker has abſconded, and the watch has never been found.

### SUSANNAH LOVEL *ſworn.*

The priſoner came to my room on Sunday morning, very much in liquor, and aſked for a little boiling water for tea; I told her yes; ſhe had not been in my room above five minutes before Mr. Farder, the ſhoemaker, in Rye-ſtreet, followed her in, and ſhe took a watch out of her ſtocking, and gave it into his hand to look at, he tried it with a match, and ſaid he did not think it was gold; he offered her a guinea and half for it; and ſhe ſaid ſhe would take it; he went out of my room with it; he came back again, and ſaid he had tried it, and it was not gold, and if he bought it, he muſt get two or three ſhillings by it, and he would give her no more than twenty-five ſhillings; and he ſent the twenty-five ſhillings in by a woman.

Did ſhe ſay how ſhe came by this watch at all?——No; that is all I heard.

### PRISONER's DEFENCE.

This gentleman came to me on Saturday night, between twelve and one, and he aſked me to drink a glaſs of wine; I refuſed it ſeveral times, he was rather in liquor, he called for a pint of wine; we went, and he ſaid it was rather too late to ſtay; he came down ſtairs and kiſſed me, and wiſhed me a very good night; he told me to meet him the next night; I went there, and he came the next night, and ſaid I had robbed him; and he took me up; they ſearched me; I had no money about me.

**GUILTY.**

*Privately whipped, and confined to hard labour twelve months in the houſe of correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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657. ANN THOMSON was indicted for feloniouſly ſtealing on the 4th of of June, one ſilver watch, value 3l. and four ſhillings and ſix-pence in money, the property of David Houghton.

### DAVID HOUGHTON *ſworn.*

I am a ſoldier; I loſt my watch; the priſoner took it from me, I met her at Weſtminſter between twelve and one at night on the 4th of June; I agreed with her to go home to her lodging, and we went into an ale-houſe which was within two or three doors of her lodging, and had a pint of ale; and ſhe went to get a light to her room, and while ſhe was gone I counted my money, four ſhillings and ſome halfpence, and when ſhe came down I paid for a pint of beer, and the landlord aſked me what it was o'clock, and I looked at my watch, and it was one.

What public houſe was this?——It was in Duck-lane; I believe the landlord's name is Coleman; then we went up ſtairs, and I ſtripped off my clothes, and put the chain of my watch round the button of my waiſt-coat; the door was locked; and we went to ſleep; and I waked at four; and the door was open; and ſhe was gone, and my watch and money; I had been drinking a little that day, but I was perfectly ſober; I went and got a warrant on Monday, and took her up; ſhe would not own to it; on Monday ſhe ſent for me, and another lad went with me, and ſhe confeſſed.

Did you promiſe her any favour if ſhe

confeſſed, in order to induce her to confeſs?——Yes, I ſaid, if ſhe would tell; I deſired her to tell.

Did not you tell her it would be better for her?——Yes, I did.

Then ſay nothing about her confeſſion.

BETTY BRAMKALL *ſworn*.

I am a niece to a pawnbroker; I never ſaw the priſoner; I took this watch from one Simon Connel; he is not here.

*Priſoner*. I never touched the watch at all, nor I never owned it; my witneſſes were here all day yeſterday.

GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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658. **THOMAS GRAY** was indicted for that he, together with **WILLIAM BAKER, JOSEPH HICKS, DAVID ANDREWS, THOMAS BREWER, WILLIAM KINGDOM, HENRY SALISBURY, JOHN FOGARTY**, and **THOMAS JONES**, and divers others to the number of three and more, on the 22d of April, 1785, with force and arms, at the pariſh of Stoke Damarell, in the county of Devon, being armed with divers ſticks, fire-arms, and other offenſive weapons, ſix gallons of foreign geneva, being uncuſtomed goods, and goods liable to pay duties, which were not paid or ſecured, unlawfully riotouſly, and feloniouſly did take away from Thomas Kingsforth the elder, Thomas Kingsforth the younger, and Thomas James, officers belonging to his Majeſty, after ſeizure of the ſame by ſuch officers as aforeſaid.

*A ſecond count*, For that he, with the ſame perſons did aſſemble themſelves together, in order to be aiding and aſſiſting in taking away the ſaid brandy from the ſaid Thomas Kingsforth the elder, Thomas Kingsforth the younger, and Thomas James, being ſuch officers belonging to his Majeſty, after ſeizure of the ſame as being ſuch officers as aforeſaid, againſt the form of the ſtatute.

He was again charged for that he, together with the ſame perſons, on the ſame day, and at the ſame place, being armed with offenſive weapons, to wit, with certain large ſticks, bludgeons and clubs, &c. did aid and aſſiſt certain perſons whoſe names are as yet unknown, in reſcuing and taking away from Thomas Kingsforth the elder, Thomas Kingsforth the younger, and Thomas James, ſix gallons of foreign geneva, being uncuſtomed goods, after ſeizure, being ſuch officers as aforeſaid, againſt the ſtatute.

*A fourth count*. That on the ſame day, and at the ſame place, Thomas Kingsforth the elder, Thomas Kingsforth the younger, and Thomas James, being officers of the exciſe of our lord the King, did lawfully ſeize ſix gallons of foreign geneva, duties not paid or ſecured, and that the priſoners and others, on the ſame day, and at the ſame place, being armed with offenſive weapons, &c. unlawfully, riotouſly, routouſly, and feloniouſly did aſſemble and aid and aſſiſt in reſcuing and taking away from the ſaid Thomas Kingsforth and others the ſaid ſix gallons of foreign geneva, after ſeizure thereof by them, againſt the ſtatute, and againſt the peace.

*Counſel for the Crown.*

Mr. Attorney General.
Mr. Solicitor General.
Mr. Wilſon.
Mr. Silveſter.

*Counſel for the priſoner.*

Mr. Fielding and Mr. Garrow.

*The witneſſes examined ſeparate.*

*The indictment was opened by Mr. Silveſter.*

*Mr. Attorney General opened the caſe as follows.*

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, this is an indictment againſt the priſoner at the bar, founded on an act of Parliament made in the 10th of the late King, by which it is made a capital felony for any perſons to the number of three or more, armed with fire-arms or other offenſive weapons, to ſeize and carry away uncuſtomed goods; there is likewiſe another clauſe that makes it the ſame offence to be aſſembled in order to aſſiſt in carrying ſuch goods away; and the only queſtion I ſhall have to lay before you is, whether you are ſatisfied that the priſoner is one of the perſons that was ſo aſſembled: It may be proper, though certainly it is not neceſſary that I ſhould ſtate to you the policy and intent with which this act was made and continued; it was made at a time when (as I am afraid the caſe is at preſent) the revenue of this country could not be collected without danger to the officers, which made it almoſt impoſſible to collect ſuch revenue; and the ſmugglers at that time (as I am ſorry to ſay they have continued to this) not contented to carry on their trade with the evaſion of the law, did then and ſtill do endeavour to effect that evaſion with violence, which the prudence and circumſpection of the officers make it impoſſible to effect any other way. Gentlemen, the evidence will not leave any room to doubt of the priſoner's guilt: It ſeems that on the 21ſt of April was a twelvemonth, (and the reaſon of this proſecution not having been commenced ſooner ariſes from the abſconding of the priſoner) this priſoner, together with ſeveral other perſons, much more than the number of three, and whoſe names will be mentioned to you by the waterman who ferryed them over to the Plymouth ſide of the river, between twelve and one in the night came over to Plymouth ſide, from a place I think called Corſham, each of them with bludgeons in their hands, which will be deſcribed, and concerning which there will be no doubt at all of their being offenſive weapons, for ſome of them had irons on their ends, but all of them loops at their ends, by which a man could hold them in his hand in order the more effectually to ſtrike, the end of them being extremely heavy. Gentlemen, the officers on their duty that night were in expectation of their coming, and they were watching for them; about one o'clock they ſaw twelve or fourteen of the ſmugglers coming in a boat belonging to one Thomas Myles, a waterman; each of them had tubs ſlung with cords in his hand, which they call an anchor; they proceeded to Plymouth dock, except the waterman, who had no hand in the buſineſs but that of bringing them over, they had each of them a bludgeon; the officers let them go a little way, and then immediately appeared and endeavoured to reſcue theſe caſks, and accordingly they did get four of theſe caſks into their cuſtody, upon this the ſmugglers rallied, and they attacked the officers, and from their number, which was much greater than that of the officers, they very ſoon overcame them; they knocked down old Kingsforth, and beat him in ſo horrid a manner, as really I could hardly have believed that men in their deſperate ſituation could have been guilty of; they firſt of all broke his leg, when they had done that one only of the officers remained to carry him away, the others were ſo terrified; he carried him to the public houſe, and laid him down at the door, and then they fell upon him again, and beat him till he was rendered ſuch a ſpectacle as hardly ever was ſeen; and I am informed at this moment he is totally incapacitated from doing and buſineſs, and his life for ſome time was deſpaired of. Gentlemen, in this ſcuffle the other man Taylor had his leg broke, and the other eſcaped. The only queſtion that you will have to try is, whether this man was one of the number: in order to prove that, I ſhall call in all theſe officers, or many of them, who will give you a general account of the manner in which theſe men came over; old Kingsforth and another cannot ſpeak to the identity of this man, but there are two other witneſſes that ſpeak poſitively to him; Myles the waterman will prove to you, that this man was one of thoſe that came over that night, that he was one of thoſe that had the caſks after they were reſcued from the ſmugglers, and that he afterwards came over on the other ſide, and was ferryed; Brewer, who is likewiſe one of the officers, he will prove to you that he was one of the perſons that took one of the cags from the ſmugglers, that while he was ſtruggling with this man, theſe four came to his aſſiſtance, and aſked what they were about, upon which they all turned upon old Kingsforth, and then Brewer thought fit to make his eſcape, and at the time he did, he will tell you that the priſoner ſtood over him ſwinging a bludgeon three feet long, he will deſcribe the dreſs, which will correſpond with the account of Myles; and when you have heard this evidence, I am afraid—for I could wiſh myſelf that the priſoner was not guilty, but if he is, undoubtedly it is my duty to proſecute him, it is equally your duty to convict him—I am afraid there will not be a particle of doubt that he is guilty of the fact, and the conſequences of the law he muſt abide.

### THOMAS KINGSFORTH, the elder, *ſworn.*

*Mr. Solicitor General.* Where was you on the evening of the 21ſt of April, 1785? ——At Plymouth dock.

At what time in the evening did you go there?——Between one and two in the morning.

Who were you in company with?—— There was ſeven officers in all; I am an officer of exciſe; Thomas Brewer, James Taylor, Thomas Kingsforth, that is my ſon, Richard Bayley.

Were they revenue officers as well as you?——Not all; Thomas Mains was there alſo.

Which of them were revenue officers? —Thomas Maine, myſelf and my ſon; Brewer is not one.

Where were you placed at the hour you have mentioned?—At Mutton Coe on the other ſide of the paſſage.

You was on the dock ſide?——Yes.

What was the purpoſe of your going there?——To look after ſmugglers.

Had you any expectations of particular buſineſs there?——No, Sir, only to look after ſmugglers, to ſee if we could fall in with any of them.

How did you place yourſelves?——We concealed ourſelves among the rocks.

What paſſed after you had ſo concealed yourſelves?—We ſaw a boat half way over the paſſage, going over to the other ſide; and in a little time the boat came back again; the boat had been over; and then they landed ten or twelve men, all with cags on their backs with brandy and gin; then when the goods were landed, we purſued after them.

They went on with their goods; and you purſued after them?——Yes, and we came up with them, and ſome of our people ſeized ſome of the cags from them.

Did you ſee that?——I did not ſee it.

*Court.* Only ſpeak that that you yourſelf ſaw and know; leave the other witneſſes to ſay what they know?—I ſaw every man with a caſk on his back, all on a line, running one after another, and we after them.

Had they any thing with them but the caſks?—Each of them had a bludgeon in their hands; a large bludgeon.

Deſcribe it?—Bigger than this crutch, and about half the length, and thicker if any thing than this.

What was the ſhape of it?—I cannot tell the particulars.

Had any of the men any other ſticks?— I could not ſee all of them becauſe they were not altogether.

But ſuch as you did ſee, in what manner did they hold them in their hands?—— As you do a ſtick of another kind; they run behind a houſe ſome of them and put their cags down, and I followed them behind the houſe; I came up with them; there was nobody but myſelf; I called our people to ſtop them from going to the water ſide; and I followed amongſt them all.

What happened to you then?——I ſaw one of them going to make a blow at me with one of theſe bludgeons; I told him, ſays I, if you offer to ſtrike me, I will cut your head off.

Then what had you in your hand?—I had a cutlaſs, with that he ſtruck me in this place on my head.

What did he ſtrike you with?—With a bludgeon; then three or four of their bludgeons were upon me at a time, they blinded me with blood, I could not ſee out of my eyes; the blood run down my face; after that he flung a ſtone at me, and broke my leg all to pieces; the ſtone weighed nine pounds and a quarter; here are nineteen pieces of bone that came out of my leg; two pieces three inches and a quarter long.

*(Shews them to the Court.)*

How long was you ill?——I am not well yet.

*Court.* That is not material.

I called out my leg was broke, and two of our people came to aſſiſt me; one was my ſon, and one was called James Bayley; then they got me to the public houſe and tried to knock the people up to carry me into the houſe; they laid me down at the door, and our people were all obliged to run to ſave their lives.

*Mr. Attorney General.* I do not think we have evidence of the ſecond beating?—There was an anchor of our people's ſeizing, two of the party came and reſcued.

How do you know they were two of the party?——I do not know.

Could you ſee?——No, Sir, I imagined they were two of the party.

You do not know that thoſe who came to beat you on the ſteps of the public houſe were ſome of the ſame people that beat you before?—I cannot ſay they were; but two came the ſecond time.

What did they ſay the ſecond time?—I do not know what they ſaid the ſecond time particular, becauſe they beat me ſo; I cannot tell what they ſaid rightly; I was ſtunned with the force.

THOMAS BREWER *ſworn.*

*(Examined by Mr. Wilſon.)*

Was you in April, 1785, in Mutton Coe?——Yes, on the 21ſt of April, about three quarters after one in the morning; I am an extra-officer in the Cuſtom-houſe.

What were you there for?——My buſineſs was aſſiſting the exciſe-officer.

What was it that came over between one and two?—Plenty of cags; ten or more; I cannot tell exactly; a great number.

What were they brought over in?——In a boat.

How many people do you think there might be?—Twelve or thirteen.

Do you know whoſe boat it was?—Tom Myles's boat.

What did they do when they came over?——As ſoon as they landed the goods they took the cags on their backs and they went off; we purſued after them; there was Mr. Kingsforth the elder and younger, and Thomas Maines, Thomas Taylor, and James Bayley, and myſelf; they followed them and came up with them; I took one cag off one of the men's backs; then I ſaw another, and the ſmugglers purſued me with their ſticks and beat me off, then Mr. Kingsforth the elder came up juſt as they were beating me off; then juſt as I was turning back, I met one Gray who was coming down; he had no cag on his back, he had a ſtick; then I heard Mr. Kingsforth cry out.

Could you know this Gray?——Yes.

Look about?——That is the man.

You are upon your oath, is that the man that you met?——That is the man I met; he had no cag; in his hand he had a ſtick, two foot and an half long, or it might be more.

What was it for, was it fit for a walking ſtick?——No, not for a walking ſtick, it was rather too big for a walking ſtick.

What ſort of a ſtick was it?——A kind of a knotted ſtick.

Did you ſee him do any thing with it?——No, I not ſee him ſtrike any body with it.

What did he do when you met him?—I do not know, he joined that company of ſmugglers that were beating Kingsforth.

What were they beating Kingsforth with?—With ſticks.

What ſort of ſticks?—Very large ſticks, bludgeons we call them.

What was his ſtick?——A bludgeon; they call them bats in their place; they are generally uſed by thoſe people that carry theſe liquors.

You ſay you are ſure you met Gray; which way was he going, towards the ſmugglers or from them?——They had beat me off the cags; and I met him going to join them; I did not ſee him ſtrike with his bludgeon.

Was he uſing it as a walking ſtick when you met him?——No, not walking with it, he was ſwinging it in his hand; I did not ſee him do any thing with it; he joined the other party.

What were they doing when he joined them?——They were beating Kingsforth; I ſaw Gray and Andrews about five the next morning going over the water together.

Did you ſee the priſoner doing any thing when Kingsforth called out his leg was broken?—No, it was before he called out that his leg was broke that I ſaw him; they were ſo thick that I could not poſſibly ſee every one that ſtruck him.

What dreſs was this man in?—A ſhort jacket; I ſaw him in the morning going over the water with Andrews.

Did the priſoner ſay any thing?——Andrews abuſed me.

*Mr. Garrow, Priſoners Counſel.* Did they not ſay it was a common ferry boat? what did you do when Kingsforth called out that he had broke his leg?—We went back to help him to a public houſe, the ſmugglers took their cags and carried them away to Mutton Coe; they carried them off, and then they returned again afterwards, and came out, and ſaid they would murder ſome of us.

Where was that?—Up at the corner of Hutchins's houſe, the bottom of Liberty-ſtreet.

Did you ſee Gray at that time?—I cannot ſay that I did.

You ſay that he had a jacket on?—Yes, a ſhort jacket.

What might be the colour of it?——It might be a little greyiſh, by the looks of it, I cannot be particular; I only looked in his face and paſſed by him.

Had you ever ſeen this Gray before?—Yes, Sir, many times before; I knew him very well by his face.

Can you tell what this caſk was that was taken?——I do not know, I did not taſte it.

*Mr. Garrow.* In what ſituation did you firſt ſee the priſoner at the bar, what was going forward then; did you ſee him come from the boat?—No, Sir; the firſt that I ſaw was when he went to join the people; he ſeemed to come from the ſtreet.

*Jury.* Was it light then?——It was not quite dark, it was moon light.

*Mr. Garrow.* You rather chooſe a dark night in order to detect theſe people; you could ſee very plainly all that was going forward?——Yes.

Then you did not ſee this man do any thing at all, neither carry a cag, nor do any thing to annoy any body?——No; I do not know whether the priſoner might or might not have a cag.

But when you ſaw him he had none?——No.

The others at that time had?——He had a knotty ſtick in his hand, they call them all bludgeons, there are all ſorts of them, ſome knotty and ſome ſmooth.

You ſay that they had ſome of theſe bludgeons as long as two feet and a half?—Yes; they are not fit for walking ſticks.

You have known this man a long time?——Yes.

He was a common porter about Plymouth-dock?——I did not know him at that time.

This was Tom Myles's boat?—Yes.

It was a common ferry boat?—Yes.

Any paſſenger who wants to croſs naturally goes into the boat with the reſt of the company?——It is a common plying boat that carries any body.

When Kingsforth was ſo hurt was there any cry of murder?——He cried out that his leg was broke.

Did any of you cry out murder?—Not in my hearing.

*Mr. Wilſon.* Was there any cry of murder at any time?——Not that I know, I believe not Sir.

When you went to aſſiſt Kingsforth, he ſaid his leg was broke; did the priſoner ſtay to aſſiſt you?—No.

*Court.* Did you ſee Gray after that time that Kingsforth's leg was broke?—No; I did not till the next morning about five.

*Mr. Wilſon.* Was the priſoner's ſtick ſmaller than the reſt?——No, I do not know it was; ſome might be a little ſmaller; the cags were by them when I ſaw them beating Kingsforth.

*Mr. Garrow.* Did you ſee the priſoner when you ſaw them with the cags?——I cannot ſwear that I ſaw his face then.

THOMAS MYLES *ſworn.*

I have a boat at Plymouth-dock; I was employed by William Kingdom and Thomas Colley, chiefly William Kingdom.

Where did they hire you to go to?——From Mutton Coe to Mr. Elſworthy's Beach.

What time of night was this?—Between twelve and one.

For what purpoſe?——To bring ſome men over, and ſome cags, as uſual.

Who were in company?——Edward Andrews, Thomas Gray, John Fogarty, Harry Saliſbury, William Kingdom, Thomas Colley, Thomas Johns, and Joſeph Hicks; there is only nine that I can give any account of.

Were there any more that you do not know their names?——No; Thomas Gray, the priſoner, is the perſon I mean.

What did they bring with them?——They brought cags, and put them into the boat, they all brought cags, but one had no cags.

Which was that man?—I really cannot tell.

When they got on board your veſſel with the cags where did you go?——We went to Mutton Coe, near Plymouth-dock; when we came there we took the cags out of the boat, and carried them on our ſhoulders; they had a ſtick a-piece.

What kind of ſtick?——A ſtick about three feet in length, to the beſt that I can tell; ſome call them bats, and ſome call them bludgeons.

Are they walking ſticks?——No; they are not for walking, they are too large, they are to protect themſelves, as much as I can learn, if any body comes to moleſt them, with theſe things they defend themſelves.

How do they carry theſe ſticks, you ſay they are pretty thick?——Carry them! Sir; in their hands.

What became of theſe men when they got on ſhore?——They put the cags on their backs, and were proceeding to the dock.

What happened?——Kingdom ſaid to me, you may as well go with us, and I did.

Was the priſoner one of them?——He was.

When they went up had they a cag?—Yes, they had.

Had he one of the bats as you call them?——Yes.

In your way to Plymouth-dock what happened?——In the ſpace of a few minutes the Cuſtom-houſe officers came running after us, and I immediately ſtopped, and the Cuſtom-houſe officers looked after me to ſee if they knew me, and I ſaw the officers come up to the ſmugglers; to theſe men I have been naming.

Was the priſoner one of them at the time they came up?—He was in the party when they came up; then I ſaw a great buſtle among them, and ſome went up Liberty-ſtreet, and ſome went up James-ſtreet, and ſome round a ſingle houſe which ſtood by itſelf.

What did they do?——Some of the officers, Mr. Kingsforth in particular, went round there; I did not go round after them, but they began beating him, and he cried out very much.

What did they do to him?—They beat him very much; I cannot ſay whether they broke his leg at that time, becauſe I was not round the houſe to ſee; after that they took their cags, and away they went round Mutton Cove; after that I ſaw two come up round this houſe, where Mr. Kingsforth was beat; I went up James-ſtreet, there were two men, I imagined they were two of the ſmugglers; they came round, then they came down James-ſtreet a ſecond time.

Was the priſoner one of the men?—I cannot ſay.

*Mr. Garrow.* There muſt be three perſons beſides the man?——There were eight or nine of them came directly after them.

*Mr. Garrow.* Your Lordſhip knows two former witneſſes have ſaid that there were but two, the Attorney General, with his uſual candour and good ſenſe ſaid he had no evidence of the ſecond beating.

*Mr. Silveſter.* What the eight came down?—The two were down before the eight; I imagine they were joined, I was not a very great way from them.

What were the words mentioned?—Juſt as Mr. Taylor was a little way from Mr. Kingsforth, ſays they we will murder ſome of you yet; ſays Kingsforth my leg is broke.

*Jury.* Who ſaid ſo?——I cannot ſay.

*Court.* They went away, and fairly left the place.

*Mr. Silveſter.* You do not know whether the priſoner compoſed one of that company?—I cannot ſay.

*Court.* You cannot go into it becauſe they fairly left the place, and returned again; did you ſee the priſoner any more that night?—No; I ſaw him the next morning about five; I came down to look for my boat, and it was taken away, and one of our watermen was there, his name is Thomas Johns, I aſked him to give me a lift over, and I would ſatisfy him; he took me in, and we was going over, and in the ſpace of a few minutes down came Thomas Gray and David Andrews, and Andrews waved his hand to us to come back, and they immediately returned to take him in, and after that we moved off, and down came Brewer, and Andrews was rather in liquor, and ſaid you are the only perſon I wanted to catch; and Thomas Gray ſaid hold your tongue.

Who was Andrews?—He was one of the party.

So he was ſaying ſomething to Mr. Brewer, and Gray told him to hold his tongue?—Yes; afterwards we landed at Mr. Elſworthy's beach, and I went on ſhore to look for my boat to bring her over; and the oars were taken out of her; I looked for them, and I could not find them; I proceeded to Cawſton, and I overtook Andrews and Gray before I came there, and they ſaid no more to me than this.

*Mr. Garrow.* Who ſaid?—Why Andrews and Grey ſaid that they had not done any harm to any body, and therefore they could not hurt them; then I went to Cawſton, then I went to Thomas Colley's houſe; I ſaw no more of Gray till we went to Guernſey; there was Edward Andrews, Thomas Gray, John Fogarty, Harry Saliſbury, William Kingdom and Thomas Jones.

Did Gray tell you why he went to Guernſey?—He did not tell me.

*Mr. Garrow.* I take the liberty of objecting to the gentleman's queſtion, it is a leading and illegal queſtion.

*Mr. Silveſter.* Had you any converſation either in England or in Guernſey with the priſoner, giving an account why he went there?—He gave me no account why he went there.

Were all that went to Guernſey of the ſame party that were in the boat that night?——Yes.

*Court.* How many of them went to Guernſey?—Six.

Name them?——There were Edward Andrews, Thomas Gray, that is the priſoner, John Fogarty, Harry Saliſbury, William Kingdom, Thomas Johns, that is the whole of the company.

How long did you you ſtay there?—I

believe, to the beſt of my knowledge, they ſtaid there a month or better, or thereabouts.

How was you ſupported?——They ſupported me a few days.

*Mr. Garrow.* My Lord, is it regular how this man was ſupported at Guernſey.

*Mr. Attorney General.* When did you come back again?—I cannot tell the day of the month; I ſtaid about a month or better.

Who ſupported you when you was there?—For a few days we all kept company with one another; in a few days we were going out of the country, that is to Roke-end, to the ſouthernmoſt part of the iſland, and going out there they was going to fetch ſome of their clothes that they left there.

Who is *they* my friend?—The people, the ſmugglers, and coming back we ſat down, and Edward Andrews made anſwer, let us ſubſcribe ſomething among us, and give this young fellow ſomething to take care of himſelf; and ſix of them gave me two ſhillings apiece, and told me to look out for myſelf; Gray was one of them that gave me two ſhillings.

*Mr. Garrow.* So that is the reaſon you came here to day I ſuppoſe?——It was to ſupport me, Sir.

He was wicked enough to give you two ſhillings becauſe you had but one arm; what may you be?—A waterman.

You belong to ſome ſhip perhaps?—No.

You keep a boat of your own?—Yes.

Ferry over backward and forward?——Any where, where a perſon chooſes to hire me.

Have you got your boat?——No, not at this preſent time; I was obliged to ſell her after I came home to ſupport myſelf; while I was abroad my brother-in-law had her and worked her; ſhe was not ſeized.

You have but one arm, ſo I ſuppoſe you did not carry a cag that night?—No, nor any thing elſe.

One man came into the boat without a cag?——Yes.

Did he go out without one?—I cannot tell.

Was not Gray that man that came in without a cag?—He certainly muſt come in without a cag, becauſe they were put into the boat before he came in; the cags are put upon the beach before they are put into the boat; I cannot ſay Gray came without; I cannot ſay which it was.

When you came out of the boat one of theſe men ſaid to you, Tom, you may as well come up along with us?——Yes.

Had you any other paſſengers in the boat except theſe that you have named?—Not that I recollect, not that I remember.

Cannot you get no further than that now?—No, I cannot.

So you walked up innocently enough, you carried no cag and did no harm in walking up?——No, I did not.

Now when you came up, you ſaw the Cuſtom-houſe officer running after you?——I ſtopped, and he looked at me to ſee whether he knew me, and then ſoon after this affray began.

Now, upon your oath, maſter Myles, from the time that you ſo ſtopped on the revenue-officers making their appearance, did you ſee any thing of Gray that night?——No, I did not.

Then you ſaw no more of him till he and Andrews came down to the ferry next morning, that was about five, Andrews was drunk?——He was rather in liquor.

He was a merry Andrew for that day in ſhort, when Andrews was abuſing the man, the priſoner ſaid, you fool, you had better be quiet?——He did not ſay you fool, he ſaid, you had better be quiet; I ſaw no more of the priſoner from that time till he went to Guernſey.

How came it that you who was walking ſo innocently ſhould find it neceſſary to ſtay a whole month at Guernſey?—Becauſe they ſaid I ſhould be taken up; becauſe they could not pitch upon any body elſe as an evidence; if they pitched upon me I muſt be an evidence.

Either you muſt prove as an evidence or be hanged yourſelf?——Yes, or elſe leave my country; I had a letter from my wife, and ſhe ſaid, I was as ſafe at home as at Guernſey.

When you came home, what was the firſt

thing you did, did you come to Plymouth? ——I came to Cawſton firſt; I went to Harry Saliſbury firſt.

Perhaps they took you up?—No.

When was it you went to any body concerned for the crown?—I went to nobody, I was ſubpœned; I was not aſked any thing about it before I was ſubpœned; I never told any body my ſtory before I was ſubpœned, to the beſt of my remembrance; I think not.

Do you know Mrs. Davey?—Yes.

She keeps the Riſing Sun, in James-ſtreet?—Yes.

Some of the perſons on the Exciſe officers coming up, went up James-ſtreet?—Yes, and ſome up Liberty-ſtreet.

What did Kingsforth cry?—He cried very much.

Did he cry out fire, thieves, or murder, or what?—He ſaid to the reſt, ſtop them, ſtop them, that was all I heard ſaid; I cannot tell who were the perſons that were beating Mr. Kingsforth; I was on the other ſide of the houſe.

But from the time that you ſtopped when the revenue officers came, you never ſaw this man at all after that night?——I did not; I cannot tell how many went up James-ſtreet; the officers purſued after thoſe that turned round the corner, round the ſingle houſe; ſome of them went up James-ſtreet immediately.

*Mr. Silveſter.* At the diſtance you ſtood could you diſtinguiſh whether Gray was one of them that was beating Kingsforth, upon your oath, if Gray had been beating him ſhould not you have known him?—If I had ſeen him; I was not near enough to know whether Gray beat him.

*Jury.* Was there light enough for you to have ſeen Gray if he had been there?—Yes.

*Mr. Silveſter.* Was you near enough to know any body?—No.

Was you near enough at the time they were beating Kingsforth to know any one? ——I was at the outſide of the houſe, the houſe was between.

THOMAS KINGSFORTH, jun. *ſworn.*

*(Examined by Mr. Solicitor General.)*

I was with my father April was a twelvemonth, at Mutton Coe.

What paſſed there?——The firſt thing that happened we ſaw the boat about half after one going over for ſome liquor; we expected it about two to come back with the liquor; and as we were laying wait for the liquor, as we ſuſpected, they came with the cags on their backs; and we purſued after them, and took ſome cags away from them.

Do you know what theſe cags contained?—One contained Geneva.

—Foreign or home?—Foreign.

What number of perſons might they be that you were purſuing?——I ſuſpect them to be fourteen or fifteen; I cannot ſay juſtly.

What paſſed when you came up with them?——I was not the firſt that came up with them.

What did you ſee when you did come up with them?——I ſaw three cags that were ſaved, and the officers and I purſued after more; and my father cried out his leg was broke, and he cried for me to come to him; but two of our party went to my father's aſſiſtance before I could come; I had one cag of Geneva in my hand.

What became of thoſe cags that were ſo ſeized?——They were reſcued from us all but this.

What became of that one?—They took it away by force afterwards.

Had theſe people any thing in their hands but thoſe cags?——They had bludgeons in their hands.

Be ſo good as to deſcribe them?——Between two and three feet, unlawful weapons which they carry inſtead of fire arms.

Were you preſent before your father cried out his leg was broke?—Yes, I was.

What paſſed between your party and the ſmugglers?—I cannot ſay; I went round the houſe; and my father cried out; I did not ſee what paſſed.

Did you yourſelf taſte the contents of the caſk that you ſpeak of?——I ſtaved the caſk and the liquor flew all about; I taſted it.

*Mr. Garrow.* You came up before your father had been beat, before his leg was broke?——I was up before his leg was broke.

Look at the priſoner and tell me whether you ſaw him at all?—I know him, but I did not know him to be one.

Did you ſee that man there at all?——I did not.

Did you know him before?—I cannot ſay that I did.

You have ſeen him before to day?——Yes, Sir, and I know him to be a ſmuggler.

*Mr. Solicitor.* Did you know any of the others, do you know Joſeph Hicks, and David Andrews, could you diſtinguiſh them there?—I could diſtinguiſh Joſeph Hicks.

Could you ſpeak to any of them that you perſonally knew if you was to ſee them again?—Yes, Sir, I could.

I aſk you of any of the others with whom you was not acquainted before, ſhould you know them again, or ſhould you be able to ſay whether they were preſent or not?—I ſhould not.

*Mr. Garrow.* Did you know Hicks before?—Yes.

You ſaid juſt now, if the other perſons that were buſy in the affair were produced you thought you ſhould recollect the features of ſome of them?—I cannot ſay I ſhould.

### EDWARD HUTCHINS *ſworn.*

The officers knocked at my door to take in old Kingsforth; I ſaw two men come down afterwards.

Do you ſee any man here that was one of the men?——I cannot call the man by his name, but I know his face; two men came down James-ſtreet, and the priſoner is one of them.

*Mr. Garrow.* What time was it?——About the gun-fire.

What did the priſoner ſay?——He did not ſay any thing; when I came back to the door again after I found the gentleman beat, I found this at the door.

(*Produces a thick ſtick.*)

What was the priſoner doing when you came down?—Nothing.

Did you ſay any thing to him?—No.

Nor he ſaid nothing to you?—No.

*Mr. Garrow.* This man is brought to ſhew a ſtick with a nail at the end of it.

### JAMES TAYLOR *ſworn.*

*Mr. Silveſter.* Do you know the priſoner!——I cannot ſay I know the man's name, but I know the man's face, but I cannot call him by name.

Point to the man that you know by ſight?—That is the man.

Did you ſee him on the 21ſt or the 22d of April laſt?——I cannot ſay I ſaw the man; I had my leg broke.

How were the men armed?—They had great bludgeons, large bludgeons, but I cannot ſay they were any thing particular.

*Mr. Garrow.* My Lord, I ſubmit that there is no evidence to go to the Jury.

*Mr. Attorney General.* I think there is.

*Mr. Garrow.* I take the liberty of ſaying there is no evidence that this man was preſent; I ſubmit there is no evidence to go to the Jury on that part of the charge; there is a caſe determined here, the caſe of Hutchinſon and others* of this ſort; a great number of perſons were together in a public houſe, and upon a ſeizure of the officers, they all ruſhed out; and Mr. Baron Eyre expreſsly ſaid, it is not within the intention of this act of parliament to include perſons, who upon a ſudden alarm join in an attempt to ſeize; but there muſt be a clear premeditated aſſembly for the expreſs purpoſe, either of landing the goods, or doing theſe ſeveral acts; now that part of the caſe ſtrikes me, that the whole of the evidence is directly the other way; as firſt the evidence of the waterman——

*Court.* There is evidence to be left to the Jury; you are making a ſpeech to the Jury, and looking at me; the queſtion is to be left to the Jury upon all the facts and circumſtances of the caſe.

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* See the Seſſions Paper, Peckham's Mayoralty, No. VII. Part III.

*Priſoner.* I have a defence here, though I am not able to remove witneſſes to my character; and here is a certificate.

*Mr. Garrow.* My Lord, here is a certificate from Prince William Henry, who is the captain of the Pegaſus, ſtating that this man has behaved very well, and much to the Prince's ſatisfaction.

*Mr. Attorney General.* It is not evidence.

*Mr. Garrow.* It comes out of the man's pocket, and I am telling my Lord what it is; to be ſure it cannot be read without the Attorney General was to conſent.

*Mr. Attorney General.* I muſt complain a little, and I do complain of attempts being made that ought not to be made; the idea of deſiring the Attorney General to conſent: the Attorney General could not conſent, and the Judge would tell the Attorney General he ought not to conſent.

*Mr. Garrow.* I told the Judge what it was, and I ſhall do ſo in proſecutions for five hundred years, ſhould I continue in practice ſo long, riſquing all the indignations of all the Attorney Generals in the world; it was the fault of the priſoner that he took it out of his pocket, not mine.

Mrs. DAVY *ſworn.*

I keep the public houſe, called the Riſing Sun, in James-ſtreet, Plymouth-dock; I did in April, 1785.

Do you remember the morning of the affray between the revenue officer Mr. Kingsforth and ſome ſmugglers?——I do; and Mr. Kingsforth was hurt.

Do you remember ſeeing the priſoner that morning?——I do.

What time did he come to your houſe?——As nigh as I can gueſs, about one in the morning.

At that time when he came into your houſe, was there any noiſe or any diſturbance or affray in the ſtreet?——No, Sir, not till a great while after he came in; I got up to let him in; he had been in bed a quarter of an hour before I heard the noiſe, then I heard the outcry of the officer.

Did he go out upon that occaſion to join in the affray?—No, he did not.

Are you quite ſure of that?——I am quite ſure of it.

How long did it continue afterwards?—A great while afterwards; he ſat down till day break, till my huſband got up; he ſat in the tap room all the while; then my huſband opened the door, juſt at gun-fire, and then the priſoner went away; he went ſtrait down to Mr. Hutchins's, the Fortune of War, the ferry place; he muſt neceſſarily go paſt that houſe; he had a blue jacket and a round hat; I am ſure he came in before the affray was, a quarter of an hour before it began.

*Mr. Attorney General.* Who came with him?——Another perſon, I do not know his name; that was the ſame man that went away with him in the morning.

How came they to come to your houſe?——They knocked at the door; I went to the window, they ſaid they wanted my huſband; I went down to let them in; they did not tell me where they had been, nor what they came for; whether that man went over the water with him I cannot ſay; he went out with him; there was no diſturbance at the Fortune of War that night before; they had been in ſome time; it was a quarter of an hour after that I heard a noiſe.

What was the cry you heard?—I heard a great cry, and I heard murder cried.

*Mr. Garrow.* How happened your huſband did not get up to let him in?——He was very much in liquor; I have known him three or four years, he is a very quiet harmleſs man.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* HEATH.

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659. BENJAMIN FONSECA was indicted for that he, on the 22d of May,

thirty-two pieces of falſe and counterfeit copper money, to the likeneſs and ſimilitude of a halfpenny, the ſame not being then melted down or cut in pieces, unlawfully and felonioully did ſell and put off to one Hannah Moſes, at a lower rate and value, than the ſame did by their denomination import, that is to ſay, thirty-two halfpence for one ſhilling, againſt the ſtatute.

*A ſecond count*, that he on the ſame day thirty-two pieces of falſe and counterfeited copper money made and counterfeited, the likeneſs and ſimilitude of an halfpenny, unlawfully and felonioufly did ſell, pay, and put off to one Hannah Moſes, at the rate of thirty-two halfpence for one ſhilling, againſt the ſtatute.

*(The caſe opened by Mr. Silveſter.)*

*(The witneſſes examined apart, at the requeſt of Mr. Garrow, priſoner's counſel.)*

HANNAH MOSES *ſworn.*

I live in Petticoat-lane; I know the priſoner; he lives in Gravel-lane; on the the 22d of May I dealt with him for halfpence, ſixteen pence for a ſhilling; I aſked for a ſhilling's worth of halfpence, he aſked me how many I wanted, I ſaid ſixteen pence for a ſhilling; accordingly I gave him a ſhilling, and he gave me theſe halfpence.

Who went with you?——Lewis Abrahams; when I found him at home, I aſked the priſoner for ſome halfpence; ſo he *ſay* to me do you want any halfpence; I *ſay* yes, he went to the brown bag and gave me ſixteen pence for a ſhilling.

*Mr. Garrow, priſoner's counſel.* Now, Mrs. Moſes what do you call yourſelf?—Moſes.

What is your huſband's name?—Benjamin; I go by my father's name.

Is not Mr. Bacherah your huſband?—No.

Does not Mr. Iſaac Bacherah paſs for your huſband?——That is my ſon-in-law.

Does not Mr. Levy Abrahams, otherwiſe called Mr. Levy Bacherah, paſs for your huſband?—Who is that?

Why your huſband.—It is not ſo.

You was to have ſixteen pence for a ſhilling?——Yes.

That was what you bargained for?——Yes, it is not the firſt time I have dealt with him.

That is the common price?——I do not know the common price.

Is not eighteen pence the common price?—Sixteen pence I had for a ſhilling.

Is not the common price eighteen pence, is not that the conſtant and univerſal dealing, did not you believe you had eighteen penny-worth of halfpence?——No, Sir, never.

Did not you contract for eighteen penny-worth?—No, Sir, never.

Have you never ſaid you was to have eighteen pennyworth?—No, Sir, never in my life; I always dealt for ſixteen pennyworth.

You remember Mrs. Cole being tried?——Yes, there was a miſtake in the farthings.

Have not you ſince the laſt ſeſſion mended your ſtory, and have not you now adopted ſixteen pence, have not you ſaid, that what you was to receive for your ſhilling, was eighteen pence, but that in truth he had only counted you out ſixteen pence?——No, Sir, never.

Was not you to have eighteen pennyworth for your money?—No, Sir, never.

You live with Mr. Bacherah?——No, I have not ſaid ſo; I have known Mr. Fonſeca for thirty-three years; I knew him to be a man who had left Holland for clipping money.

Now, I will tell you before hand, what anſwer you are going to give me, have you never made any offer, that if Mr. Fonſeca would give you ten pounds you would go to Holland; now you will ſay no?—Never in my life.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO,

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of JULY, 1786, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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### *Continuation of the Trial of Benjamin Fonſeca.*

Nor any thing like it?——No, Sir, I do this for the good of the country.

What country woman are you?—Amſterdam.

So you came from Amſterdam to buy farthings in order to proſecute for the good of this country; do you know Sarah Harris?——If I ſee her, I may know her.

Do you know Judah Cowen?——If I ſee him may be I may.

Have you never in the hearing of Sarah Harris or Judah Cowen ſaid, that if Fonſeca would give you a ſum of money you would go to Holland till the trial was over, and if he did not come down handſome you would hang him if you could?—I cannot hang any body.

*(The queſtion repeated.)*—Never in my life.

Was any body elſe preſent when you bargained for ſixteen pence?—Nobody but Lewis Abrahams.

You do not remember Lewis Abrahams being tried here?—No, Sir.

Let us know all his names, what was it he that gave you thoſe two black eyes?—No, Sir, I cannot remember, I ever had black or blue eyes.

Are theſe halfpence exactly the ſame you received?——Yes, they have been in cuſtody; I was examined before Sir William Plomer, the 24th of May.

Was that before Mrs. Cole was tried? Yes.

Let me give you one caution; do you know what thing a pillory is?——I have ſeen ſuch a thing.

I am glad of it; it was made for you to look at and ſuch ſort of people; upon your oath, woman, did not you tell Sir William Plomer, that he ſold you eighteen pence in halfpence for a ſhilling?—No, Sir, never.

Did you never, in the hearing of Sarah Harris, and Judah Cowen or Mary Cole, ſay, that if Fonſeca would give you money you would ſtay out of the way?——No, Sir.

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LEWIS ABRAHAMS *ſworn.*

I went with this woman to Fonſeca, ſhe aſked him for a ſhilling's-worth of halfpence.

What did he give her?—Sixteen pence, on the 22d of May, on the Monday.

*Mr. Garrow.* Have you ever bought any halfpence?——Yes, the next day.

How much do you uſually get for a ſhilling?—Sixteen pence, I got of him.

That is no anſwer, is that the uſual price, ſixteen pence for a ſhilling; is not the uſual price eighteen pence?—No, Sir, that is the farthings.

What do you call yourſelf, Bacherah?—No, Sir, my name is Abrahams.

You came for the good of the nation, I ſuppoſe?—Yes, Sir.

Honeſt Mr. Bacherah, all for the good of poor Old England! now, Mr. Bacherah, otherwiſe Mr. Abrahams, otherwiſe Mr. Levy, which of the names was it you was tried by here?—I do not chuſe to anſwer that without my Lord chuſes.

Well my purpoſe is anſwered; what was you tried for?

*Court.* You cannot aſk it.

### JOHN CLARKE *ſworn.*

I am one of the City Marſhal's men; I went to Fonſeca's houſe with Mr. Miller and found a large quantity of of halfpence; I cannot ſay the day; I ſaw Mr. Fonſeca at firſt entrance, in a little part of the houſe, then in another part I found Mrs. Cole; he abſconded immediately; I found a large quantity of halfpence, they are here; Mary Cole was tried here laſt ſeſſion.

### WILLIAM MILLER *ſworn.*

I am City Marſhal; I went with Clarke to Fonſeca's houſe.

When you came there who did you ſee?—I ſaw Mary Cole; I did not ſee Fonſeca; we found theſe halfpence in different parts of the ſhop; they appear all bad, and of one ſort.

### JOHN CLARKE, of Bow-Street, *ſworn.*

I have been employed a great many years for the mint; theſe halfpence, the whole ſixteen pennyworth, ſeem to be all of one die. *(Shewn to the Jury.)* Theſe appear to be ſtruck off the ſame die; theſe have been in common currency; the ſixteen pennyworth I believe have been in common currency.

*Clarke, the Marſhalman.* I am ſure I ſaw Fonſeca; I do ſwear that poſitively, I found Mrs. Cole there.

*Jury to John Clarke.* I ſhould be glad to know the reaſon for your diſtinguiſhing them?—You will find greaſe on thoſe that have not been in currency.

*Priſoner.* I deſire to call my witneſſes.

*(The Priſoner's witneſſes examined ſeparate.)*

### SARAH HARRIS *ſworn.*

*Mr. Garrow.* Is your name Sarah Harris?—Yes.

Where do you live?——In Gravel-lane next to the Blackmoors-head.

Are you a married woman?—No, I ſell fruit.

Have you ever ſeen Mrs. Moſes that woman that ſtands down here?—She knows me very well; in conſequence of a meſſage I went to Mrs. Moſes's houſe or the man's houſe that ſhe lives with.

What do they live together?—As far as I know, I cannot ſay, it is Mr. Bacherah's brother, I went in there, and I am not ſure whether they had done ſupper or no; the ſupper was on the table; I ſaid to them, you ſent for Mrs. Fonſeca, and ſhe cannot come; I am come in her ſtead; he ſat on one ſide of the fire, and ſhe on the other, and there were two children in a bed in the ſame room; they gave me ſomething to drink; the man got up and handed me the bottle, then they talked, and ſaid, have you ſeen Fonſeca; that was he that ſaid ſo; ſays I, how do you think it will come off with Mrs. Cole; this was the Friday before ſhe was tried.

What ſaid Moſes?—Says ſhe you may tell Mr. Fonſeca from me, tell him to give me the ten guineas; ſays I, ten guineas is a great deal of money, I ſaid, I think if you have two or three it will be enough; they were to have the ten guineas not to appear againſt Mrs. Cole or Fonſeca; I told them I would bring them an anſwer in the morning; I told Mrs. Fonſeca; ſays ſhe I durſt not do a thing without my huſband's conſent, I may as well give ten of my teeth.

Had you ever any other converſation at any other time?——No further than I met her the time that Mrs. Cole was cleared, ed, as two were coming down here, and he said we have turned them up, so Mrs. Moſes makes anſwer, I hope you will not forget your promiſe, ſo ſays he, I made a miſtake, I drew a flaw in the indictment, I ſaid there was thirty-two, and when I came to ſpeak there was only thirty-one.

Are you quite ſure that this paſſed?—As ſure as I am ſtanding here.

And both theſe people were preſent?—Both of them; he ſat on one ſide the fire, and ſhe on the other, and two children in bed, but whether they were undreſſed I cannot ſay.

Who was the gentleman that was preſent at the laſt time, and heard this converſation?——Mr. William Crane.

*Mr. Silveſter.* You are a Chriſtian I underſtand?——No, Sir, I am a Jeweſs.

You are intimately acquainted with Mrs. Fonſeca?——Only dealing in their ſhop, that is Mrs. Cole's ſhop; I am not particularly acquainted with Mrs. Abrahams or Mr. Abrahams.

What names have you gone by?——I never went by any other name.

How came you to be ſent to Mr. Fonſeca's?——Suppoſe you aſk me to go of an errand I would go; they are acquaintances of mine; I deal in the ſhop; I live in Gravel-lane; it is two doors off, in a little alley about half a yard wide, from my houſe; Mrs. Moſes lives as far as Crown-court, in Petticoat-lane.

When you went there was any body preſent?——Yes, Sir, Bacherah the brother was preſent, and he heard the whole of this converſation, and her daughter that was big with child.

*To Mrs. Moſes.* Did not you ſay you would go to Graveſend?——*If I did I hope my kid may be tore limb from limb*; that man was there at the firſt and ſecond meeting; he heard it as well as me.

What is that man's name?——Iſaac Bacherah.

JUDAH COWEN *ſworn.*

Do you know Mrs. Moſes?—Yes.

And Mrs. Abrahams?——By ſight; on Thurſday laſt, between five and ſix, I went into Rag fair with my ſlippers and things to ſell, ſo Mrs. Moſes called me; ſhe ſaid to me, do not you know any thing about Fonſeca; I ſaid only that on Saturday he will go and ſurrender himſelf; ſo ſhe ſaid, will you do me a favour, and go to Fonſeca, if he will give me ſome money I will go Holland, for I have a mind to go to Holland and keep out of the way, I am ſorry for what I have done; Fonſeca ſaid I will not give a farthing.

Was Abrahams there at the time?——No, ſhe was alone, and it was on Friday, between three and four weeks ago; they both of them called to me in the ſtreet; ſhe deſired me to call on Sunday, for I want to ſpeak to you ſomething particular; I cannot ſpeak in the ſtreet; I did not go then.

*Mr. Silveſter.* Where do you live?——In Gravel-lane, Houndſditch; I ſell ſlippers and canes.

Was you intimate with this Abrahams?—I never ſpoke to him before.

Did you know Hannah Moſes?—Only by ſight; I never was in her houſe; I never ſpoke to her but in the ſtreet, and in the fair; ſhe called me out, and ſaid I want to ſpeak to you ſomething particular, and ſhe ſpoke to me in Dutch; I am a Dutch Jew.

How came ſhe to pitch upon you?——Becauſe I live up one pair of ſtairs over Fonſeca.

REBECCA HARBELOW *ſworn.*

I know Mr. Fonſeca; my huſband is a cane mounter; Fonſeca has worked for him at my houſe from Eaſter to Whitſuntide, from ſix in the morning till ten at night.

WILLIAM CRANE *ſworn.*

Do you remember hearing any thing ſaid by Mrs. Moſes the Jew woman, or by Abrahams, about Fonſeca?—No, I have known Fonſeca ſeven years; I am a coal-merchant and a Chriſtian; he was always a very honeſt man.

*Mr. Silveſter.* Where do you live, Mr. coal-merchant?——In Roſemary-lane.

*Jury.* What coin did Fonſeca uſe to pay you in for your coals?——Gold and ſilver, never in bad money; I never dealt with him for bad money.

Where is your wharf?—At King Edward's ſtairs, Wapping, at Mr. Godſell's.

CHARLOTTE KENNY *ſworn.*

I have known him three years; never heard any thing but he was an honeſt man; I dealt with him.

WILLIAM IMPEY *ſworn.*

I have known him three or four years; I took him to be an honeſt man; I had dealings with him for butter and ſugar.

*Mr. Garrow.* You do not take him to be a man living by ſelling bad money?—No, I believe him to be a very good man.

*Mr. Silveſter.* Who ſerved in this ſhop?—Sometimes himſelf, ſometimes his wife.

WILLIAM JOLLIE *ſworn.*

I am a grocer; the priſoner dealt with me for ten years for tea and ſugar, he paid me ſilver and gold and always good money.

ANN CAMPBELL *ſworn.*

I have known him ſix years; bought ſoap and candles of him; a very honeſt good ſort of a man; I live in Moor-fields.

PETER TATTERSON *ſworn.*

I live in Gravel-lane; I take his general character to be a good one; I am his landlord, he always paid me very honeſtly.

*Jury to John Clarke.* Was any of the money found in the ſhop?——No, it was all found in Mrs. Cole's apartment.

NOT GUILTY.

*Tried by the London Jury before Mr. Juſtice* HEATH.

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660. JOHN MARTIN otherwiſe SHELEY was indicted, for that he, together with one WALTER CROSS, JAMES BELL, JOHN WILLIAMS, WILLIAM BELL, WILLIAM STONE, otherwiſe QUIN, and BENJAMIN SAVORY, being perſons of malicious minds and diſpoſitions, &c. after the 1ſt day of October, 1784, to wit on the 4th of April laſt, then being on board a certain veſſel called the Happy-go-lucky, about two miles from Penzance in Cornwall, with certain guns, to wit, four guns loaded with gun-powder and iron balls, maliciouſly did ſhoot at the Hawk lugger, then being in the ſervice of the King.

*A ſecond Count*, The ſame as the firſt, only adding that the lugger called the Happy-go-lucky was within two miles of the coaſt of Great Britain.

*A third Count*, For ſhooting at Edward Williams, one of the officers of the cuſtoms.

*A fourth Count*, For that he, being on board the Happy-go-lucky lugger unlawfully did ſhoot at the ſaid Edward Williams, being on board the Hawk lugger in the execution of his duty, within four leagues of the coaſt, near Penzance, againſt the ſtatute.

*A fifth Count*, For ſhooting with one gun at the Hawk lugger, being within the limits of the port of Plymouth, againſt the ſtatute.

*A ſixth Count*, Charges him with being in company with the others aiding, abetting and aſſiſting Walter Croſs in ſhooting at Edward Williams, being an officer in the execution of his duty; and ſeveral other counts, varying the diſtance that the ſhip was ſuppoſed to be from the land.

*The indictment opened by Mr. Litchfield.*

*The caſe opened by Mr. Attorney General.*

Gentlemen, I am extremely ſorry that I am obliged, by the duty of my office, to bring two indictments in the ſame ſeſſions, but ſo it happens; and this is an indictment founded on an act made in the laſt ſeſſions of parliament. It was thought neceſſary to enact, That if perſons ſhall endeavour to reſiſt revenue officers with a degree of force which eſpecially denotes the intention under which they act, that although ſuch reſiſtance may not occaſion murder, yet it ſhall be a capital offence: Under theſe circumſtances I think I need not take up your time to ſhew either the wiſdom or the neceſſity of this regulation; I ſhall leave it to your own breaſts and conſiderations: it will be ſufficient for me to ſtate the law;—it will be for you to decide whether the priſoner falls within that law or not;—I ſhall then have diſcharged my duty, and I doubt not but you will diſcharge yours. Gentlemen, two years ago it was neceſſary to paſs the following law, 24th George the third, chapter 47; by that act cuſtom-houſe veſſels are authorized, provided they have the common enſign hoiſted to denote who they are, in caſe any veſſel ſhall not come to on their demand, to fire on that veſſel; and on the other hand it is enacted, that if any perſon, being on board or on ſhore, ſhall maliciouſly ſhoot, &c. *(reads from the act)* or within four leagues of any part of the coaſt thereof, &c. ſhall ſuffer death as a felon, without benefit of clergy. The charge on this indictment is, that the priſoner at the bar, Walter Croſs, and ſeveral other perſons, were on board the Happy-go-lucky lugger, about two miles from the coaſt of Penzance, and fired on the Hawk lugger; another charge is, that they did it within four leagues of the ſhore; another charge is, that they then and there maliciouſly and feloniouſly ſhot at Edward Williams, who was the commander of a revenue veſſel; another charge is, for having committed it within four leagues of the ſhore: There are other counts charging the priſoner with aiding and aſſiſting others to ſhoot: I need not ſtate the law on this ſubject, every perſon who is preſent at the action, although he himſelf is not an individual actor, yet if the mind goes along with them, and they are aſſembled on a felonious purpoſe, and a felony is committed, he being preſent countenancing the tranſaction is guilty, as if he was actually the perſon that fired. Now the evidence is this, on the 4th of April laſt, the Hawk and the Lynx, two revenue veſſels, were ſtationed at the port of Falmouth, and about ſix in the morning they ſaw the Happy-go-lucky riding at anchor about two miles from the ſhore, and from Penzance; as ſoon as ever ſhe diſcovered them, ſhe immediately hoiſted her gib ſail, and ſtood towards the Land's-end; and the Hawk and the Lynx having their colours hoiſted, though that is not required in this count of the indictment, but I ſhould think fairly myſelf, that unleſs the veſſels had that about them, it would be too much to ſay that they were within this act; however, theſe two veſſels had their colours hoiſted, but more than that they were pefectly known to the ſmugglers, as well as you Gentlemen are to each other; upon their endeavouring to eſcape, the two revenue veſſels crouded ſail and gave chace, they immediately prepared for an engagement, as has been too uſual, like two enemies; accordingly between ſeven and eight they got within hail of the ſmugglers, and then Williams, who commanded the Hawk, hailed them twice, and ordered them to bring to, or that he would fire upon them; upon which refuſing, and no anſwer, two muſkets were fired, no anſwer was returned but this, a general volley of fire-arms from the ſmugglers, and afterwards a broadſide, and immediately after a ſkirmiſh enſued, which ended in the loſs of the lives of ſome of the ſmugglers; I do not find any of the king's officers were killed; they fought the Hawk for three quarters of an hour, and the Lynx ran in between them, and having a broadſide from the Lynx which I believe killed their captain, they wore off; this ſhip had on board ſwivels, blunderbuſſes, half pikes, muſkets, and in ſhort was a ſhip completely armed for the purpoſe of reſiſtance; the commander of this ſhip, and the mate, had both fallen in the action; there were no leſs than thirty-five of the crew, of which the priſoner was one; they were all committed to the caſtle, from which all of them but one, who is an evidence, made their eſcape, either by neglect or roguery of the ſoldiers, in a night of two after their impriſonment, and it was not till lately we could apprehend the preſent priſoner; whether they are gone to Guernſey, I cannot ſay, and perhaps we ſhall not be able to take them without the laws are better enforced, for which party is the ſtrongeſt is at preſent a doubt. I ſhall call to you one Cotton who will tell you that the priſoner, and he, and thirty-three others, were a crew of ſmugglers; that they left Guernſey on the 31ſt of March, and effected the landing of ſome brandy on the firſt of April; and in ſhort, that an action began in which every one of the crew took a deciſive part. Gentlemen, this man will appear in the light of what the law perhaps may conſider an accomplice.

*Mr. Fielding.* My Lord, as Mr Attorney General ſtates that this man may appear to be an accomplice, and as it is at preſent uncertain whether it will be permitted Mr. Attorney to call him or not, (for it will depend on the circumſtances that ſhall be proved anterior to his evidence) I hold it improper for him now to ſtate what that evidence will be to the jury.

*Court.* The counſel for the crown have certainly a right to open the caſe.

*Mr. Fielding.* To open every part of their caſe ſaving that which may be ſubject to doubt.

*Mr. Attorney General.* Your lordſhip will give me credit, that I ſhould not have brought a caſe upon the credit of an accomplice only.

*Mr. Fielding.* You are a man whom I extremely reſpect, but it is my duty.

*Mr. Attorney.* I ſay this man would ſtand in ſuch a predicament that his evidence ought not to convict any man, but, Gentlemen, I ſhall call to you witneſſes who were on board the revenue veſſels, who will tell you the manner in which the ſmugglers fought, and the manner in which every one was engaged on the ſhip's ſtriking. Gentlemen, although ſome Judges have been of opinion that it is the beſt way not to begin with the accomplice, I believe none have yet determined that you cannot begin with him, and many very learned Judges have permitted ſuch a perſon firſt to be examined, leaving it to the good ſenſe of the Jury not to give him any credit unleſs he is confirmed; therefore it is totally immaterial to me with whom I ſhall begin; I am to prove this battle, and this firing, the priſoner's being preſent and aſſiſting; which if I do I ſhall have diſcharged my duty to the public, and then I am perfectly eaſy what the event may be: I ſhall leave the priſoner in the hands of you and my Lord; you are the Jury who are upon your oaths; and I ſhall be more happy if it be poſſible that this priſoner ſhall prove himſelf to be innocent, than if he ſhall appear to be guilty, as I fear he will.

## JOHN DOUGLASS *ſworn.*

*(Examined by Mr. Solicitor General.)*

I was mate of the Hawk in April laſt; I was on board the 4th of April laſt, about five being off the Lizard, in company with the Lynx; we ſaw the Happy-go-lucky, lugger, laying under Mullion iſland.

How far is that from the ſhore?—About half a mile.

At what diſtance was the Happy-go-lucky from the ſhore?——About a mile and an half, or two miles.

Do you think ſhe was three miles?——No.

You ſaw her in this poſition?——Yes, ſhe was laying at an anchor; we then hoiſted our revenue colours; as ſoon as ſhe perceived us, ſhe cut her cables and made ſail, and ſtood to the weſtward; we immediately crowded all the ſail that lay in our power and gave chace to her; about a little before ſeven we came near to her.

What is the force of the Hawk?—Fourteen guns.

What ſize?—Six pounders.

When you came pretty near her what paſt?—We hailed her ſeveral times in order to bring her to, on purpoſe to ſend our boat on board her.

Did you receive any anſwer to your hail?—No, they paid no regard to it; the firſt mate that commanded the veſſel at the time, ordered two muſkets to be fired; I was preſent.

What is his name?—Edward Williams.

What was the purpoſe of firing theſe muſkets?—To bring her to.

Did ſhe then bring to?—No, ſhe paid no regard.

What was your next ſtep?——In a few minutes we came a little nearer her.

How near?——Within piſtol ſhot or thereabouts.

What did you do next?—We obſerved the guns all pointed aft, and the men all under arms.

What does the guns being pointed aft mean?—Ready for action, and the people were all ſtanding by them with their matches ready for a broadſide.

What paſſed upon this?——As ſoon as we came up along ſide of her, the action began; I cannot ſay which fired firſt.

How long did the action laſt?——Near about an hour.

How did you come to a concluſion?——The Lynx lugger came up between the Happy-go-Lucky and the Hawk, and fired a broadſide, into the Happy-go-Lucky; immediately the people on board the Happy-go-Lucky made a motion with their hands, that they would ſtrike.

How did you diſpoſe of her after ſhe had ſtruck?——They ſent a boat on board of her from each veſſel; the action laſted for about an hour; I cannot ſay within a few minutes; I did not go on board till the ſhip came into harbour; part of the priſoners were brought on board of the Hawk; I was preſent.

Was the priſoner at the bar one?—Yes, he was; I know him very well; I am ſure he was one.

Did you go on board the veſſel when ſhe came into harbour?—Yes.

What number of guns did ſhe carry?—Ten guns.

Ten carriage guns?—Yes, and a parcel of ſwivels, and muſkets, and harpoons, and boarding pikes.

What ammunition?—All ſorts, and a very large quantity.

What was the number of the priſoners?——I cannot ſay how many, I ſaw fifteen of them in the caſtle together; but I do not know the number of them.

Do you of your own knowledge know how they were diſpoſed of after they were got on ſhore?—I ſaw them put into Pendennis caſtle; I did not ſee the priſoner put in, but I ſaw him there; I cannot ſay how long he was confined there.

*Mr. Fielding.* Between the Lynx and your veſſel you gave the ſmuggler a pretty good dreſſing, how many men were killed?——I heard there were two, the captain and the mate; the name of the captain was Thomas Willard; I do not know the name of the mate.

Did you know them before?——Yes.

This captain was a deſperate fellow, was not he?——Yes.

Did you find any ſmuggled goods upon her?—I did not go on board her; ſhe lay along the ſhore.

How far had you chaſed her from the place you firſt diſcovered her before you had an opportunity of hailing her?—I ſuppoſe it might be ſeven or eight leagues before we had an opportunity of hailing her.

How long did you chaſe her?—About two hours.

*Jury.* Cannot you recollect which fired firſt?—I cannot becauſe we were ſo cloſe together.

*Mr. Fielding.* Then all you can anſwer is, that at the time you fired your guns from your veſſel, there was a fire returned from theirs?——I cannot ſay which fired firſt.

If they had fired firſt you muſt have ſeen it of courſe?——I do not know whether we could or not.

When you firſt diſcovered her I ſuppoſe you wanted to get as near her as poſſible?——Yes, they knew us as ſoon as they ſaw us; we intended to get as near as poſſible; we kept up a pretty briſk fire; I cannot ſay what ammunition we expended; we had no men killed on board of us, but it was not for the want of their good will; I heard there were thirteen or fourteen wounded on board this veſſel.

Did you know the mate of this veſſel?—I did not.

You do not know how many men they carried?—No, Sir, I cannot ſay.

You had an opportunity of boarding her ſoon after ſhe came into the harbour I take it for granted?——I had not, Sir.

How far were you at the time this action began from the port of Penzance?—We were in the port of Penzance at that time; It was a clinch work built ſhip, it had a running bowſprit.

*Mr. Fielding.* Do you know that of your own knowledge?—Yes.

*Jury.* Did you ever chaſe this veſſel before?——Yes, and fired at her.

### JOHN FOOT *ſworn.*

*Mr. Wilſon.* Was you on board the Hawk revenue veſſel on the 4th of April?——Yes; at five in the morning I ſaw the Happy-go-lucky, we were off the Lizard; ſhe was laying under the iſlands; we made towards her from the Land's-end; we were about two miles or a little better off her, ſhe cut her cable and made ſail towards the Land's-end, which was directly from us; we hoiſted our revenue colours and made ſail after her, we came up to her about ſeven; we hailed her firſt to bid her bring to.

Did ſhe regard that hail?——No.

What did you do then?——We fired a muſket, ſhe paid no regard to that, we fired another.

Did ſhe bring to then?——No.

What did ſhe do?——She kept on ſtill, and when we got nigh hand to her, ſhe fired two guns, to the beſt of my knowledge.

*Court.* She fired two guns at you?——Yes, that was juſt as we got abreaſt of her.

What diſtance might you be from her?—I ſuppoſe about a piſtol ſhot, hardly ſo much.

Could you ſee or obſerve what they were doing on board?—Yes, they were making every thing ready for action.

What do you mean by making ready for action?——Every man to his quarters; when ſhe fired two guns, we poured in a broadſide, and ſhe continued firing as faſt as ſhe could, and we continued firing.

A regular engagement?—Yes.

How long did it laſt?—I ſuppoſe it laſted pretty near an hour.

What is it that was fired?—Great guns, ſmall arms, and ſwivels.

Had you any ſwivels?——No, Sir, the ſwivels were fired from the Happy-go-lucky; then the Lynx came in between us and fired a broadſide upon them; then ſhe immediately ſtruck.

Upon her ſtriking, did any body go on board her from your ſhip?—No, not then.

Did you go on board at any time?—I went on board after ſhe went into the bay.

Were any of the crew brought on board of your ſhip?—Yes.

*Court.* There were no men ſent out of the Hawk at firſt?——No, they went from the Lynx, three men.

How ſoon after were the priſoners brought on board the Hawk?——About half an hour.

Who brought them?——I do not know; there were eight or ten brought on board the Hawk.

What became of the reſt?——Some were put on board the Lynx, and ſome left on board till we got into the bay.

Look at the priſoner, was he one of them?——Yes, he was brought on board the Hawk; I ſaw him afterwards when I went on board the Happy-go-lucky; he was left on board the Hawk; he was brought into Falmouth in the Hawk; I did not ſee him after till he was put away from the veſſel; I heard he was put with the reſt of the priſoners in Pendennis caſtle; ſhe run athwart us firſt.

What guns did ſhe carry?——Eight

fours and sixes, as we suppose by the size, and two small nines, besides many swivels, and boarding pikes.

Did you see any ammunition on board? —Yes, small shot.

A great deal of shot and powder?—Not so much powder as shot.

What sort of a built vessel was she?—A clinch bottom vessel.

What sort of a bowsprit?——It runs in and out.

At first you say there were three men went from the Lynx on board her?—Yes.

Who brought the prisoners from her to your ship?—I cannot say.

*Jury.* Had you ever seen the prisoner before he was brought on board the Hawk? —Yes.

*Mr. Fielding.* Every body was brought? —Yes, except two men; it was five on the 4th of April, when we began to crowd sail; it was not very light then; but we could see the vessel, she was ahead of us, we went after her in a straight line, and she went the way to get out of the bay.

Unless she could have seen through your sails, she could not see your colours?——Yes, Sir.

Not till you came along side of her?—We fired two muskets in order to bring her to.

When you came along side, do you say the Happy-go-lucky fired two guns?——They fired two guns after we fired two muskets to bring to; we hailed her first; we fired two muskets to bring her to; we came up along side of her, and she fired two big guns to the best of my knowledge.

When you shot up to her so as to become broad side and side, the king's vessel was most active?—The Happy-go-lucky fired two guns first, and after she fired them two guns we gave her a broadside.

*Mr. Garrow.* How long have you been at sea?——These two or three years.

Not more! I was in hopes I should have had an old sailor to have talked to; what is your situation on board this vessel?—A carpenter.

When you was called to quarters by the captain and mate, I suppose you went at first?——Yes.

Did you know the commander of the Happy-go-lucky?——Yes, I knew him before he went there.

And a desperate fellow he was?—Yes, Sir, he was by his actions.

And the mate?—Yes.

This man was either a mariner or a passenger on board the vessel?——Yes, there were no smuggled goods on board.

The prisoner had no interest on board the vessel?——None at all; we hoisted our colours at the flag-staff on the mizen mast head.

*Court.* Within what distance might that be discerned by the Happy-go-lucky in the track you were both sailing?——She saw them I suppose when she run right athwart of us; she was within hail, within pistol shot.

*Mr. Fielding.* As the colours were on the mizen-mast head, a vessel bearing a-head of course cannot see them?—They came right out of the bay a-head of us and they could see the colours then; that was before we fired.

Then if your colours had been hoisted at the main-top-mast head, or the main-gallant-mast head they would have been visible?—Yes, they were only visible just before she run athwart of us; we edged away; then she might have seen our colours.

That lasted not very long, I take it for granted, so that all the time you was in chace of her she could not see your colours?——She could see our colours before we spoke to her.

You fired the whole broadside into her? —Yes.

Now, honest fellow, how is it you know the hail, your situation is below deck?—Yes, Sir, but not till the action begins, when the action begins my situation as carpenter is below.

When you were coming up along side, was every man in the vessel at quarters?—

Yes, every man on both ſides, their veſſel and ours; I did not go down till ſhe fired.

*Mr. Wilſon.* Who was the commander on board your ſhip at the time?—Edward Williams, he is the firſt mate.

What is he?—The veſſel belongs to the Cuſtom-houſe, he has a deputation for the veſſel.

*Mr. Fielding.* You know nothing about that.

*Court.* It was a Cuſtom-houſe lugger?——Yes.

### FRANCIS WATTY *ſworn.*

I belong to the Lynx; I am chief mate.

Do you remember on the 4th of April laſt, ſeeing the veſſel called the Happy-go-lucky laying at anchor?——Yes, near a mile under the Mullion iſland; as ſoon as they diſcovered us they cut their cable and made ſail, we hauled into water and went after her.

When did you come up with her?——The Hawk came up with her about ſeven; I ſaw the Hawk come up with her.

What time did you get up with her?—Near to eight.

What were the Hawk and the Happy-go-lucky doing when you came up?——They were doing nothing then, but there had been an engagement three quarters of an hour before we came up; when we came up we went between both veſſels and fired a broadſide into the Happy-go-lucky.

What did the Happy-go-lucky do in conſequence of that broadſide?——They made ſignals with their hats that they would ſtrike.

Had you ſignals on board your veſſel?—Yes, on board both; we fired a broadſide into the Happy-go-lucky and ſhe ſtruck; I went on board her, and the boatſwain, and one of the foremaſt men; when I went on board, I aſked where the captain was, they told me the captain was killed and the ſecond mate; and there were a great many more wounded; then we hoiſted out the Happy-go-lucky's boat and ſent the people on board the Hawk.

Can you ſay the priſoner was one of the thoſe people?——I cannot ſay that he was.

You did not know him?—No.

What number did you ſend?—I cannot tell, I did not number them, I ſuppoſe a dozen or fourteen, more or leſs.

You did not particularly obſerve them?—I cannot ſay he was one.

Did you ſee any thing of them afterwards?—No, I never ſaw them after.

*Court.* You did not know the priſoner by ſight?—No, ſhe was a clinch built ſhip, a running bowſprit; ſhe had ten carriage guns on board, and plenty of ammunition, and ſwivels and ſmall arms, and blunderbuſſes.

When you firſt came up with the Happy-go-lucky, what did all the people on board appear to be doing?——When we fired that broadſide then they all ſeemed to ſhy off the decks as faſt as they could.

You was not near enough to diſcover what the men were doing at the time the engagement began between them and the Hawk?—No.

*Mr. Fielding.* There was no ſmuggled goods, nor any property there?—No.

### JAMES COTTON *ſworn.*

*Mr. Silveſter.* What ſhip did you belong to on the 4th of April laſt?——The Happy-go-lucky; I was before the maſt.

Where was ſhe on the 4th of April?——She was at anchor under Mullion iſland.

From whence did ſhe come?—She came from Guernſey, ſailed from there the 1ſt of April.

What was ſhe loaded with from Guernſey?——Spirits.

What had ſhe done with thoſe ſpirits?—She had landed them on ſhore at a place called Kings Cove.

Whereabouts is that?—It is near Mounts Bay; when ſhe had ſo put them on ſhore; ſhe had landed part of her cargo on the Saturday night, ſhe landed the remainder part the next night; that is on the 3d.

On the 2d and 3d of April had ſhe landed this cargo that ſhe brought from Guernſey?—Yes.

On the 4th when ſhe was laying under Mullion iſland what did you perceive?—We perceived two luggers.

What did you do?—We did not rightly know what they were, but we perceived they were making for us.

Then on perceiving that they were making for you what was done on board your ſhip?——The watch on deck cut the cable.

Is that the quickeſt way of getting off?—Yes.

What was the reaſon of taking the quickeſt way of getting off from theſe veſſels?—I do not know, it was the captain's orders to make ſail.

You got off in the quickeſt manner you could?—Sail was made immediately, to get immediately all hands we could up.

Did thoſe veſſels follow you when you made off?——Immediately they made ſail and followed in chace.

How many perſons were on board the ſhip?——Thirty three, as near as I can gueſs.

Theſe veſſels giving you chace, did they come up with you?——The Hawk came up with us very faſt.

What paſſed on board your ſhip?——The captain gave orders for getting every thing clear, for if they had come up he was fully bent to engage them.

When the Hawk did come up what ſtate of preparation were you in?——We were all clear about the deck.

Were the guns in any ſtate of preparation?——Yes, Sir, there was preparation to receive them when they came.

Were they loaded?——Yes.

Were matches ready or not on board?——Every thing was ready for engagement, ſome of the crew were to the large guns and ſome to the ſmall arms.

Were you all employed one way or another?——Yes.

Were none ſick or abſent from the deck at that time?—None ſick.

Were all thoſe thirty three from the ſhip or were any of them paſſengers?——None paſſengers.

Was the priſoner one of that crew?—He was.

Where did he come on board?—I cannot ſay, he was on board of her before I came on board; I had been on board eight days.

*Court.* What part of the ſhip was the priſoner in at the time of this engagement?—I believe he was abaft.

Was he employed as a mariner in the ſame manner that you were during theſe eight days you was with him in the ſhip?—Yes.

All the ſame as yourſelf?—Yes.

When the Hawk came up how did you receive her?——The Hawk came up and ſhe hailed, and ſaid ſome words but I could not rightly hear them; they might hear aft but I did not.

What anſwer was given?—No anſwer at all.

*Court.* Had the Hawk any colours hoiſted?——Yes, at her mizen-top-maſt head.

How long had theſe colours been flying?—We ſaw the colours flying all the time of the chace.

What colours were they?——They were Cuſtom-houſe colours.

When the hail was not anſwered, what was done on board the Hawk then?——There were ſome muſkets fired.

Upon thoſe muſkets being fired, did any thing paſs on board?—She came up along ſide of us, and immediately the action went on, and we fired as faſt on both ſides as we poſſibly could.

*Jury.* I underſtood him at firſt at the former part of his evidence, that he ſaw two luggers making up to them, but he did not know what they were, and now he ſays he ſaw the colours flying all the time?——I knew the colours when they came along ſide; I ſaw the colours flying, but did not know what colours they were till they came along ſide.

*Mr. Solicitor.* Where are revenue cutter colours uſually hoiſted?—The uſual place

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al place on board of ſuch veſſels as theſe is the mizen maſt head.

Had thoſe ſhips any other colours beſides at any other place?——I cannot ſay.

*Court.* Were there any guns fired out of your ſhip?—There was no firing out of our ſhip before they fired the two muſkets.

But was there any gun fired out of your ſhip before they fired the broadſide?——No.

Could you diſtinguiſh which of the veſſels firſt fired a gun after the two muſkets?——The Hawk to the beſt of my knowledge.

What ſpace of time was there between their firing and yours?—Not a moment.

And you were all ready to receive them before their fire was given?——All ready.

You did not anſwer their hail or their ſhot?——We did not anſwer their hail as I heard.

*Mr. Solicitor.* In which caſe, my Lord, the act of parliament ſays the revenue cutters ſhall fire.

*Court.* What did you take them for when you ran away from them?——We took them to be two revenue cutters.

*Mr. Solicitor General.* How long did this engagement laſt?——I believe three quarters of an hour before the Lynx came up.

*Jury.* You had ceaſed firing before the Lynx came up?——Yes.

Had you ſtruck before the Lynx came up?——No.

What was the reaſon of their ceaſing firing on both ſides?——Becauſe, Sir, the cutter's lugger ſhot a head of us, and our ſails were ſhot away, and would not hold wind, and we were put at a diſtance from each other, and the Lynx came up and poured a broadſide, and the captain and mate were killed.

What became of your veſſel after ſhe fired?———Immediately after the captain was killed, who was a very reſolute man, we ſtruck; but he had threatened that he would blow the brains out of any man that offered to lower the ſails, or ſtrike.

What became of you, the crew of the Happy-go-lucky, after you ſtruck?——Immediately they hoiſted the boats out, and took us that were well on board of the revenue veſſels, the wounded were left in the Happy-go lucky.

Was the priſoner taken out of the Happy-go-lucky?—Yes; we were carried to the port of Falmouth, and put into Pendennis caſtle; the priſoner was alſo put there; we continued there five or ſix days, I cannot rightly be ſure.

Were thoſe arms on board your veſſel at the time you went to Guernſey?—Yes, they were on board it when I came on board; they were all hid under the ſails; but when we came within ſight of the Engliſh land the guns were mounted.

How long had you been on the coaſt of England before you were taken as you deſcribed?——About four days; the guns were in their proper ſituations during thoſe four days; after we had landed our goods we put them below, but in the time of the chace the captain ordered them to be brought on the deck.

*Jury.* Did you know for what purpoſe you went on board that veſſel?——I had been ſick, Sir, for a long time, and I was in great diſtreſs.

Did you know when you firſt entered on board that ſhe was a ſmuggler?——I knew ſhe carried goods, but I did not know that ſhe carried any guns.

*Mr. Garrow.* You ſhipped on board her at Guerneſy?—Yes, I made two trips; the captain concealed the guns; I did not know there were any.

What expreſſions did he uſe to the men to make them bring the guns upon deck?——He told all hands to go and get the guns up; he was a very reſolute man, and threatened to ſhoot any man that atttempted to ſtrike or ſurrender; the priſoner had made three trips; that was my ſecond trip in her.

Had he any thing in his hand by which he could have carried this threat into execution?

ecution ?—He had two piſtols and a cutlaſs ; the mate was killed.

Had they both an intereſt in the cargo? ——I cannot ſay ; we had none ; we were going back to Guernſey ; the captain and mate inſiſted on our firing.

Before the Lynx came up, you had ceaſed firing ?——The Lynx came up and poured in a broadſide, and killed theſe two men, and we ſtruck that moment.

Upon your oath do you believe that if any man had lowered or ſtruck, he would have ſhot them ?——He certainly would.

You have no doubt but he would ?—He would actually have done it.

Were you then fighting at the hazard of having your brains blown out ?—If we had reſiſted he would have blown our brains out on the ſpot.

You have told us that the revenue colours were hoiſted at the mainmaſt ?——Yes ; in the courſe of the chace the revenue cutters were aſtern of us ; when they came nearer they fired ſome muſkets ; it might be two or three, I cannot ſay which.

One queſtion more, as you are a witneſs for the crown I take it I have a right to aſk this queſtion, upon the oath you have taken, do you believe that the priſoner either had any malice at all to any body on board the ſhip, or that he at all reſiſted in this engagement from his own free will ?

*Mr. Attorney General* objected to this queſtion, and it was waved.

*Court*. You ſay you made two trips in her ?—Yes.

And you landed goods both times ?—Yes.

At the firſt time when you came within Engliſh ſhore were theſe guns then hoiſted ?——No, Sir.

How happened that ?—Becauſe he never had them mounted without he ſaw ſomething.

What did you ſee when you got the ſecond time within ſight of the Engliſh land ?—I ſaw a veſſel under the land, and took it to be a lugger.

What as you came to land ?—Yes.

*Jury*. What ſtation was the priſoner in ?—He was a foremaſt man ; he was at ſome of the ſmall arms ; he was abaft, but I cannot ſay whether he fired ; he was not ſerving the guns in the waſte before the mainmaſt.

*Mr. Garrow*. The guns were never mounted till you ſaw ſomething on the ſecond trip ?—No.

You were ſhipped then ?—We could not get away ; we were ſhipped.

*Court*. When theſe guns were mounted on the ſecond trip, were you all of you on ſhore ?—No, he would not let a man go on ſhore.

*Mr. Fielding*. We call no witneſſes.

*Priſoner*. I have nothing to ſay.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* ASHURT.

*Court to Priſoner*. I am deſired to admoniſh you that you have had in this caſe a very great eſcape indeed, and I hope it will be a warning to you never again to engage in theſe matters.

## *The Trials being ended, the Court proceeded to paſs Sentence as follows.*

*Received ſentence of Death*, 12, viz.
John Strong, Joſeph Burdett, James Evans, James Gale, Daniel Chambers, John Turwood, William Britton, William Knight, Charles Martin, John Crawford, Samuel Burt, and George Townſhend.

William Wynne was brought up and informed, that the Judges approved of the verdict of the Jury, and he was ſentenced to be tranſported for ſeven years.

*To be tranſported for fourteen years*, 2, viz.
Mary Wade otherwiſe Cocklane, (*Africa*), Roger White.

*To be tranſported for ſeven years*, 34, viz.
Edward Saunders, William Brown, William Jones, Peter Povey, Ralph Fores, William Smith (*Africa*), William Robinſon, Elizabeth Needham, James Gardner, Thomas Pickard, Hugh Gahagan, Lucy Brand otherwiſe Wood, Thomas Biſhop, Edward Smith, David Cree, John Willis, Richard Hickley, James York, Joſeph Wild, Richard Grace, William White, Samuel Newton, John Morris, John Lloyd, John White (*Africa*), Thomas Evans, John Hack, Thomas Clark, Thomas Preſton, James Carrol, Thomas Burgeſs, Thomas Flood, Samuel Ward, and Edward Abbott.

*To be impriſoned twelve months*, 9, viz.
Hugh Price, Louiſa Davis, Mary Burk, Phebe Tarrant, Joſeph Brown, Francis Jenkins otherwiſe Gippey, Mary Moon, Ann Holloway, Joſeph Cooper.

*To be impriſoned ſix months*, 11, viz.
Elizabeth Baynes, Margaret Watſon, Sarah Allen, Ann Chapman, James M'Geary, William Maſon, Nicholas Riley, Thomas Spencer, Elizabeth Mitchell, Sarah Howlett, John Smith.

*To be impriſoned one month*, 1, viz.
Elizabeth Hornſby.

*To be publicly whipped*, 8, viz.
John Langford, Thomas Edwards, Joſeph Jones, William Bartlett, Charles Hoppey, Samuel Joſeph, William Maſon, Richard Stocker.

The next Seſſions will begin on Wedneſday the 30th Day of Auguſt 1786, at the Old Bailey.

## *Mr.* HODGSON

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THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**

LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER VII. PART I.

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*LONDON:*
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M DCC LXXXVI.

[PRICE SIX-PENCE.]

### THE WHOLE
# PROCEEDINGS
### UPON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; the Honourable Sir HENRY GOULD, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

*London Jury.*

Richard Bullock
James Elworthy
John Waitte
Robert Tunno
John Pailey
Thomas Rogers
Ralph Yates
Stephen Reynolds
Thomas Zennoble
Alexander Sangſter
Robert Phipps
Benjamin Taylor.

*Firſt Middleſex Jury.*

John Beck Heather
Adam Wright
Richard Deakin
Thomas Benwell
Richard Kiſſby
William Dodd
John Jones
Thomas Page
John Lovell
James Hawkes
Thomas Ellis
John Bell.

*Second Middleſex Jury.*

Edward Berry
John Hinchliffe
Charles Rymer
George Smith
James Thomlinſon
Edward Hales
John Beven
William Weaver
Joſeph Treble
Charles Smith
Thomas Grays
*Thomas Turner.

* George Humphrys *ſerved the ſecond day in the room of* Thomas Turner.

661. ROBERT JONES was indicted for feloniouſly ſtealing, on the 27th day of July, one ſilver watch, value 20s. the property of Anthony Pearce Morris.

*(The witneſſes examined apart.)*

ANTHONY PEARCE MORRIS *ſworn.*

I only prove the property.

ELIZA-

### ELIZABETH MORRIS *ſworn.*

I am the wife of the proſecutor; the priſoner came into my ſhop the 17th of July, about ſix in the evening, and aſked for a pair of buckles at three ſhillings and ſixpence; I went to the other ſide of the counter to get the buckles, and he came from the ſide where he ſtood where the watches were with his hand in his breeches pocket; he took the buckles out of my hand, and put three ſhillings and ſix-pence into my other hand, and went out directly; I immediately ſuſpected him; I went on the other ſide of the counter and miſſed a ſilver watch; I directly ran after him and got ſight of him; I ſaw him run down Craven-ſtreet about three doors from our ſhop; I called out ſtop thief; he was ſtopped and brought back; I did not ſee him ſtopped; the watch was not found upon him; it was brought to me by John Smith; he has got the watch; it was marked R. J. he ſaid he had not taken it; I am ſure the priſoner was the ſame man that was in the ſhop.

*Mr. Sheridan, Priſoner's Counſel.* Was not this day that the priſoner came to your houſe a remarkable day for a rowing match?—Yes.

Is not Craven-ſtreet from your houſe a direct way to Whitehall ſtairs?—Yes.

Had not you two cuſtomers in your ſhop?—Yes.

Did you know them?——No.

Might not they have committed a little depredation as well as the boy?——They might; it was poſſible.

Do you buy for your huſband?—No.

You are not a manufacturer of watches?—No.

You cannot ſwear poſitively to that watch?——Yes, becauſe it had R. J. upon it.

*Court.* When had you ſeen the watch before?——About half an hour.

### ELEANOR SMITH *ſworn.*

I have the watch; I picked it up and gave it my huſband; I picked it up in my maſter's area, No. 29, Craven-ſtreet, in the Strand, I found it in four different parts, it was on the 17th of July, about a quarter after ſix; I was ſitting in my maſter's kitchen, and heard the cry of ſtop thief; I looked up and ſaw the watch drop down the area out of a perſon's hand, but I could not ſee who threw it down; my huſband was ſitting with me at the table, and I took the watch and gave it to him; he went out immediately to ſee who it was that threw it down; the boy was juſt then ſtopped; they took him up the ſtreet; the priſoner was the boy I ſaw taken; my huſband brought the watch back again, and in the evening Mr. Morris called upon me in my huſband's abſence, and he took it home with him.

Did you obſerve the watch that was brought back again?——Yes, it was the ſame my huſband brought in firſt, and Mr. Morris took it away, and carried it to the Juſtice's; I have had it ever ſince; I took notice of it before I gave it to Mr. Morris that evening; I am ſure it is the ſame watch I firſt picked up.

*(Produced and depoſed to.)*

*Jury.* Have you the name and number of the watch in your book?——No, Sir, I took it in change; I do not deal in watches; I have but two.

*Mr. Sheridan.* Who do you live with?——I live with Mr. Brown a wine merchant; I know the watch again; it was ſcratched E. F. or E. J. I cannot tell which.

Are you ſure it was not R J——Yes.

Did you take particular notice of the ſcratch?—Yes.

Are you correct in your recollection what the ſcratch was?——It was E. I. or E. F. I cannot tell which, but I am ſure this is the watch; I obſerved bruiſes in the watch towards the hand.

*Court.* Should you have known the watch if it had not been for the letters that was ſcratched upon it?——I ſhould.

Then without theſe letters you would have known the watch again?—Yes.

Are you at all ſure what the letters

ſcratched on the inſide were?—I am not ſure any more than I think it is E. F. or E. I.

*Court to Mrs. Morris.* What was the mark of the watch that was loſt?—I. R. to the beſt of my remembrance.

I. R. or R. I.—I. R.; I never looked into the watch before; I did not know it by the mark.

By what did you know it?—We had but one ſilver watch in the ſhop, that was an old watch that had been worn; I did not know the maker's name.

*To Mr. Morris.* How long have you had the watch that was loſt?——About two months; I had not entered the marks in any book; I have looked at the mark on the inſide of the caſe, R. I. and that is all that I know it by; it was the name of the perſon I changed it with; it was ſcratched on the inſide of the caſe.

Look at the watch now, and ſee if it is the ſame watch?——Yes, it is the ſame; I went to No. 29, in Craven-ſtreet the evening of that day, and received the watch from Mrs. Smith, and carried it the next day to the Juſtice's; I kept it ſeparate at that time; I am ſure that is the watch; I gave it her back again; it was the ſame Mrs. Smith gave me that evening.

*Mr. Sheridan.* When did you ſee this watch previous to its being loſt?——I ſaw it in the caſe before I went out; I went out about three.

Your ſhop is pretty well frequented?——There were ſeveral cuſtomers came in, in the courſe of three hours; I changed it with Richard Johnſon a ſchool-maſter.

*(The watch ſhewn to the Jury.)*

### WILLIAM SUTTON *ſworn.*

I was coming along, and heard the cry of ſtop thief; I looked up Craven-ſtreet, and ſaw the priſoner running at a conſiderable diſtance, and ſeveral people were running, but I ſaw nobody ſpeak or touch him; the others were running in purſuit of him at a conſiderable diſtance; I ſtopt the priſoner.

Who firſt came up?—Nobody in particular; nobody touched him till I delivered him to Mr. Morris's ſhop; the alarm was given from that ſhop; when I ſtopped him, he ſaid, he had done nothing; he did not object to go back; I ſaw him throw down nothing.

### JOHN WAITE *ſworn.*

On the 17th of July in the afternoon I was looking out of my maſter's window in Craven-ſtreet, and I ſaw the priſoner coming down the ſtreet; he was in the ſtreet before I ſaw him; he was walking pretty faſt; I heard the cry of ſtop thief, and when he was oppoſite me he began to run a little faſter; and I ſaw him put his hand in his pocket and take ſomething out and throw it through the iron bars of the area of Mr. Brown; I ſaw him ſtopped by Mr. Sutton; I am ſure the man that was ſtopped is the ſame man that threw ſomething down the area; he was never out of my ſight.

*Court to Eleanor Smith.* The watch that you received back from the proſecutor I think you ſay you have had in your cuſtody ever ſince?——Yes, I am ſure that is the ſame watch whatever is the mark of it.

Are you ſure that that watch you gave to Morris, was the ſame you picked up in the area?—Yes, I am quite ſure of that.

### PRISONER's DEFENCE.

I was going down the Strand to ſee the ſailing match; I went into the proſecutor's ſhop and bought a pair of buckles; and paid for them; two other women were in the ſhop; I ſaw them take nothing; I am ſure I took nothing myſelf; I have ſome friends, but I do not think they are here.

**GUILTY.**

*Tried by the firſt Middleſex Jury before* *Mr* RECORDER.

---

662. MARY FRAZIER was indicted for feloniouſly ſtealing, on the 24th day of July laſt, one handkerchief, value 2s. one half crown, value 2s. 6d. and three

ſhillings in monies numbered, the monies of Nathan Suttle, privily from his perſon.

### NATHAN SUTTLE *ſworn.*

I am clerk to Mr. James Suttle an attorney; on the 24th of July I was invited to ſupper and ſtaid rather late, till about half after twelve; I live in Taviſtock-ſtreet, Bedford ſquare; Mr. Seddon has a houſe there; as I was going home up Plumbtree-ſtreet, Holborn, the priſoner overtook me, and aſked me where I was going; I told her I was going home; ſhe came running after me and ſtopped me; we fell into converſation about a minute; in the mean while the watchman came round, and ſhe ſaid, I cannot ſtop, I muſt go, the watchman will take me up; very well, ſays I, go; I turned round and walked on; thinks I, this woman has not taken my watch from me, I hope; I felt in my pocket and found it was there; I then felt in my left ſide coat pocket, and it was turned inſide out, and my handkerchief was gone; then I felt my breeches pocket, and found it was turned out likewiſe, and I had loſt a half crown piece, and three ſhillings; I immediately returned and could not ſee any-thing of her; I went into a publick houſe and ſaw her ſtanding at the bar; I called the watchman, and we took her into cuſtody; ſhe was ſearched, and my handkerchief was found in the watch-houſe, not half a yard from her; ſhe afterwards acknowledged that ſhe took the money and handkerchief from me; ſhe ſtaid at the watch-houſe all night.

Did you feel her take the money?—No, I did not.

How could ſhe turn your pockets inſide out without your feeling it?——I do not know.

How is that poſſible?—It was poſſible; it was done.

Are you ſure you did not feel her hand about your pocket at all?——Yes, Sir, I am ſure I did not; ſhe ſaid, ſhe took eight ſhillings from me, but I had only three ſhillings and a half crown in that pocket.

What excuſe did ſhe make?——She did not ſay any thing elſe to my knowledge.

### CORNELIUS HARRAGON *ſworn.*

I am a watchman; this gentleman called me, and ſaid, a woman had robbed him of his pocket handkerchief, a half-crown piece, and three ſhillings; I went with him to the King's-head, in Broad St. Giles's; and the woman acknowledged at the watch-houſe before him and me, that ſhe had taken the money; the gentleman ſaid, he would forgive her if ſhe would only acknowledge it; that was before ſhe ſaid any-thing; I ſearched her, and found nothing about her; the handkerchief was found in the watch-houſe.

### PRISONER's DEFENCE.

The gentleman offered me two ſhillings.

**Not Guilty.**

*Tried by the firſt Middleſex Jury before Mr.* Recorder.

---

663. PATRICK SUMMERS was indicted for feloniouſly ſtealing, on the 2d day of Auguſt, one canvas bag, value 6d. and fifteen pounds weight of tobacco, value 10s. the property of our Lord the King.

*A ſecond count,* Laying it to be the property of Joſeph Kite.

*A third count,* Laying it to be the property of perſons unknown.

*The indictment opened by Mr. Litchfield, and the caſe by Mr. Silveſter.*

### GEORGE DRAPER *ſworn.*

I am an officer in the exciſe; on the 29th of July laſt, I ſeized ſome tobacco from John Newton in Bermondſey-ſtreet; I left it in the cuſtody of Mr. Joſeph Kite, to be carried to the Cuſtom-houſe, which he did, and on Wedneſday following I went with him to the warehouſe to take it out, and he laid it at the cellar door; he came back, I went away about five or ſix minutes, and left it in his cuſtody, and when I came back it was gone; in about a quarter of an hour Mr. Lewis brought the priſoner and the tobacco; it had the ſame ſeal upon it this is "the 31ſt of July, 1786, Joſeph Wright it is, but it ſhould be Kite; fifteen pounds of tobacco;" I am ſure it is the ſame.

*Court.* What is Kite?——He is an officer in the cuſtoms.

You had made the ſeizure?——Yes, and left it to Kite.

### JOSEPH KITE *ſworn.*

I am an officer in the Cuſtom-houſe.

Draper, I underſtand, brought a bag of tobacco to you?—Yes, in order to return it to the Cuſtom-houſe to have it condemned; I took it to the Cuſtom-houſe and put it into the cellar where they take in the liquors; on the 31ſt I put a ſeal upon it; I had it the 31ſt of July; on the 2d of Auguſt, I had to take it to the proper warehouſe, in order to have it weighed and condemned; I left it at the tobacco warehouſe door, on the outſide of the door; I deſired Draper to look after it.

When the tobacco is condemned what do you do with it at the Cuſtom-houſe?—They burn it; I came back to Draper and ſaid, the warehouſe keeper was buſy; I ran to the warehouſe keeper; I was not gone two minutes, and the tobacco was gone; it was the ſame bag that was brought back here, and the ſame ſeal upon it.

*(Produced and depoſed to.)*

### THOMAS LEWIS *ſworn.*

I am an officer of the Cuſtoms; I ſaw the priſoner on the 2d of Auguſt.

What had he with him?——I was coming from the Victualling-office, and I ſaw the priſoner and another coming over the hill; and I ſuſpected him; having I verily believe this bag at his back; I croſſed firſt one way and then the other, that he might not obſerve me; when he came near to me I caught hold of him by the collar, and ſeized the bag, ſays I, you have got ſome tobacco; I ſaw the ſeal upon it, it was juſt ſuch another ſeal as this; I told him he had ſtolen it; ſays he, that man gave it me, I wiſh you would run after him, no, ſays I friend, that will not do, I ſhall take care of you; I took him into cuſtody.

The priſoner did ſhew you another man?——Yes, the priſoner began to ſtruggle, and another man came and aſſiſted me, and took him and the tobacco to the Cuſtom-houſe, and delivered it to Mr. Hart, and weighed it.

*Draper.* This is the bag that I ſaw that had the ſeal on it; I ſaw the priſoner ſitting on the caſk.

*Court.* Was Kite anſwerable to any body for it?——Yes, he muſt have been anſwerable for it to me; the people I ſeized it for would have laid it before the board, and I muſt have been diſcharged if I could not have given an account of it.

*Court.* What did you ſeize this for?—Being run, and having no certificate.

What was the weight of it?——Twenty pounds; by the late act of parliament it is liable to ſeizure if above ſix pounds.

### PRISONER's DEFENCE.

A man overtook me on Tower-hill, and aſked me to carry it; I fancy he ſaw this gentleman and knew him; he was to give me ſixpence to carry it into Well-cloſe-ſquare, and this man met me, and took it from me; I told him it was not mine, and there was the man that it belonged to.

How came you to take it from him to carry?——He was to give me ſixpence to carry it into Ratcliffe-highway; but now I find it was a fixed thing, as he ſaw the man, and knew him; he owned at the Juſtice's that he knew the man.

*Court to Lewis.* Did you know the man?—Yes, I knew him to be about the quays as well as this man.

**GUILTY.**

*Tried by the London Jury before Mr.* **RECORDER.**

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664. ESTHER ABRAHAMS was indicted for feloniouſly ſtealing, on the 27th day of July laſt, twenty-four yards of black

ſilk lace, value 50s. the property of Joseph Harrop, and Charles Harrop, privily in their ſhop.

HANNAH CROCKETT *ſworn*.

I live at the proſecutor's in Coventry-ſtreet; I have been a ſhop-woman there theſe twenty years.

What is the firm of the houſe?—Joſeph and Charles Harrop; on Thurſday the 27th of July the priſoner came into the ſhop, between two and three, and aſked for ſome black lace; I took down a box and ſhewed her ſome, and ſhe took up one piece; there was another perſon in the ſhop, that was ſerving another cuſtomer; ſhe is here as a witneſs; I ſhewed her a piece of black lace, and aſked her two ſhillings and tenpence, but told her I would take two ſhillings and nine-pence; ſhe bid me meaſure it, and there was nine yards; ſhe aſked what it came to, I turned round, and took a pen and caſt it up, and it came to one pound four ſhillings and nine-pence.

Did you turn from her?—Yes, and the mean while I turned, ſhe took a piece of lace; I was obliged to turn my back to her to get the pen; ſhe then ſaid, ſhe would not give me any more than a guinea for it; I then looked in my box, and miſſed a piece of black ſilk lace.

How much might there be in this piece?——Twelve yards; the priſoner ſaid, ſhe would give no more than a guinea; ſo miſſing the piece of lace, I ſaid, if you will ſtop, I will ſee if there is any thing here that will do for you; I looked in one box, and then in another; ſhe went away and got two doors from us; I went after her, and ſaid, you have taken a piece of lace, and ſhe ſaid, ſhe had no ſuch thing about her, and while Elizabeth South who was in the ſhop ſerving, went up ſtairs, ſhe put her hand and dropped two cards of lace; I heard them drop, and I ſaid, there you wicked devil! you have dropped two cards of lace.

Can you ſwear it dropped from her?—Yes, I can; I ſaw her put her hand down; I heard them drop; there was the laces; and one by putting it into her pocket was off the card; I took up two pieces of black ſilk lace, twelve yards in each; they were the property of the proſecutors; I can ſwear to the private marks that was upon the cards, one of the marks is, E. P. and P. R; they are the hand writing of Mr. Charles Harrop; I can ſwear to the writing; the one I miſſed firſt is marked P. R. ſhe dropped two, but I miſſed only that one; I know the pattern; we had only one of that pattern, which made me miſs it.

Did you ever examine to ſee if the other was miſſing?——I did after we had been at the Juſtice's; the ſecond card of lace was in the ſhop that morning before the priſoner came, and we had ſold none that day; we ſell it for three ſhillings and four-pence; it coſts us two ſhillings and ſix-pence.

Was it an old houſe keeper?——I fancy we have had it about a twelvemonth; the other was twelve yards, valued at twenty-pence per yard.

Had you any idea of this woman's taking it?——I had not, till I ſaw it was gone.

Did you ſee her at any time make any motion at which time you might conceive ſhe took it?—No, not at all.

She did nothing that could induce you at the time to think ſhe was taking it?——No.

*Jury.* Pray had ſhe any money in her hand?——I did not ſee any; I did not ſearch her.

*Mr. Garrow, Priſoner's Counſel.* You ſay you did not ſearch her yourſelf, was not ſhe ſearched by any body?——She was not ſearched at all.

Not in the back parlour?—No.

Nor in the ſhop?——No, not at all.

Was ſhe ſo long in the ſhop as twenty minutes before you followed her?——I dare ſay ſhe was.

Yours is a pretty large ſhop?——Yes.

How many people were backwards and forwards in the ſhop?—There were two people, but they were gone, beſides Bartlet and South; the cuſtomers were gone before I ſhewed her the lace.

Are you ſure of that?—Poſitive of that; I was on the oppoſite ſide of the counter.

Were they men or women?—It was a man and a woman.

*Court.* Was there no lace lying about the counter?—None at all; they never lay about the counter; we ſold the other cuſtomer black Barcelona handkerchiefs.

*Mr. Garrow.* Was Elizabeth Bartlet in the ſhop?—Yes.

She is not here?—No.

You had not ſold any lace in the courſe of that morning?—No.

How many perſons ſerve in the ſhop beſides you?—There are two perſons beſides me, two ſhopmen; the ſhopmen were at home; they had never ſhewn any lace that day; the men are never allowed to ſhew lace till I am preſent.

How near was this woman to the counter at the time you ſuppoſed the lace to have fallen from her?——She might be the ſpace of half a yard.

With her back to the counter?——No, her face to the counter.

From which ſide do you ſuppoſe this lace to have fallen?——The right hand pocket; I was ſtanding at her right hand ſide.

As ſoon as ſhe went out of the ſhop you overtook her, before ſhe got two doors from the ſhop?——Yes.

Then of courſe you went out almoſt immediately after?——Certainly, Sir.

Now I wiſh you to ſwear poſitively, if you chuſe it, and recollect that the life of that woman depends on your anſwer perhaps; will you venture to ſwear that the lace did not fall from the counter?—Yes, I will.

Did you ſee it drop?——No, I heard it drop, and that is ſufficient.

A pretty common lace for a cloak is it not?——It is not a common ordinary cloak lace.

Is not it a very uſual cloak lace?——Yes.

How many thouſand yards like that do you think I could purchaſe in the ſtreet where you live?——I cannot ſay to that pattern.

*Court.* Are they both common laces?——Yes.

*Mr. Garrow.* Are not they both remnants?——We do not look upon it as a remnant; there are different lengths.

How much is there in a piece?——There were thirty-three yards of this originally; now there are twelve yards, a proper quantity for a cloak.

Do you take this to be a whole piece?——Sometimes we have them in twelve yards.

Upon your oath do not you know it is not a whole piece, look at it, has there been none cut from it?——It may be cut.

Upon your oath has it not been cut?——I am not ſure, I cannot ſay.

Upon your oath has it not been cut, and do not you know it has?——I have not cut it myſelf.

Upon your oath are not you ſure it has been cut?——I told you I cannot tell nothing at all about it; I cannot take my oath to it.

Do not you know it has been cut by the inſpection of it?——It may have been cut.

Do you believe it has not been cut?—I cannot tell.

ELIZABETH SMITH *ſworn.*

I live with a friend, one Mrs. Brown, in Silver-ſtreet, Mrs. Brown and I always uſe the ſhop for what we want; and I happened to be in the ſhop, and ſaw the priſoner there, (and I ſaw Mrs. Crocket ſhewing her lace,) on the 27th of July, between two and three; I am ſure it was the priſoner; I was in the ſhop, and the other ſhop-woman was ſerving me; her name is Elizabeth Bartlet; nobody elſe was in the ſhop but Mrs. Crocket ſerving the priſoner with the lace.

And you ſaw no more than that?——I ſaw the lace on the ground as Mrs. Crocket moved the priſoner.

How near might the lace be to the priſoner?

ſoner?——Cloſe to her; Mrs. Crocket ſaid, I inſiſt on having this woman ſearched, and the priſoner immediately put her hand under her cloak; then I ſaw the lace on the ground.

*Mr. Garrow.* You was purchaſing ſomething of Miſs Elizabeth Bartlett I underſtand?—Yes.

And then you ſaw the lace on the ground?——Yes.

*Priſoner.* I leave it to my counſel.

*The priſoner called three witneſſes, who all gave her a very good character.*

*Guilty of ſtealing, but not privately.*

*Tried by the firſt Middleſex Jury before Mr.* Rose.

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665. JOHN WATSON was indicted, together with one ROBERT PATCH, for feloniouſly ſtealing, on the 24th day of June laſt, one ſilver watch, value 4l. one ſteel chain, value 1s. one metal ſeal, value 6d. one ſteel key, value 2d. one pair of ſilver ſhoe buckles, value 10s. one ſilver ſtock buckle, value 2s. one cloth great coat, value 10s. one dimity waiſtcoat, value 2s. one linen ſhirt, value 5s. two ſtocks, value 6d. three handkerchiefs, value 4s. one pair of leather ſhoes, value 2s. one pair of cotton ſtockings, value 1s. one pair of leather gloves, value 1s. and 6s. in monies numbered, the property of John Barrell, in the dwelling houſe of Humphry Evans.

JOHN BARELL *ſworn.*

I was in the houſe of Humphry Evans the 24th of June laſt, in the Vine, in Vine-ſtreet, a public houſe; I loſt a ſilver watch, and the other things in the indictment; (*Repeats them.*) I loſt them in the day time, from a little parlour at the front of the houſe; it was about three or four in the afternoon; I came to town to ſee my brother, who lived with a gentleman in Brompton-row, and to get a place; I was walking up the Hay-market as faſt as I could, and a ſhort fellow overtook me; he was an entire ſtranger; he ſaid he came out of the country; I had not been in town two hours; I came from Great Brampton in Eſſex; I was in town once before, three years ago; the ſhort fellow came up to me, and ſaid, Sir, do you come out of the country? I ſaid Yes; he ſaid he came out of Nottinghamſhire two days before, after ſome pariſh buſineſs; and he was going to his attorney's to receive one hundred and twenty guineas; and near the upper end of the Haymarket he ran and picked up ſomething, which he ſaid he thought was a garter.

Did you aſk him what it was?——No, he ſaid it of his own accord; I ſaid nothing; he ſaid it felt heavy; he run pretty briſk about thirty yards before me; I thought he was gone away from me; he appeared quite like a countryman, with a great coat and a flapped hat on; after he took it up he ſtopped till I came up to him, and then he ſaid, it does not appear like a garter, it ſeems heavy; and he ſaid, when we come to a public houſe we will go in and ſee what it is, it is a poor prize that will not bear a pint of beer; we went on, and when we came to a public houſe, ſays I, here is a public houſe, we may as well go in there, for I am very dry; no he ſaid he did not chuſe to go in there, he would go to a houſe right over to his attorney's, where he put up when he came to town, to receive his money; he took me up ſeveral turnings to a public houſe which I ſince found to be the ſign of the Vine in Vine-ſtreet; when we came in, there the priſoner ſat in the parlour, ſeemingly doing buſineſs in his pocket-book, writing; and he did not ſeem to take any notice of us, or we of him; we called for a pint of beer when we went in, and he ſat a while, and after he had done he aſked if either of us two could give him a wafer; and we told him, no; then he went out under pretence of getting one; he was gone the ſpace of two or three minutes, and while he was gone this ſhort man pulled out a long ſilk purſe, and untied it, and at one end of it there were ſome papers, and he took them out, and aſked me to read them; he ſaid he could not read; and I read them, and one of them was a bill and receipt for a brilliant cluſter diamond ring; the receipt was this, I remember the words, Received of Mr. Smith, a brilliant cluſter diamond ring, value two hundred and fifty pounds ſome odd money, but I do not know what; after I had read it this priſoner came in, and the ſhort man would not believe my reading it, he thought I muſt be miſtaken; the ſhort man ſeemed very much ſurpriſed and overjoyed, and aſked the priſoner to read it; he read it the ſame as I did; and he ſeemed to be very much overjoyed, and aſked the ſhort man whether he was to give me any of it, and he told him, yes, he had agreed to give me part of it, for he ſaid if he had not picked it up I ſhould; I told him it was a thing of great value, and a thing of conſequence, and it would be advertiſed; and the priſoner ſaid, no, we had no occaſion to be afraid of that, for it was Saturday, and could not be advertiſed before Monday; and I told him the perſon that loſt it had an undoubted right to to it, and the priſoner ſaid ſho, ſho, you need not diſturb yourſelf about that, cannot you keep your own counſel; I ſhall never ſpeak of it to be ſure, ſays he, for I am a capital diſtiller, and do not do it out of any regard to money; then the priſoner aſked this ſhort man whether he was agreeable to give me part of it, and the ſhort man ſaid, yes; then the priſoner aſked the ſhort man how much he would give me; then I ſaid I did not care what he gave me, if he gave me five pounds I ſhould be content; then the priſoner aſked the ſhort man if he would leave it to him, and he would do juſtice between us both, ſo the other man agreed to it; and he ſaid, let the priſoner ſay what he would it ſhould be right; then the priſoner ſaid, the man that picked up the ring was to have one hundred and fifty pounds, and I was to have one hundred; then the priſoner aſked this ſhort man if he had the money, and he ſaid no, he was going to his attorney to receive one hundred and twenty guineas, and if I and the priſoner, whom he then called a gentleman, would ſtop a quarter of an hour, he would go over for it, the priſoner ſaid he was in a great hurry to go to Weſton about ſome buſineſs, but he would ſtop a quarter of an hour; accordingly this ſhort man went out of the room under pretence of getting the money; he was gone nigh a quarter of an hour, when he returned he ſaid his attorney was gone to little Chelſea, and would not be at home till eight at night; and he ſaid he aſked the attorney's lady whether ſhe could let him have the money out of her private purſe, and ſhe told him no, ſhe had not ſo much money; then this ſhort man ſeemed confuſed, he ſaid what am I to do now? I want the ring for a friend in Nottinghamſhire, a very particular gentleman, he ſaid he did not like to part with the ring, for it would be of more ſervice to him than ten times the worth of it; then the priſoner ſays to him, Sir, will you truſt me with the ring; and he ſaid to the priſoner that he would; accordingly he gave him a direction where he pretended to live, at No. 20, Old Bond-ſtreet, a capital diſtiller.

What name did the priſoner call himſelf?——He ſaid his name was George Bearcroft; then the ſhort man gave the priſoner the ring; and after that the priſoner aſked me what money I had in my pocket, I told him but very little, and was loth to part with it; and he ſaid, I muſt give him all my things, and in particular my money, as a token of my honeſty that I would not go to demand the ring before the ſhort man the next morning; I gave him ſix or ſeven ſhillings, I do not know which, I kept back 1s. or 18d. the priſoner wanted more, and after he found I had no more money, he ſaid there is your watch, that will *tell up*; and he wanted my buckles; I delivered my watch and buckles, they were ſilver; I had my other clothes tied up in a handkerchief like a bundle, and he wanted them.

Did you give him them too?——Yes; that bundle contained the things in the indictment, diſtment, and my ſilver ſtock-buckle was in my pocket, I gave him that with my money.

*Court.* He aſked for the bundle and you gave it him?——Yes, he aſked for it.

And you delivered it to him?——Yes, He did not get the things off my back; after he got all my things I was quite confuſed, and wanted to go out of the room; I attempted to go out; and he deſired me to keep back; he wanted to know what I meant by going out; after that he wrote a kind of an agreement that I ſhould not proſecute him, and bid me ſet my hand to hand to it.

Then at his deſire he told you to ſign it?——Yes, he ſaid you muſt ſet your hand to this that you are not to come to demand the ring at my houſe in Old Bond-ſtreet before the other man comes; ſays he this paper is becauſe neither of you two gentlemen ſhould not bring me into trouble about it; the ſhort man made a mark.

Then he did not uſe the word proſecute?——No, that we ſhould not bring him into any trouble; after we had ſigned the paper the ſhort man went out, and I went out, and left the priſoner in the room; and I took out my buckles out of my ſhoes, and the ſhort man took out his metal buckles out of his ſhoes, and bid me put them into mine till the next morning; the priſoner ſaid he would ſend my things to his houſe in Old Bond-ſtreet, and I ſhould have them again the next morning, and the ſhort man was to give me the money the next morning, and he was to keep the ring; I was not to have the ring at all; if he was not there, I was to ſtay till he did come; and the ſhort man ſaid he could bring the money in the morning; all this was done in the parlour.

What is your ſilver watch worth?——About four pounds, the ſilver ſhoe buckles ten ſhillings, the ſtock buckle two ſhillings, coat ten ſhillings, almoſt new, the ſhirts I value at five ſhillings, they were worth all the money charged; I went away with the ſhort man, and he told me he would take me into my path again; he took me to Piccadilly, oppoſite St James's church, and there he ran away without ſpeaking a word; he ran acroſs the road; and then I ſuſpected I had been robbed; he ran into a gateway, and I ſaw no more of him from that time to this; I went to No. 20, Bond-ſtreet, but no ſuch perſon lived there; I enquired for one Mr. Bearcroft a diſtiller, and the people were milliners, and they told me there was no ſuch perſon in the ſtreet; I went by the place ſeveral times, and then I looked for the public houſe ſeveral days, and at laſt I found it, and they told me theſe two men had been there two or three times before, and had taken ſeveral people's property from them by the ſame method.

The people of the houſe told you ſo, did they?——Yes.

*Court.* This houſe ought to be taken notice of.

How came this man to be taken?——I mentioned it to Mr. Hunter an inſpector, who went to the houſe, and threatened to take away their licenſe, and ſo the priſoner was taken at his own houſe, and dividing a Scotchman's pack; on the 5th of Auguſt, Mr. Lucas the conſtable came down to me into Eſſex, and brought me up; I ſaw the priſoner at Litchfield-ſtreet-office the next day; I knew him as ſoon as I ſaw him; I am ſure and poſitive he is the man.

*Court.* When the ſhort man made his eſcape, did you come back to the public houſe?——I went immediately to No. 20, Bond-ſtreet.

*Priſoner.* Aſk him whether he left his buckles in the bundle?——The ſhort man had the buckles.

*Priſoner.* Whether I did not adviſe him and his friend to have the property advertiſed?——No, upon my oath, I mentioned it to them, it was was all I had in the world; I have been five or ſix years getting them; I have nothing but what I have on.

ELIZABETH STANTON *ſworn.*

That is the man that came into our houſe and one Peters; I am the landlord's daughter, his name is Humphrey Evans; I am married; I remember the proſecutor being at my father's houſe; I ſuppoſe it is about two months ago or better ſince this was; he came into the houſe ſince with another man.

Did you ever ſee the proſecutor in your houſe before?—No, Sir.

How did he come in?——The priſoner came in firſt, then the proſecutor came in with a ſhort man; I do not know his name; I know the priſoner; I will be upon my oath he was at our houſe when the proſecutor came in; I did not hear any thing paſs in that room, no farther than the proſecutor came out and left him, and the priſoner came out directly after with the proſecutor's bundle and came to the bar and aſked if a lawyer had left a letter for him.

Did you obſerve when the proſecutor came in whether he had any bundle?——Yes, he had.

Had he any when he went out?——No, none at all, the priſoner had been at our houſe once or twice with ſome people but they did not ſtop; he went out again.

Then you knew his perſon?—Yes, Sir, he came afterwards with a Scotchman in a fortnight or three weeks; and then I went to Mr. Hunter to have him taken; Mr. Hunter then directed us to take him if he came; I am ſure this is the man that was in the parlour with the proſecutor.

*Priſoner.* Was the witneſs in the houſe at the time when the proſecutor went out? Yes, I was in the bar; the priſoner came and ſpoke to me, and I ſaw him go out of the houſe.

### EDWARD LUCAS *ſworn.*

I am a conſtable under the duke of Bedford; I had divers informations againſt this man and Patch; and I apprehended him; I found this chaiſe at the office in Litchfield-ſtreet; I went into Eſſex and fetched the proſecutor; that is all I know.

### JOHN BEAMISH *ſworn.*

I aſſiſted Mr. Lucas in taking the priſoner; I know nothing of this affair.

*Lucas.* The firſt time he was taken was the 22d of July, and about a week after we took him again; I think on the Sunday following.

### WILLIAM PICKERING *ſworn.*

From the information I received of the robberies having been committed at this houſe; I took up the priſoner from the information of the people of the houſe.

### PRISONER's DEFENCE.

I was writing in this room at the publick houſe in Vine-ſtreet, when this man came in with the other; I ſat there about five minutes they took out a paper to read; they forced their diſcourſe to me; they aſked me to read it for them; it mentioned concerning a diamond ring; I did not take notice of the value; they ſaid, they found it coming up the Hay-market, and aſked me to ſee it ſettled for them, as he was a ſtranger in town; I adviſed them to go to their friends and have it advertiſed; and the proſecutor inſiſted on having part of it; the other man ſaid, he had no money; the proſecutor would not leave him without his part; when he ſaid that, this man then propoſed leaving it with me as we were all ſtrangers together, and he ſaid he was willing to leave every thing he had for ſecurity for it; I wrote it down; the Magiſtrate gave the paper to Mr. Lucas; if you pleaſe to peruſe it.

(*Hands up a paper.*)

*Lucas.* I really forgot this paper.

*Priſoner.* It was by this man's deſire that he got me to do it.

*Court.* Do you deſire to have that paper read?—If you pleaſe to read it that will be ſufficient.

*Court to Proſecutor.* Was there any mention made of the Red-lion in Piccadilly?—No, my Lord, not a ſingle word.

*Priſoner.* That was wrote in the preſence of this man at the time he ſigned his name to it.

*Court.* I can give you no advice, if any matter of law ariſes, it is my duty as Judge to adviſe the priſoner; but as to any matter of evidence, the priſoner muſt truſt to his own judgement; if you deſire to have that paper read, you may; take notice, I do not advise you; would you have that paper read, or not read?—Yes, my Lord, I should like to have it read.

*Court.* Now mind, friend, you make it evidence in the cause.

*(The paper read.)*

"Signed, Joseph Barrell;" Robert Anderson's marks; "Robert Anderson leaves with me John Watson, one diamond ring, not to be returned till both present; and if the said John Barrell shall come to demand it at the Red-lion Piccadilly before both are present, shall forfeit what he leaves, which is, five shillings, a pair of silver buckles, and stock buckle, one shirt, two stocks, two handkerchiefs, and a waistcoat; as witness their hands; and great coat, and a watch."

*Prisoner.* On the next morning, the 25th of June, on Sunday, at the time appointed, I went to that place, the Red-lion to meet these people; I waited there a considerable time, the other man came and this man never came; and I returned the other man every thing, and the ring too; and I drew up this receipt.

*Court.* Gentlemen of the Jury, it is proper for you to see how that Red-lion, in Piccadilly is written.

*N. B.* The words *John Watson* and *the Red-lion* appeared to be put in a different ink, upon a blank that had been left, and the word *Piccadilly* was interlined.

*(Shewn to the Jury.)*

*Court to Barrel.* Are you sure that the Red-lion in Piccadilly was never mentioned?—As I hope to be saved it never was mentioned nor any such place.

*Prisoner.* I gave him a direction that day to send it to that place.

*Prosecutor.* He gave me a direction to send it to No. 20, Old Bond-street; this is all the direction I ever had.

*(The direction handed up to the Court.*

*(Read.)* "George Beecroft, No. 20 Old Bond-street, distiller."

*Prisoner.* I never gave him that direction at all.

*Court to Prosecutor.* Did you receive any other direction from him?—I never did.

*Prisoner.* My Lord, this man could read, how could I give him that direction because he read my name in the other paper.

*Prosecutor.* The prisoner gave me that direction, and no other.

GUILTY, Death.

*Tried by the second Middlesex Jury before Mr. Justice* GOULD.

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666. JANE HERBERT otherwise ROSE otherwise JENNY RUSSELL was indicted for feloniously stealing, on the 25th day of July last, in the dwelling house of Henry Pincott, one promissory note, called a Bank note, No. 8269, dated 30th of March, 1786, value 20l. being due and unsatisfied, and the property of Charles Poole, Esq.

CHARLES POOLE *sworn.*

On the 25th of July, as I was at breakfast, a person called for payment of a bill; I lodge at No. 10, Craven-street; I ordered my servant to go into my bed room and bring my pocket book from my breeches pocket, in which was a Bank note, No. 8269.

When had you seen the note in your book?——I cannot say exactly; I can be certain I had the book on the Sunday, but I thought I had carried it with me all the time; the servant came and informed me it was not there; I had no suspicion of the prisoner, as her mistress told me she had lived there three years; however I began to suspect it was stolen; as my servant had lived with me eight years, I had implicit confidence in him; some time elapsed till Sunday the 30th; I had then reasons to suspect the prisoner; and I sent for William Rhodes the constable to search her; he searched her in my presence, and found upon on her ſix guineas and an half, one pound twelve ſhillings in ſilver, and thirteen duplicate of things that had been pawned.

### MARY LOOLLEY *ſworn.*

I am ſhopwoman to Mr. Samuel Jackman, a warehouſeman, in Cranbourn-alley; I know the priſoner by coming to Mr. Jackman's ſhop on Friday the 28th of July, in company with another woman; I cannot exactly ſay whether the candles were lighted, but it was in the evening; that was the firſt time to my knowledge that I ſaw the priſoner; ſhe bought a bonnet, and paid me ten ſhillings for it; ſhe gave me a guinea, I gave her change, and ſhe went out of the ſhop, and returned ſoon afterwards and bought a cap; and paid five ſhillings for it; after paying for the cap, ſhe aſked me if I ſold cloaks, I told her I did, ſhe deſired to look at ſome, and ſhe aſked me if I could change her a note; I told her, if ſhe could oblige me without changing the note, I ſhould be very glad; ſhe looked at the cloaks, and agreed for one, which was to be a guinea and an half, and then told me I muſt change her the note; I applied to a gentleman who lived next door; ſhe gave me the note, it was a twenty pound Bank note; I have it now in my poſſeſſion; the gentleman told me it was a good note; I changed the note; I told the priſoner there was not money enough in the till, and I had up ſtairs a ten pound note which I brought down and gave her, and gave her nine guineas and an half and ſixpence, being the whole change, and then ſhe returned me a guinea and an half for the cloak; previous to changing the note I aſked her name, ſhe ſaid, Jenny Ruſſell, and I aſked her likewiſe where ſhe lived, ſhe ſaid, No. 15, Norfolk-ſtreet, Strand; I aſked her if ſhe kept the houſe? ſhe ſaid, no, ſhe had only the care of it; I deſired her to write her name on the back of the note, and likewiſe where ſhe lived upon a piece of paper which I gave her, which ſhe did; I put the day of the month and year on the note; the 28th; ſhe went away; I was ſent for to Mr. Hyde's office on Monday the 31ſt; I gave the note to Mr. Jackman, he took it to Mr. Hyde's; it is here. (*Produced.*) The 28th of July, and the figures 1786 under, are my writing; but Jenny Ruſſell is the priſoner's writing; I rather think I put the date after the priſoner was gone; whether it was after ſhe was out or no, I cannot ſay.

Are you certain you wrote it on the ſame note?—Yes.

Did you ſee the priſoner write that Jenny Ruſſell?—Yes.

Did you write the 28th of July, 1786 on it before you delivered it to your maſter?——Yes.

Did the priſoner pull that looſe out of her pocket, or did ſhe take it out of any thing?——No, out of a very nice red morocco pocket book.

*Court to Proſecutor.* What ſort of a pocket book did you looſe?——Something of this kind; a red morocco.

(*Produces a ſmall pocket book.*)

*To Loolley.* Are you ſure that is the ſame note you received of the priſoner?—Yes, I am very ſure of it.

(*Read.*) "No. 8266, dated the 30th of "March, 1786; I promiſe to pay to Mr. "Ab. Newland, or bearer on demand, 20l. "London, the 30th of March, 1786, for "the Governor and Company of the Bank "of England.

"O. Gethen."

*Proſecutor.* When the money was found on the priſoner, I aſked her where ſhe had it, and ſhe ſaid, ſhe had ſome money from her miſtreſs on the Friday.

### PRISONER's DEFENCE.

I was coming in at the door Saturday night before; I picked the pocket book up at the door.

### FRANCES PINCOTT *ſworn.*

I keep the houſe in Craven-ſtreet, where Mr. Poole lodged; the priſoner had lived with me two years and an half; I was out of town at the time of the loſs; I went out of town on the Friday, and Mrs. Poole came on the Sunday to fetch me; I had not paid her any money.

Did you pay her ſix guineas and an half when you went out of town?——No, I did not; I paid her about half a crown or three ſhillings.

*Priſoner.* I wiſh to aſk Mrs. Pincott concerning my character?—She had lived with me two years and an half; I had a very good character of her, ſhe behaved very well.

*The priſoner called two more witneſſes who gave her a very good character.*

*Court to Proſecutor.* How long had you had the note?——I knew the number before it was produced at Mr. Hyde's.

*Court to Mrs. Pincott.* What is your huſband's name?—Henry Pincott.

*Jury to Proſecutor.* In what manner did you loſe the note, do you know?——I expected to find it in my pocket book.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* GOULD.

GUILTY

*Of ſtealing, but not in the dwelling houſe.*

*Court to Priſoner.* You are vaſtly obliged to the Jury for their compaſſion; it is a horrid thing that ſervants will behave ſo; ſhe muſt be

*Tranſported for ſeven years.*

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667. JAMES FOOTHEAD was indicted for feloniouſly ſtealing, on the 30th day of July laſt, two pair of linen ſheets, value 5s. two pillow biers, value 2s. ſixteen ſtocks, value 10s. five neck handkerchiefs, value 5s. five ſhirts, value 20s. two napkins, value 2s, three handkerchiefs, value 6s. three pair of ſilk ſtockings, value 10s. two pair of nankeen breeches, value 6s. two pair of caſimere breeches, value 6s. a pair of ſilk breeches, value 6s. two pair of Mancheſter ſtuff breeches, value 6s. a canvaſs bag, value 6d. a bruſh, value 6d. the property of William Plowden; and a ſattin waiſtcoat, value 10s. and a pair of ſattin breeches, value 20s. the property of Francis Plowden.

WILLIAM PLOWDEN *ſworn.*

I left town about three on Sunday afternoon.

What day of the month?—It was in July, the latter end of July; I think the gentleman at the bar was apprehended on the 4th of Auguſt, and it was the Sunday before that.

When did you return again?—Between nine and ten the ſame evening; when I returned I opened my drawers to take out a night cap or ſomething, and I found that my drawers had been opened, and every thing of value taken out; I left the drawers unlocked.

Mention a few of the things that were loſt?——There were ſeveral ſhirts, and three pair of black ſilk ſtockings; the marks are cut out of moſt of the things; there were two pair of ſheets, and near two dozen of ſtocks, ſeveral pairs of breeches, handkerchiefs, neckcloths, ſtocks; I ſuſpected the priſoner on account of my uncle having loſt ſome things a few days before; and he ſuſpected him, and ſaid he would ſpeak to his mother; I immediately called up the maid and told her, ſhe ſaid, ſhe knew nothing of it; I ſaid no more of it that night, the next morning I went to Bow-ſtreet; the priſoner acknowledged nothing.

Was any thing found in conſequence of that?—I believe it was the Saturday following ſome of the property was found.

FRANCIS PLOWDEN *ſworn.*

I permitted the priſoner to ſleep in my houſe out of humanity and charity with his brother, knowing the mother to be a very worthy woman; this was while the family were in town, and when the family were removed out of town, I thought it would be an additional ſafety, ſuppoſing them to be honeſt; I went up to my wardrobe in my bedchamber, and found only one ſhirt inſtead of three; I returned home between ten and eleven, and made particular enquiry, and found there were two ſhirts and a pair of ſilk ſtockings miſſing; I came to town the next day to ſpeak to his mother; I did not find her; I went home and ſaw the property in my nephew's room; between two and three in the morning the things were all gone; we examined them at Bow-ſtreet, and nothing came out; we advertiſed the things and circulated hand-bills, and on Monday or Tueſday morning ſome of the things were found on the priſoner.

*Mr. Garrow, Counſel for the Priſoner.* I have only one queſtion to aſk of you, you have already anſwered it, you before ſuppoſed him to be a perſon of character?——That I certainly did.

### JAMES ALDUS *ſworn.*

I am a pawnbroker in Berwick-ſtreet, Soho; I produce three ſhirts, two pair of cotton ſtockings; on the 4th of Auguſt the priſoner came to me and pawned theſe things; he ſaid, his name was James Hailes; but on looking at the ſhirts, I obſerved them to be very good new ſhirts, and the marks ſeemed cut out; I aſked him whoſe they were; he ſaid, they were his, that he bought a whole piece of cloth, and gave three ſhillings and ſixpence a yard for it; but I told him it did not appear to me as the marks were cut out; I took him to Bow-ſtreet; he had another ſhirt in his pocket, and another pair of ſtockings.

*Mr. Garrow.* Did he go out of your ſhop at all till you took him to Bow-ſtreet?—We ſecured him in the ſhop.

### JOSEPH HOXTON *ſworn.*

I produce two ſhirts, two pair of ſtockings, and one handkerchief, I had them of the priſoner on the 4th of Auguſt in the name of James Hailes; I am ſure the priſoner is the man; I did not know him before, he came between twelve and one; I aſked him what the ſhirts coſt him, he ſaid three ſhillings and ſixpence a yard; the marks had been taken out, I did not obſerve that at the time I took them in; he ſaid, he lived at No. 4, Tottenham-court-road.

### CHARLES JEALOUSE *ſworn.*

I ſearched the priſoner, and in his pocket I found a duplicate of the ſhirts that were at Hoxton's, they were pawned for twelve ſhillings; and in his pocket I found two half guineas and a ſhilling; I aſked him where the reſt of the things were, and he told me immediately where I might go for them; I found a duplicate in his pocket, a ſhirt on his back; and a flannel waiſtcoat, a handkerchief round his neck, and a pair of ſtockings which the gentleman believes to be his; there was a vaſt quantity of property, and I aſked him where the reſt of the things were.

Was there any promiſe of favour if he would tell where the reſt of the things were?——No, my Lord, we never do; he gave me a direction voluntarily where I might go and find theſe things that are mentioned, in a large deal box at a Cheeſemonger's, in Wild-ſtreet; he ſaid he had a lodging there, and had juſt taken it; I found the key of the box in his pocket before; I found ſeven pair of breeches, a quantity of ſhirts and ſilk ſtockings, of Mr. William Plowden's, and this waiſtcoat and breeches of Mr. Francis Plowden's, and a pair or two of ſilk ſtockings; I have the mark of them.

*(Depoſed to by Mr. William Plowden.)*

I know theſe breeches perfectly well, but they are not marked; I have no doubt of them.

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*(The waiſtcoat and breeches depoſed to by Francis Plowden.)*

### PRISONER's DEFENCE.

I have nothing to ſay but what I did before the Juſtice, that going out of Mr. Plowden's houſe at night I diſcovered a man going towards Queen-ſtreet with a large bundle, which then appeared to me to be a black; he threw it down, I came and took it up, and took it to my couſin's, and told him it was a parcel of my clothes, and I would call for it in the morning; I afterwards heard of the robbery, and was in hopes the things would be advertiſed; I was not ſure they were Mr. Plowden's things, but not finding them advertiſed, I began to diſpoſe of them.

*Mr. Garrow.* My Lord, as to character I know there were ſeveral people who would have attended, but I told his mother and ſeveral more people that it was unneceſſary.

*Priſoner.* I have given notice to ſeveral perſons, and three capital merchants to attend.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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668. **WILLIAM EMERY** was indicted for feloniouſly ſtealing, on the 8th day of Auguſt, one ſilver milk pot, value 10s. the property of John Benjamin Cole, privily in his ſhop.

JOHN BENJAMIN COLE *ſworn.*

I keep a goldſmith's ſhop in Barbican; I only prove the property.

MARY COLE *ſworn.*

I am wife to the laſt witneſs; the priſoner came into my ſhop, on the 8th of Auguſt, between four and five; he offered me a bad ſixpence; I told him it was worth a penny; he would not take it; I was ſtanding in the ſhop; the milk-pot was on the counter; we buy ſilver, and gold, and bad money, and light money, and every thing; we always cut it at the time; the priſoner went out, and I miſſed the milk pot; I went after him directly; I had not been out a minute; I called ſtop thief; I did not ſee him ſtopped; two young men brought him back in a minute; I am ſure he was the ſame; the milk-pot was in his pocket; I ſaw him pull it out myſelf, and throw it on the other ſide of the counter; he ſaid he had nothing about him; I believe the conſtable took the milk-pot.

JOHN COLLINS *ſworn.*

I took charge of the priſoner; I ſaw him take the milk-pot out of his pocket.

JOHN NEGUS *ſworn.*

I took charge of the priſoner and the milk-pot; Mr. Cole gave me the milk-pot; Mrs. Cole was preſent.

*Mr. Cole.* I gave the milk-pot to the conſtable.

*Conſtable.* I have had it ever ſince.

PRISONER's DEFENCE.

In the morning I had a ſhilling; I got change for it, and got a roll and butter in the afternoon; the ſixpence was cracked; I went to two or three or four places; nobody would take it; I went into this ſhop to ſell it; they ſaid they would give me a penny for it; I went out of the ſhop, they called after me and ſtopped me and brought me back; they ſaid I had the milk-pot, and ſhe ſaid it was behind the counter; and ſhe ſaid, you little dog, you flung it behind the counter; nobody can ſay I took it out of my pocket.

*The priſoner called two witneſſes, who gave him a good character.*

*Court to Mrs. Cole.* Did you ſee him take the milk-pot at all?—No, my Lord, I did not; nobody was in the ſhop but myſelf.

GUILTY *of ſtealing to the value of 4s.*

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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669. **ELIZABETH OSBORN** was indicted for feloniouſly ſtealing, on the 21ſt day of Auguſt, a linen bag, value 2d. and ſeven guineas, value 7l. 7s. and three half guineas, value 1l. 11s. 6d. two half-crowns, and 16s. in monies numbered, the property of Henry Hatch, privily from his perſon.

HENRY HATCH *ſworn.*

Laſt Monday between nine and ten I

was walking along, and the priſoner aſked me to give her a glaſs of gin; I refuſed it; ſhe followed me ten or twelve yards; I told her I had no money, then ſhe followed me a little farther, and came a broadſide of me, and put her hand into my pocket, and took a purſe containing ten pounds; I felt her hand in my pocket, and laid hold of her directly; and ſhe tried to get away, and I threw her down in the ſtreet; a gentleman came and took her to the round houſe; I did not ſee her ſearched.

HENRY HEMMINGS *ſworn.*

I took her into cuſtody and ſearched her, I found a purſe upon her afterwards; a linen purſe.

Where did you find it?——In her right hand pocket.

What money was in it?——Five guineas in gold, three half guineas, two half crowns, and ten ſhillings; here is the purſe.

*Court to Proſecutor.* How many guineas was in your purſe?——Ten pounds and upwards.

*Hemmings.* There were two guineas and ſix ſhillings in her hand.

*(The purſe produced and depoſed to.)*

*Proſecutor.* My wife made it about two months gone by.

PRISONER's DEFENCE.

I work in the country; I was coming to town to buy me ſome things, and coming along Long-acre I picked up this purſe, and the proſecutor ſaid it was his; he knocked me down; I did not know what was in it, and he would not let me look at it; I had half a guinea of my own in my pocket, and five and ſixpence.

*Conſtable.* There was but four and threepence in her pocket.

GUILTY *of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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670. WILLIAM WILKINSON was indicted for feloniouſly ſtealing, on the 17th of July laſt, a pocket book, bound in parchment, value 6d. a Bank note, value 30l. the property of Michael Memory, privily from his perſon, the ſame Bank note being then due and unſatisfied.

MICHAEL MEMORY *ſworn.*

I loſt my pocket book on the 17th of July; I went to the Bank to receive a dividend of thirty pounds; I was paid in a thirty pound Bank note, and when I received it I put it into this book, my banker's book, where I keep my running caſh, and I put the book in this outſide pocket, with my hand over it for fear of having my pocket picked, going from the Bank; after I got ſeven or eight yards from the front of the Change gate, I juſt drew my hand out of my pocket, and put it in again immediately; at that very inſtant I miſſed my pocket book; the priſoner was ſtanding cloſe to me while the book was in my pocket; I accuſed him with it, I ſaid, what have you put your hand in my pocket and taken my book? no, Sir, ſays he, I aſſure you I have no book; ſays I, it muſt be you, ſays I, I inſiſt upon it; ſays he, I have not, but I ſaw a perſon juſt now joſtle you; and he is gone forward, perhaps you may overtake him; no, no, ſays I, I am ſure you have it, ſays he, if you chuſe, you may ſearch my pocket; accordingly he was ſearched, coat, waiſtcoat, and breeches, and it could not be found, but on unbuttoning the breaſt of his great coat there was the book found with the Bank note in it.

*Court.* If you put your hand ſo inſtantly back into your pocket, I ſhould think you muſt feel his hand?——No, Sir; I drew my hand out and put it back again directly, and the book was gone that inſtant.

Did you feel the hand at all or not?——I did not feel the hand.

You felt or ſaw nothing till you miſſed the book?——I did not; after I had got the book from him, I ſaid, now, what have you to ſay for yourſelf? why, ſays he, I found it; aye, ſays I, ſo you did, in my pocket.

What did you draw your hand out of your pocket for?——It was a very warm day; I drew my hand out to cool it.

Was your handkerchief in that pocket?——No.

Are you ſure you did not draw out the book with your hand?——No, I can make a ſafe oath of that; I am very clear in that.

But in the act you deſcribe of juſt raiſing your hand, and putting it immediately back again, how could there be time for any perſon to get that book out and you not feel it?——I apprehend he knows his buſineſs very well, what I may ſay, a good workman; I have two witneſſes who ſaw the tranſaction, and they went with me and took him before the ſitting Alderman.

*Mr. Sheridan, Priſoner's Counſel.* You walked from the Bank to the Change?——Yes.

Did you ſtop at all?—No.

You ſaw the priſoner ſtanding by you when you miſſed it?——I ſaw him cloſe to me; I did not ſtand ſtill, nor he did not ſtand ſtill; no perſon was near me on the ſide where he was.

What is the reaſon you apprehend he knew his buſineſs?——Becauſe he was ſo ſudden in his motions.

JOHN CLARKE *ſworn.*

I only took charge of the priſoner at Guildhall.

SAMUEL DAVIS *ſworn.*

I was going along by the Royal Exchange, about a quarter after twelve, ſix weeks ago laſt Monday, and I ſaw the proſecutor have hold of the priſoner by the arm, and the proſecutor ſaid, he had had his pocket picked of a pocket book, and a thirty pound note contained therein; the priſoner ſaid, the proſecutor might feel in that pocket; he found nothing there; he unbuttoned his great coat, and there was the pocket book, and the note contained therein.

You did not ſee him take it from Mr. Memory?——No.

EDWARD WROTH *ſworn.*

I was coming with Davis from the exciſe-office, and under the piazza's of the Royal Exchange, I ſaw the proſecutor ſearching the priſoner, and he pulled the pocket book from his left ſide; I did not ſee the priſoner take the book at firſt.

*Mr. Sheridan.* Did not the boy ſay before the Juſtice that he found it?——He denied having it, but when it was found upon him, he ſaid, he found it.

*To Proſecutor.* Did not you challenge ſomebody elſe with taking this?—No, Sir, no ſuch thing; I had no thought of any ſuch thing; no perſon was near me.

*William Owen,* on whoſe affidavit this trial was poſtponed laſt ſeſſion, was called, but did not anſwer.

Capt. BALLIE *ſworn.*

I know the priſoner about a year or a year and an half ago, when he was a gunner's ſervant on board the Leocada; I uſed to viſit the officers of that ſhip, and at that time he bore an exceeding good character; the lieutenant I uſed to viſit, if his ſervant was out of the way, he called this lad for water or any thing, for grog or punch, when we have been enjoying ourſelves; I can only ſay, however this matter may be, that had I a ſhip to-morrow, I ſhould not have the leaſt objection to take him as my ſervant.

*Jury.* We wiſh to know if the witneſſes ſaw the Bank note in the book?—Yes, we ſaw Mr. Memory take it out and ſhew it.

GUILTY, Death.

What age is he?——Between ſeventeen and eighteen.

*Tried by the London Jury before* Mr. RECORDER.

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The Trial of Major SEMPLE, with the Arguments of Counſel, will be publiſhed in the next Part.

# THE
# TRIAL
# OF
# *JAMES GEORGE SEMPLE, Eſq.*
COMMONLY CALLED
# Major SEMPLE,
FOR
# Stealing a Poſt-Chaiſe;
Who was TRIED at
JUSTICE HALL *in the* OLD BAILEY,
On FRIDAY the 2d of SEPTEMBER, 1786,
AND CONVICTED:
With the ARGUMENTS of COUNSEL.

---

TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
**And Publiſhed by Authority.**

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## NUMBER VII. PART II.
(Of the SESSIONS PAPER.)

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M DCC LXXXVI.
[PRICE SIX-PENCE.]

BEFORE the Right Honourable THOMAS WRIGHT, LORD MAYOR of the City of London; the Honourable Sir HENRY GOULD, one of the Juſtices of his Majeſty's Court of Common Pleas; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

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## INDICTMENT.

671. JAMES GEORGE SEMPLE otherwiſe HARROLD otherwiſe KENNEDY was indicted for feloniouſly ſtealing, on the 1ſt day of September, 1785, at the Pariſh of St. Mary Matfelon otherwiſe Whitechapel, one chaiſe called a poſt chaiſe with four wheels, value 50l. the property of John Lycett.

### JURY.

Edward Berry
John Hinchcliffe
Charles Rymer
George Smith
Edward Hales
John Bevan
William Weaver
Joſeph Treble
Charles Smith
Thomas Grays
Thomas Turner
Jacob Roberts.

*Counſel for the Proſecution.*
Mr. Silveſter.

*Counſel for the Priſoner.*
Mr. Garrow, Mr. Agar.

**JOHN LYCETT** *ſworn.*

I am a coachmaker; I live in Whitechapel; I let out carriages to hire; I know the priſoner; he hired a poſt-chaiſe of me yeſterday was a twelvemonth; the 1ſt of September, 1785.

Relate particularly all that paſſed at the time it was hired?——He hired it for the term of three weeks or a month; he ſaid, he was going round the north.

To make a tour?——I think he ſaid ſo.

Relate as nearly as you can the particulars of what he ſaid to you?——For that time he was to pay me at the rate of five ſhillings per day; and I have never had the pleaſure of ſeeing the poſt-chaiſe ſince nor him till I was indulged by my Lord Mayor with ſeeing him in the Poultry compter; he had hired one on the 10th of July before that; he had brought it home and paid for it.

How had he been firſt recommended to you?——From the Saracen's-head, Aldgate, where he lodges; he ſaid, now I have paid you ſix ſhillings a day; I ſhall want another poſt-chaiſe in the courſe of ten days or a fortnight, you will not charge me ſo much for that, as the time is longer.

*(Going to look at his book.)*

Were the memorandums you are going to look at made by yourſelf?——Yes; it was the 10th and returned the 16th, ſeven days, he paid ſix ſhillings a day for it.

When he came to you on the firſt of September, did any particular converſation paſs between you?——Nothing, but he deſired the chaiſe to be fitted up with piſtol holſters and a net to the roof; I told him it was not cuſtomary to furniſh them with piſtol holſters, he ſaid, he muſt pay for that.

You underſtood it was to go a tour through the north of England?——I did.

Did he ſay ſo?—I think he did; to the beſt of my recollection he ſaid, round the north; but that was no part of the contract for the hiring the chaiſe.

When was the chaiſe delivered to him?——The 1ſt of September; that ſame day he ſent a pair of poſt horſes from the Saracen's-head.

From that time you never ſaw any thing of him or the chaiſe till he was taken up?——No, Sir, I never did.

Do you recollect particularly as to the time he was to have the chaiſe?——To the beſt of my recollection it was poſitively three weeks or one month.

Then it was to be returned in the courſe of that time?——Yes.

Have you never found the chaiſe ſince he was taken up?——No, Sir, I have never ſeen it ſince, nor do not of my own knowledge know what is become of it.

Have you ever heard the priſoner ſay any thing about it?——No, Sir, I never was in his preſence; I only had juſt a view of him at the wicket at the compter.

Are you quite ſure he is the perſon that hired the chaiſe of you?—Yes, I have no doubt of it.

You had ſeen him before?——Several times.

There was no agreement to ſell the chaiſe to him or any thing of that kind?—There was no poſitive agreement nor any thing of that kind.

Was there any converſation of that ſort?——He ſaid, now ſuppoſe I have a mind to buy this carriage, what might be the value of it, I ſaid, I do not know exactly, but I ſuppoſe fifty guineas; that was not the poſt-chaiſe he was to have had; for unfortunately for me another gentleman had that poſt-chaiſe, and went a tour to Margate, and did not return at the time he intended.

What anſwer did he make to what you ſaid?——He ſaid, he ſhould ſee when he came home; he did not make any particular anſwer; I do not recollect he made any anſwer.

Did you part with the chaiſe to him in any expectation of his becoming a purchaſer?——No, by no means.

By what name did he come to you?—By the name of Harrold; I knew him by that name and no other.

*Mr. Garrow.* What book is that you have in your hand?—It is called the hire book.

Will you be ſo good to favour me with a ſight of it?——To be ſure, Sir.

Are the places turned down?——Yes.

This is your regular day book to enter things hired?—Yes.

There is one entry of a chaiſe called Onſlow's, ſeven days at ſix ſhillings per day croſſed out; your entries were made at the time I ſuppoſe that the things were hired?—Yes.

On the ſecond entry, the words that follow the word *day* are written upon an erazure?—Yes, he was called *Mr.* ——— *at the Saracen's head* at firſt, then the ſecond time he was called Mr. Harrold.

Then there is inſerted the additional name thus, *ſuppoſed to be Semple*; now, upon your oath, when was this written, which is written upon an erazure, I mean theſe words, *his name ſuppoſed to be Semple*?——I think it is three quarters of a year ago.

Will you ſwear that?—I have done it.

Do you mean to ſtand by that that you have ſworn?——Yes, that that was put in about three quarters of a year ago.

Do you mean now again to ſwear that three quarters of a year ago you wrote theſe words, *his name ſuppoſed to be Semple*?—Yes, Sir.

It has continued then in your book for three quarters of a year?——Yes.

What was originally written there?—I believe there was a name of Mac ſomething.

What was that Mac ſomething?——I do not know I declare to God.

Firſt you wrote Mac ſomething?—No, Harrold firſt.

That ſtands diſtinct from it?—Yes.

Then at the bottom there is this, *five ſhillings a day—his name ſuppoſed to be Semple?*——I heard it was the Marquis of Carmarthen at one time; it was one name that I put down, but what the name was I do not know; it was not the right name; I was informed his right name was Semple.

So this you wrote three quarters of a year ago; by whoſe advice and recommendation and information?——I was informed by a man at Knightſbridge.

Favour us with that man's name?——James Sadgrove, No. 2, Knightſbridge.

How long ago have you converſed with him about the defendant?——I believe it is about three quarters of a year ago.

Now ſtate to my Lord and the Jury what that converſation was.

*Court.* You have no right to aſk him that.

*Mr. Garrow.* I want to aſk him what he ſaid to Sadgrove about Major Semple and the poſt chaiſe, about three quarters of a year ago?——I told Sadgrove that he defrauded me out of a poſt chaiſe, or robbed me a of poſt chaiſe, or ſomething to that effect.

Did not you tell Sadgrove that he was a d——d ſcoundrel, and he had got a good new poſt chaiſe of yours, and that you would arreſt him for fifty pounds if you could find him?——Certainly, as a diſtreſſed tradeſman I wiſhed to recover my property.

I aſk you now, Sir, upon the oath you have taken, will you venture to ſwear you did not tell Sadgrove that the priſoner was a d——d ſcoundrel, and he had got a good new poſt chaiſe of yours, and that you would arreſt him for fifty pounds if you could find him?——I do not know that I ever ſaid ſuch a word.

You will venture to ſwear that you did not?——I do not recollect it.

Do you recollect aſking Sadgrove where you could find him to arreſt him?——I do not know that I uſed that word.

Would not you have arreſted him then?——I do not know whether I ſhould or not.

Had not you it in contemplation to do it?——No Sir, I do not know that I had any intention.

*Court.* Do not look at the effect or conſequence of your anſwers, but give a fair and manly anſwer.

*Mr. Garrow.* Did you never deliver a bill to any man?—No, Sir.

Not to the priſoner?—No, Sir.

Be careful, Mr. Lycett; do you ſwear that poſitively?—I ſwear that poſitively; I am as careful as you are.

Did you ever ſue out a writ actually againſt him?—No, Sir, I never did.

Nor you never mentioned arreſting him to Sadgrove?——I do not believe I ever mentioned ſuch a word to Sadgrove; I am pretty ſure I never did.

The firſt poſt chaiſe he had of you was a common hack poſt chaiſe?——It was a middling chaiſe.

Now this was a better one, not one that you would let in common hire?——I ſhould not let it to every body; I ſhould let it to a gentleman like you.

I am much obliged to you, Mr. Lycett, I am ſorry I do not happen to live at your part of the town, or elſe I might be a cuſtomer; this ſecond poſt chaiſe had piſtol holſters?——It had; they were put in by the direction of the priſoner.

It had a net and a top?——There was a platform.

Did you put theſe to it after it was beſpoke by the priſoner?—No, Sir, I fitted ſome things up to my own fancy.

You did not uſually let poſt chaiſes with platforms?—Yes, Sir, frequently.

Had this chaiſe ever been let before?—The carriage had.

Had the carriage in the ſtate in which it was delivered to the priſoner ever been let before?—No; I built it on purpoſe to let out on hire, to go on a job, or any thing of that kind; my ſervant delivered it, and he will prove the delivery.

Of your own knowledge you do not know to whom it was delivered ?——I do not.

The value of it was about fifty guineas ?—Yes.

You told me juſt now, before the priſoner went away, before the carriage went from your poſſeſſion, he talked about buying it; he ſaid, ſuppoſe I ſhould have a mind to buy this carriage what may be the value of it ?—He did it in a kind of air.

He did not do it ſo vulgarly as you and I ſhould have done ?—No, no, he was a great deal more poliſhed than either of us; I beg your pardon though, Sir.

I am not angry with you, Mr. Lycett; his poliſh to-day will not hurt him, he will not be convicted to-day becauſe he is a poliſhed man, or a man of faſhion; now Mr. Lycett, you have ſaid that he ſaid, ſuppoſe I have a mind to buy this carriage what may the value be ?—I did; and he ſaid he ſhould ſee when he came home.

You expected him to be gone ſome ſuch matter as three weeks or a month; if he had returned at the end of two months, and given you the fifty guineas, ſhould not you have been pleaſed ?—I ſhould have been better pleaſed than I am now.

You would not have thought he had broken any contract with you; you ſay the firſt chaiſe was out ſeven days ?—Yes.

How much did that hire come to ?——Juſt ſix ſhillings a-day.

Do you remember receiving any other ſums of money or bank note from the priſoner beſides the payment of that chaiſe ?—No.

Did you never receive a ten pound bank note ?—No, I never ſaw any bank note; I have ſeen him pull out his purſe with an air; he ſeemed a man of great conſequence and property.

He ſeemed what he was then.——I never received from him the ſum of ten pounds.

At the time you ſaw the defendant he was in cuſtody ?——Yes, he was in the Poultry compter.

Had you then ſeen Mr. Feltham ?——Yes.

You have read a deal of ſtuff in the papers, charging this gentleman with a great many miſdemeanors; the papers you know were full of the major, but now they have got the death of the king of Pruſſia, and Mrs. Nicholſon to work upon, probably they will leave off the major; however Mr. Lycett, you know now that he was charged with a great many miſdemeanors ?——I have heard ſo.

Who carries on this proſecution ?——I do not know; my pocket ſuffers for it.

I was in hopes Mr. Feltham's pocket ſuffered for it ?——He may have a ſuperfluity of money; but I hope I ſhall always be able by my induſtry to puniſh a character of this kind; I think I am doing good to the public.

*Court.* Were the words *at five ſhillings a-day* written at the ſame time with the firſt part of this entry ?——That was all but the name of Semple.

*Mr. Garrow.* Now my Lord, I ſay that upon that ſpot after the word *day* once ſtood *or upon return to be paid fifty guineas*; I ſay that *no ſingle name*, Mac Carty or any thing elſe ever could fill up that place.

*Mr. Lycett.* Hand that paper up to my Lord.

*Mr. Garrow.* Let us have a peep at it firſt.

*Mr. Lycett.* I do not know that you have a right to peep at it before my Lord.

*(Mr. Garrow looks at it and gives it him back again.)* Now you may aſk my Lord whether it is evidence; my Lord I ſubmit that the words originally ſtood there; I could write them in that ſpace myſelf.

*Mr. Lycett.* Can you ? Why you can put it in, in a nicer manner than I can, I am but an aukward hand.

*Court.* There does not ſeem room for ſo many words.

*Mr. Garrow.* Yes, my Lord, theſe words, *or return fifty guineas.*

*Court to Jury.* The erazure is not the whole length of the line, the erazure ſeems to me to go from the word *day* to the letter *B.*

*Mr. Garrow.* It ſeems to have been freſh done, and it is ſworn to have been done three quarters of a year ago.

*Court.* That laſt is a fair obſervation to go to the Jury; the other is a mere ſuggeſtion of your ingenuity, you have been meaſuring the words to ſee what could have been written there; you ſtated it firſt a little too much, and now you have narrowed your ſuppoſition to fit the place.

*Proſecutor.* Here is a few lines he ſent me.

*Mr. Garrow.* They are totally immaterial; and only go to confirm that he had a chaiſe.

*Proſecutor.* I have ſome notion his hand writing can be proved, you will obſerve it ſays *a* carriage, in does not ſay *his* carriage.

*Mr. Garrow.* No, nor there is no date to it, ſo it may relate to the firſt carriage.

*Court. (Looks at it.)* It is totally immaterial.

*From the Priſoner, ſent to Mr. Garrow.* I am deſired to aſk you whether the platform for this carriage was not made from the meaſure given you by the priſoner to ſuit his own trunks?——No, Sir, it was not made; it was a ſecond-hand thing, I do not think it was, it was a great deal too big.

Was it made to fit, was it reduced to the ſize of his trunks?——I do not recollect that it was; I rather believe it was altered to fit his trunk, not made.

Did not you tell him that the chaiſe was intirely new, and that the wheels had never been out?——I do not know that I did; if I did I muſt tell him a ſtory.

Will you venture to ſwear you did not?—I cannot ſwear I did; I cannot charge my memory with it.

As a ſerious man upon your oath did not you tell him that it was intirely new, and that the wheels had never been uſed?——I do not think I did.

Will you ſwear that?—I am ſworn.

*Court.* You ſhould anſwer with a little more reſpect to the gentleman.

*Mr. Garrow.* I have not treated you rudely, and I am glad the Court take notice of you; have you never to any body declared that you would arreſt him if you could find him?——As a tradeſman, not knowing what to do, I ſhould have been glad of my money.

Would not you arreſt him now?—I do not think I ſhould.

Have you never told any body that you would?——I might.

Do you believe you did?——I really believe I did.

How long ago do you believe you ſaid that?——God knows; I do not know.

Did not you ſay ſo at Knightſbridge?—I believe I might.

Did not you ſay you would ſwear to your debt and hold him to bail?——I ſaid nothing about ſwearing to my debt.

Did not you ſay that if you could find him, you would arreſt him for the debt of fifty guineas?——I do not think I ſaid the debt of fifty guineas.

Did not you ſay if you could find him you would arreſt him for the debt, is that your diſtinction?——I am not ſo experienced; I told people ſo.

Then you did ſo intend?——I talked of it.

Did not you intend it?—I do not know whether I ſhould or not.

Did you tell people you ſhould do the thing you did not intend to do? upon your oath if you had known where to have found him three quarters of a year ago, would not you have arreſted him?——I do not think I ſhould.

What makes you think you ſhould not?——Becauſe I never arreſted a man in my life.

Did you ever proſecute a man before?——Yes, I did a Jew ſome time ago in this court; I am not fond of arreſting; I believe I might tell people ſo, I dare ſay I might.

I am deſired to aſk you this queſtion,

whether if other perſons had not applied to you, you would have brought this proſecution?——I really believe I ſhould have done it chearfully.

Is not it by the deſire of others?——I do not know that I am to be led.

Is it not by the deſire of Mr. Feltham?——No, Sir, I do not know that it is; I have been exceeding happy in having Mr. Feltham's aſſiſtance.

*Mr. Silveſter.* Did you apply to any attorney to take out a writ againſt this man?—No, by no means.

*Court.* I have one queſtion more that I wiſh to aſk you, and you will be ſo good to recollect as correctly as you can at the diſtance of time before you anſwer it?—Yes.

You ſay the chaiſe was hired at five ſhillings a day, you underſtood it was for three weeks or a month?—Yes.

After the price of the chaiſe was mentioned, was any thing ſaid ſuppoſing he ſhould keep it beyond the three weeks or a month, what was to be done then?—I am ſure nothing of that kind was mentioned; I am poſitively ſure in that reſpect; there was nothing paſſed of that ſort.

*Priſoner.* Did you ever watch me any where?——Watch you! I have ſet my ſervants to watch you.

Did not watch me into a public houſe?—No, Sir.

Had not you taken inſtructions then?—No, Sir.

JOHN MASHANT *ſworn.*

I am an apprentice to Mr. Lycett; I delivered a chaiſe to a man named John Deacon, about a twelvemonth ago.

What day did you deliver it?—I cannot directly ſay, it was about a twelvemonth ago.

*Court.* What ſort of a chaiſe was it?—A poſt-chaiſe.

What ſort of a poſt-chaiſe?——A new one.

Where did you deliver it to Deacon?—At the door.

Did he bring horſes for it?—Yes.

How many?——Two.

Who is Deacon, do you know?——He is a poſt-chaiſe boy, and drove for Mr. Bolton at the Saracen's-head.

*Mr. Agar.* This you ſay was a new chaiſe?——Yes.

Do you know whether this chaiſe was bought or lent for hire?——I underſtood it was hired.

From whom?——From my maſter.

Is it uſual for your maſter to let new chaiſes out to hire?—Yes.

Do you know of any alteration that had been made in the chaiſe?—Not great deal of alterations.

What were theſe alterations?—They were baggage boards to put on before to put a trunk on.

Were not they on before they were let to the priſoner?——No.

That is what you call a platform then?—Yes.

Do you recollect any holſters made in this chaiſe?——No, I do not.

Which does your maſter let generally to hire, new or old chaiſes?——Both.

What moſt uſually?——Old.

Do you recollect ever ſeeing the priſoner at your maſter's?—Yes.

Do you recollect ever hearing him treat reſpecting the purchaſe of a chaiſe?——No.

*Mr. Silveſter.* What did he come about to your maſter?—About hiring a chaiſe.

*Mr. Garrow.* You know nothing of that but from your maſter?——No, the firſt time he came I heard him ſay he wanted to hire a chaiſe.

*Mr. Silveſter.* Did you ſee him after that?——Yes, ſeveral times.

Did you ſee him this ſecond time?——I cannot pretend to ſay, I do not recollect.

JOHN DEACON *ſworn.*

What are you?——A poſt-lad; I drove for one Mr. Bolton, about a twelvemonth ago, at the Saracen's-head, Aldgate.

Did you go for any chaiſe?—Yes, the 31ſt of Auguſt to Mr. Lycet's, for a poſt-chaiſe; a gentleman's carriage.

Who was it delivered to you by ?—By that lad.

Who ſent you ?—My maſter ; I put to my horſes, and I took it to Knightſbridge ; there I took up a ſingle gentleman.

Should you know that gentleman ?——I cannot be any ways poſitive to the gentleman ; that may be the gentleman ; but I cannot be poſitive to him ; I drove him to the Crown and Cuſhion at Uxbridge ; and he ordered a pair of horſes ; and I went with him then to the Duke of Portland's ; I do not know the name of the place ; I waited for the gentleman, and brought him back to the Crown and Cuſhion ; then the gentleman took a freſh pair of horſes, and where he went I cannot ſay ; I can no ways be ſure as to the gentleman ; I did not ſee him out of the carriage.

*Mr. Garrow.* That is all you know about it ?——Yes, Sir.

*Mr. Silveſter.* Have you ſeen that gentleman before ?—I drove him once to Barnet ; to the lower Red-lion ; he did not get out of his carriage, but had horſes put on and went off immediately ; as to his perſon I do not know.

*Court.* How long before had you drove him to Barnet ?—I cannot pretend to ſay about how long ; it might be a month or three weeks, but juſtly to the time, I cannot be ſure ; it was the ſame gentleman.

Why do you ſay ſo ?—Becauſe my maſter told me it was the ſame gentleman I had driven to Barnet.

Who did you go to at Knightſbridge ?—To a hair dreſſer's ſhop on the left hand.

Do you know the name of that hair-dreſſer ?——No.

THOMAS BOLTON *ſworn.*

I keep the ſign of the Saracen's-head.

Do you know that gentleman at the bar ?—Yes.

Did you know him laſt Auguſt was a twelvemonth ?—He was a cuſtomer of ours at the Saracen's-head.

What was his name ?——Major J. G. Harrold, I think he called his name.

The other lad was a lad of yours ?—Yes.

You ſent him for a chaiſe ?—Yes.

Who ordered you to ſend him ?—This gentleman.

When the chaiſe came who went into it ?——It did not take up at our houſe.

*Court.* But are you ſure he ordered you to ſend a pair of horſes for the chaiſe ?——Yes.

To whom ?—To Mr. Lycet, a coachmaker.

Where did he tell you he was to be taken up ?—I do not know.

Where did the horſes drive him to ?——To Uxbridge, I think it is ſo entered in my book ; I have the book here ; it is my entry ; here is the whole account while he was at out houſe ; and here is the bill.

*(Mr. Silveſter reads.)* A chaiſe to Barnet ?——Yes, he had that before ; he had a chaiſe to Barnet before from the ſame coachmaker.

Who drove him to Barnet ?—I cannot recollect ; I believe it was the ſame boy.

*Mr. Garrow.* Do you keep carriages yourſelf at the Saracen's-head ?—Yes.

Do you let them occaſionally for a fortnight, three weeks, or a month to job ?—Yes.

Had you any to let at that time ?—Yes.

So that if a cuſtomer of yours had wanted a job carriage of yours, you could have ſupplied him ?—Yes, I ſhewed mine to the gentleman, but it was not good enough ; I went with him to Mr. Lycet's becauſe ours was not good enough.

Did you go with him when he hired the ſecond chaiſe ?—No.

Did you go with him to look at any chaiſe ?——I went with him two or three times at the firſt.

Do you remember going with the priſoner to look at a chaiſe to ſee what it was worth ?——No, I do not recollect his aſking me to go at all.

You did go there ?——Yes.

Do you remember telling the priſoner afterwards that you thought fifty pounds was not a great deal too much for it, and that he might venture to give it for a carriage that was pointed out?——I do not recollect it, he might aſk me ſome queſtions upon that head; I cannot ſay.

Do you recollect ſuch queſtions or not? —I do not.

Are you confident he did not?—No, I am not confident he did not; I have no knowledge of any ſuch thing happening.

Did not you go to the priſoner that night you looked at the carriage, and did not you tell him it would not be dear at fifty pounds?—That was the former carriage, I went with him.

Did not you tell him after having looked at a carriage?——I never, Sir, paſſed my ſentiments on the value of it; no ſuch thing.

Did not you go with him to Mr. Lycet's to look at a carriage, a poſt-chaiſe, and did not you tell him it would not be dear at fifty pounds?——I cannot charge my memory that I ſaid ſo; I do not recollect that I gave him any anſwer; I certainly never put any charge or value upon it; I never heard any talk of buying a carriage.

You did not offer Lycett fifty pounds?—No.

*Court.* There is a direction pinned into this book on a ſlip of paper, who gave you that direction?——In that firſt account when he had a chaiſe to go to Barnet he borrowed two guineas of me in addition to his bill, and I begged he would write his name in the book, as I did not know him but by his diſcourſe; and he wrote his name in that place where it is ſcratched out.

Who wrote this direction?——I wrote it; he paid me ſix guineas.

Who told you this direction you have written here?—He wrote only J. G. Harold.

Who told you to add the other?—I believe by the communication and talk with this gentleman that he was an eſquire, and came from the Hague in Holland; I underſtood him many times that that was his title and that he came from there.

*Priſoner.* How often did you go to the coachmaker's?—I might go two or three times.

Did not the firſt chaiſe come to your houſe to take me up?——I do not recollect that.

Do not you recollect my taking you to look at a chaiſe which I told you I had ſome idea of buying, and ſhewed you a chaiſe before Mr. Lycett?—Yes.

You went with me for that purpoſe, did not you?—Yes.

Did not I aſk you if you thought the chaiſe dear?—I cannot ſay.

Did I aſk you that queſtion?—Perhaps you might aſk me.

Did not you go for the purpoſe of giving your opinion upon that chaiſe?—No, Sir, I do not recollect.

*Mr. Silveſter.* My Lord, this is our caſe.

*Court.* Mr. Semple, now is the time for you to make your defence.

*Mr. Garrow.* My Lord, before he is called upon for his defence to the facts, I think it my duty to ſtate to your Lordſhips, ſome obſervations upon the law of this caſe; upon which I ſhall take the liberty to ſubmit to the Court, that he ought not to be called upon for his defence; becauſe, in point of law the facts ſuppoſed to be proved againſt him, taking them all to be true, do not come within the caſes that have been decided to be felony: the leading caſe on this ſubject is the caſe of Aickles; that is the laſt deciſion on the ſubject, and if I can diſtinguiſh this from that caſe, and antecedently from all thoſe that caſe has noticed; then I truſt you will be of my opinion. The old queſtion was, whether, where a party who gave his property out of his poſſeſſion, parted with it voluntarily out of his poſſeſſion, into the poſſeſſion of another, and that property was converted to the uſe of the perſon to whom it was ſo given, whether that could be a felony; and caſes aroſe, that induced the Court and Jury to believe, that the poſſeſſion was obtained merely colourably, that it was obtained with a felonious intent; therefore theſe caſes were referred to the Jury; I reſort to Aickles's caſe, becauſe it ſeems the ſtrong-why your Lordſhip knows the old caſe of a man that hired a horſe to go to Surry, he did not go there, he inſtantly ſold the horſe, that was left to the Jury, it was a felony; for they were of opinion, that he got the poſſeſſion of it with that intent; Aickles's caſe, you know, goes one ſtep further; the note in that caſe, charged to be ſtolen by the defendant, had been put into his hands for the purpoſe of diſcounting it, it was to be paid over to the proſecutor, and out of which the defendant was to have his ſhare, he carried it away with the leave of the proprietor, he never diſcounted it, but carried it to his own houſe. In all theſe caſes the party never had the legal poſſeſſion of the thing that was delivered to him, but upon an expreſs contract which he broke; I take the liberty of ſaying, that this caſe is by no means like it; in this caſe he does it upon a contract that is by no means proved to be broken, it was in his option to compleat it or not, taking it in the ſtrongeſt caſe; he hired the chaiſe for three weeks or a month, not to go to any definite place, not to perform any definite journey; the witneſs has looſely ſaid, he underſtood he was going round the north, but that was no part of the contract; he was to pay a ſtipulated ſum, then there was a time during which he had an entire poſſeſſion of this, and during which he was to have the entire dominion of it, and he muſt have been anſwerable for damages, if any had ariſen during that period. I am now putting out of the caſe, that which I dare ſay your Lordſhip expects me to ſay a word or two about; that is the idea of buying it at fifty-two guineas.

*Court.* That contract is not proved, the witneſs has denied that.

*Mr. Garrow.* I ſay that having the poſſeſſion of this for three weeks or a month, he has not broke his contract, taking that contract to be ſo; if this party originally when he had taken poſſeſſion of the property, had an honeſt intention to reſtore it, and afterwards had adopted a felonious intention, however his neceſſities afterwards, or his diſhoneſty might ſtimulate him to adopt a felonious intention, and he converts it to his own uſe, it will not be a felony, becauſe he muſt at the time he got poſſeſſion of it from the proprietor have the felonious intent; he was for three weeks as much the owner of it as your Lordſhip is of your coach that you came here in to day; then I admit that one day before the end of the month, his neceſſities, or his bad mind, drove him to commit a felony; I ſay, he got this firſt honeſtly, and afterwards adapted it to this diſhoneſt idea, and converted it to his own uſe; I do not deſire in this caſe to go beyond bounds, what the witneſs took to be the contract, was the hiring for three weeks or a month, but he has admitted that there was a converſation about the price.

*Court.* I think I ſhould ſtop you in this part of the caſe, for this clear reaſon, you are now ſtating it to be a queſtion, whether the witneſs has or has not proved a different contract, that is a queſtion which the Jury, and not I, muſt decide; I give you my opinion that ſuppoſing they are of opinion that the witneſs has proved a ſale of the chaiſe, I ſhall certainly direct them that in point of law it is no felony.

*Mr. Garrow.* One little ſtep further, if you ſtate to the Jury that if the witneſs has proved that it was a contract with an alternative, either to pay fifty-two guineas or return it.

*Court.* I ſhall leave it to the Jury what the contract was.

*Mr. Garrow.* And that if they are ſatisfied that there is an alternative, there is no felony; but you ſee in this ſtage not having the honour of knowing your Lordſhip's opinion, if you agree with me; that if the contract was in the alternative, I hire this chaiſe, I pay you five ſhillings a day for three weeks or a month; I feel ſome difficulty in arguing it beyond the ſtating it; your Lordſhip ſees, ſuppoſing a caſe to ſtand this way, for I really find it difficult to amplify at all on that poſition; A. B. goes to a coachmaker's and hires a chaiſe for three weeks or a month, and ſuppoſe he ſays, it is a pretty good chaiſe, if I ſhould like to buy it whereabouts will be the price? and the owner ſays, the price will be fifty-two guineas; ſuppoſe A ſhall ſay, I will ſee about it when I return; the party who gets it has an option to do one of the two things; in that caſe I do not know how to argue about it, than merely to ſtate the poſition; the man has the thing; if he pays the money it is his own; if he keeps it and does not return it, then it is the ſubject of a civil action.

*Court.* You are aſking the Court to give an opinion on a caſe that is not before them.

*Mr. Garrow.* I put it thus, that there was converſation on the ſubject; but I ſhall take the liberty in two or three words to bring back my firſt poſition to your Lordſhip's recollection; I ſay, that in all caſes that have been recited, there has been no intermediate time; here there is manifeſtly three weeks or a month, during which time no felonious intent is proved to operate; therefore as I am ſure your Lordſhips will not make a new caſe, I doubt not but you will ſave the defendant the trouble of ſtating his defence.

*Mr. Agar.* I am of counſel alſo for the defendant, and I ſhall take the caſe in the ſtrongeſt point of light in which it can be viewed, and I think this to be one of the moſt extraordinary efforts to convert the ſubject of an action at Weſtminſter-hall into an indictment at the Old Bailey that ever was attempted; my Lords, the doctrine contended for, goes to the moſt dangerous extent, for it lays down this poſition, that if a man hires or agrees for a commodity, and keeps it one moment beyond the time ſtipulated, he may be indicted for a felony; it lays down this monſtrous poſition, beyond the time ſtipulated; the ſame doctrine will hold as if a year! the law can make no diſcrimination with reſpect to the time; my Lords, I ſubmit that the utmoſt that can be proved againſt my client is, that he has kept the ſubject he has contracted for beyond the time underſtood by the parties for which the contract was made; that is the ſtrongeſt caſe, and I contend that no caſe goes yet to prove that poſition, that where any perſon has been guilty or has been ſuppoſed to be guilty of that fact, that it is a felony; my Lords, I would aſk the learned counſel for the proſecution, whether Mr. Lycett could not now commence an action in Weſtminſter-hall, againſt the gentleman at the bar, and recover the price of the chaiſe from the time of the hiring to this time? I would aſk whether he has not that adequate remedy in a civil action which is the propereſt for him to have recourſe to? with reſpect to theſe caſes that have been cited of conſtructive felonies, (but which I ſhould be far from ſubſcribing,) the evidence in thoſe caſes have uniformly proved it out of the power of the party hiring, to reſtore the property in the ſame ſituation; in the caſe of the horſe, which is the moſt analagous, it is materially different, for having once ſold it, it was impoſſible to reſtore it; now with reſpect to the preſent caſe, it has not been proved that my client has not now the chaiſe in his poſſeſſion, and before he was taken up had not uſed it according to the terms of contract; and therefore without taking up any more of your Lordſhip's time, I ſhould humbly preſume, that ſuch an indictment as the preſent cannot be maintained.

*Court.* You need not trouble yourſelf, Mr. Silveſter, I believe the Court has no doubt, I am clearly of opinion that the Court is bound by the determinations in former caſes, and ſuppoſing the Jury to be of opinion that the hiring was, as ſtated by Mr. Lycett, in his firſt account of the tranſaction, and that that hiring was originally made with the felonious intention of getting this property into his poſſeſſion; I ſay, ſuppoſing the Jury ſhould be of that opinion; I can ſee no difference between this caſe and that caſe of the King and Pares; it has been argued, that it would be extremely dangerous to hire any thing if this doctrine was to prevail; but if the party antecedent to any proſecution returned the property, that would be deciſive evidence, that there was no felonious intention; and even if he did not return it; ſtill the queſtion is open to the Jury, under all the circumſtances, whether the hiring was merely colourable, or whether the poſſeſſion was originally acquired with a felonious intention: if there was a bona fide hiring, the keeping it beyond that time, will not conſtitute a felony; on the other hand, if the Jury ſhould in the reſult be of opinion, that there never was a bona fide hiring, but that the priſoner made uſe of the pretext of hiring fraudulently to obtain the property of another man to his own uſe, there it is a felony: and I think by the caſes that have been lately decided, both of the King and Pares, and the others that have been decided on the authority of that caſe, the law is now ſettled; and I have not ſubtlety enough to diſtinguiſh this caſe from thoſe.

*Mr. Juſtice Gould.* I am entirely of the ſame opinion, and that it muſt depend on the deciſion of the Jury, whether there ever was a bona fide hiring or not: that caſe has been alluded to of Pares; I happened to be one of the Judges that heard that caſe a good deal debated, in the time of my Lord Chief Juſtice De Grey, (at his houſe I think it was) and the unanimous opinion of the Judges was, at laſt, that the direction that was given to the Jury by the learned Judge who tried the priſoner, was perfectly right, and that if the Jury were ſatisfied and convinced, from the circumſtances in evidence, that he went with a guilty mind to obtain the horſe, for there was the great argument, why the horſe was delivered to him, he did not in truth and in reality, ſtrictly ſpeaking, diveſt the owner either of his property, or his poſſeſſion; but that does not take the deciſion from the Jury, for it is for them to conſider, whether they are ſatisfied that the contract was meant fairly, or whether it was a colourable thing for the obtaining the horſe: the laſt gentleman, Mr. Agar, obſerves a difference between this and Pares's caſe; the ſuppoſed colourable hiring was to be determined in a day; he was to ride this horſe on an expedition into Surrey, and to return the ſame day; the diſtance not being ſuch as to prevent it; whereas the diſtinction, if the fraudulent intention is the ſame, as to the time, if he had hired it for two days, or a week, obtaining the poſſeſſion with the ſame fraudulent view and deſign, the law muſt be the ſame: the guilty mind is the ſame, that which is the foundation and conſtitution of all felonies is the ſame in the one caſe or the other; Mr. Agar diſtinguiſhes this from the caſe of Pares, for he was proved to have ſold it, to have diſpoſed of the horſe; whereas in this caſe the priſoner is not proved to have ſold this chaiſe; there is no proof of that kind; Mr. Recorder has ſaid very truly, that if at a diſtance of time he had kept it, and ſuppoſing he had ſtaid out ſix weeks or two months, and when he came back, he had offered to have returned the chaiſe again, certainly that would have been an evidence of an honeſt intention at the firſt; that would immediately turn the intention of a fraudulent deſign; but in this caſe a man hires a chaiſe for a month, take it at the utmoſt, and a year paſſes, very near a year, eleven months, and the man is not heard of, nor is the chaiſe heard of, when he is at laſt taken, and is under the charge of ſtealing this chaiſe, is the chaiſe forth-coming? does any one know where it is now? therefore that in my apprehenſion will be for the contemplation of the Jury, whether this man has not diſpoſed of the chaiſe, and converted it to his own uſe; and therefore that will lead you back to the time of obtaining it, whether he did not obtain it with intention to ſteal it; therefore it is for the conſideration of the Jury, whether this is not equivalent to that, that the priſoner at the bar has diſpoſed of and converted it to his own uſe; then you are carried back to the inſtant of time that he obtained poſſeſſion of it, whether it was not done with that intention; if that is the opinion of the Jury, this is a caſe that falls directly within the caſe of Pares: there is a caſe in Keeling, where a perſon took a lodging in the houſe, and afterwards, while the people were at prayers, robbed them; the charge was for a burglary, the Court held this, that obtaining poſſeſſion by fraud was a burglary; another caſe, a man ordered a pair of ſilver candleſticks, when they were brought he ſent the man back for ſomething elſe; the Court held it was a felony, though in that caſe the delivery was in expectation of being paid money for it, and there was a colourable ſale, and a bill of parcels left.

*Mr. Recorder.* They were taken from the bar of a coffee-houſe, I remember it.

*Court to Priſoner.* Now, Mr. Semple, if you have any matter to ſtate to the Jury you may ſtate it.

*Priſoner.* I went to Mr. Lycett's and hired a chaiſe, and paid him; I mentioned, that I wanted to purchaſe one before I returned to the continent; he ſhewed me one at fifty guineas or thereabouts; it was not finiſhed; I told him, I would ſhew it to ſomebody; I got Mr. Bolton to give his opinion of it, which he did, and ſaid, it would not be dear; I told Bolton afterwards I had fixed for the chaiſe, and deſired him to ſend horſes; the chaiſe was ſent for and brought; at that time Lycett aſked me about how ſoon I thought I could pay him, I told him in a year, and not ſooner; he then aſked me for ſome few guineas to pay the expences of fitting up; I aſked him how much would do, and he ſaid, five or ſix guineas; I gave him a ten pounds note in his own ſhop; I was at his houſe after the chaiſe was away; here are witneſſes that will prove ſome facts.

JAMES SADGROVE *ſworn.*

*Mr. Agar.* Do you recollect ſeeing the proſecutor at any time?——Yes.

Do you recollect a converſation he had with you?——Yes.

What was the ſubject of that converſation?——He came to my houſe to enquire after the Major; the Major lodged at my houſe; it was the latter end of September, or ſome time in September; he aſked me for the Major.

*Court.* What Major?——Major Harrold; I told him, I did not know where he was, for the Major left my lodgings which he has not paid me for, nor I do not know when he will; we went into the parlour, he told me the Major had a carriage of him; that he had not paid him for it; he ſaid, the carriage was fifty-two guineas; he ſaid, as I underſtood it, that the Major was to have it upon trial for ſome time; and if he approved of it, the price was fifty-two guineas; if not he was to pay him ſo much per day or week.

*Court.* Is Mr. Lycett in Court?—Yes, my Lord.

Stand by, and attend to what this man ſays.

Did he mention his intention of ſuing out a writ againſt him, what more did he ſay?——I could not give him any information where he was, and therefore nothing more could be done in the buſineſs; I told him, if I found out where he was, I certainly would let him know; I ſaw the Major in town; I waited upon him for my money; I called on Mr. Lycett, and told him the Major was in town, but when I came to look for him he was gone from that lodging.

What did Mr. Lycett ſay?—He ſaid, he would be much obliged to me for the information if I could give him any.

Did Mr. Lycett ſay any thing reſpecting what he meant to do?——If he could have found him he would have a writ for him.

Did he ſay ſo?—Yes, Sir, that it was his intention to arreſt him.

When was this?——I cannot juſtly ſay to the time; I did not take any particular notice of the time; Mr. Lycett may have the letter which has the day of the month and year.

Are you poſitive that Lycett ſaid he had a carriage of him?——He told me he had had a carriage of him, for which he was to pay him fifty-two guineas, if he approved of it; if he did not approve of it I imagine he was to pay him ſo much per day or week.

Did he ſay any thing reſpecting wronging him?——I ſent him word he was in town; he ſaid, he would be glad to find him; I told him where the lodging was; he went I believe to the publick houſe and waited for him; he told me he did; but whether he did or no I cannot ſay; he went to find out where the Major was, that he might have a writ for him to arreſt him.

He ſaid ſo?—Yes.

*Mr. Silveſter.* Where do you live, Mr. Sadgrove?——At Knightſbridge; the gentleman lodged with me; I never received a halfpenny from him or any other perſon; there was a lawyer came with his father.

*Mr. Garrow.* Aſk him if that was me?—No, Sir.

Was it Mr. Agar?——No; ſomebody came with the Major's father, I do not know who it was.

You was not anxious to impriſon the defendant?—My ſum would not do it.

Then Lycett told you this man had a carriage of his which he valued at fifty-two guineas, how long was he to hire it?——I cannot ſay.

Did you underſtand him that he had purchaſed it or hired it?——I underſtood he was to have it upon liking, and if he liked it, he was to keep it, and if not, he was to pay him ſo much per day or week; I have not received a halfpenny from any body upon my oath.

As to your part, yours was ſo much of a debt that you did not attempt to indict him?——I did, I went to Hick's-hall.

*Priſoner.* Was you adviſed by anybody to indict me?——Mr. Feltham's brother, I think he told me he was his brother or his brother-in-law; he came and fetched me to go to Hick's-hall; when I came they told me mine was a debt, which I knew before.

*Court to Lycett.* This man ſays, that you told him that the priſoner had had a carriage of you, and had not paid him for it, that the price was fifty-two guineas, if he approved of it, if not, he was to pay you ſo much per day or week; is that true, did you ſay ſo to Sadgrove?——No, my Lord, I told him that he had hired a carriage of me; I believe I might mention that he had intimated as much, and aſked the price of it.

Did you ever tell him it was agreed that he ſhould have it for fifty-two guineas?—No, my Lord.

You are ſure you never told him ſo?—Yes.

You ſwear that?——I *do.*

Was the truth ſo, was that the agreement between you and the priſoner?—He never had it for a bargained peice, nor he never had it at his option, nor I never told Sadgrove ſo.

## JOHN BOWLES *ſworn.*

I am a hackney coachman; I know the defendant.

Did you upon any occaſion go with him or for him to Mr. Lycett's?——Yes Sir, I have drove him there frequently, at ſeparate times, may be two or three times in the courſe of a week; he told me he had a carriage; I do not know *Lycett*, I never heard him ſay any thing there; he always got out of my coach, and left me, and went to the coach-maker's ſhop; I never went to Lycett's without I went with him.

*Priſoner to Lycett.* Have you made any account for theſe extra works in any day-book?——No, I never did.

*Mr. Garrow.* What was the value of the holſters?——I declare I do not know; they were old ones I had by me; I ſuppoſe about eight or nine ſhillings.

Whatever was done you made no charge againſt him for that?—No.

You would have ſold it for fifty guineas including all that?——Yes, I believe I ſhould.

*Mr. Agar to Deacon.* Did you ever go to Lycett's to enquire for Mr. Semple's carriage?——I went the day before and aſked for the carriage of the gentleman at the Saracen's head.

*Court.* Gentlemen of the Jury, the priſoner James Semple, otherwiſe Harrold, otherwiſe Kennedy, is indicted for ſtealing a poſt chaiſe, of the value of fifty pounds, the property of John Lycett. I will ſtate to you the evidence before I ſtate to you the particular queſtion you are to decide; and my opinion in point of law: John Lycett ſtates to you that he is a coach-maker in White-chapel, and alſo lets out carriages for hire, &c. (*Here the learned Judge ſummed up the evidence, and then added*) Gentlemen, the priſoner is indicted for feloniouſly ſtealing and carrying away this chaiſe; that he took the chaiſe, that he had the chaiſe delivered to him by Lycett, and that it has not been returned to Lycett, is clear beyond a doubt; ſo far the facts are not diſputed: the defence of the priſoner is, that though he had the chaiſe delivered to him, yet it being delivered to him by the owner of that chaiſe, and the property being transferred to him by the owner by ſale; it was entruſted to him, and can only be converted into a debt for the chaiſe: if the fact was ſo, it would be a good defence in point of law; it may be diſhoneſt from the probability of never being able to pay, if they had obtained a bona fide ſale from the party to whom the property belongs; but it certainly is not a felony; for it would be of dangerous conſequence if there could be any doubt about that law; but it is very clear in many caſes, that though the actual manual property may be in the owner, yet in ſeveral caſes it may be conſtrued to a felonious taking in the party. The queſtion for your deciſion upon this will be the intention of the parties, the proſecutor and the priſoner, at the time that the actual corporal poſſeſſion of the chaiſe in queſtion paſſed from one to the other; for it ſeems to me it is upon that, that the law of this caſe muſt depend; if it was underſtood between the parties, that the one was to become the purchaſer, and the other the ſeller, though the chaiſe was carried off and never paid for, though the conſideration was never paid, there is no pretence to call it a felony; and if you can be of opinion, from the circumſtances proved today, that that was really the caſe, you will have no difficulty in acquitting the priſoner: on the other hand, if you believe what is ſaid by the proſecutor, that the priſoner hired the chaiſe for a limited time, and carried it off altogether, and that although the priſoner has heard in the courſe of this trial, and though his counſel knew before-hand, that it would be very material to account for this chaiſe, yet it is not accounted for at the diſtance of a twelvemonth! that is ſtrong evidence for you to preſume that the priſoner converted and diſpoſed of this chaiſe in ſome way or other to his own uſe. The charge then of the proſecutor is, that hiring this chaiſe for a limited time by the priſoner, and his converting it to his own uſe inſtead of returning it. Now if there was a bona fide hiring on the part of the priſoner at the time, if he really took the chaiſe with intention of returning it, and of paying for it at ſo much a-week, or for the purpoſe of paying for it in a limited time; though afterwards he by neceſſity, or from a wicked diſpoſition, had converted it to his own uſe, yet ſtill that converſion would not be a felony; becauſe by the bona fide contract at the time of delivery, and by the delivery by the rightful owner, he would have acquired lawful poſſeſſion of the thing; and therefore though afterwards he abuſed that truſt and that poſſeſſion, it would not be a felonious taking in the firſt inſtance: but if you are of opinion that the hiring was only a pretence made uſe of to induce the owner of the chaiſe to part with the poſſeſſion, and without any intention ever to reſtore it, or pay for it; in that caſe the owner never does part with the poſſeſſion; for he has agreed to let the priſoner a qualified uſe in the thing, under a certain ſum to be paid for it, and the priſoner having no intention to make uſe of that qualified poſſeſſion, cannot by that means obtain it. If therefore you are of opinion that the priſoner bought the chaiſe from Mr. Lycett, though he has never paid for it, and has acted fraudulently and improperly, if you think that he actually bought it, and there is an actual ſale, and an actual agreement, and that Mr. Lycett truſted him with the chaiſe, and ſo parted with the poſſeſſion of it, you will acquit the priſoner; if you are of opinion that ſuch was the intention of both parties at the time, though he might afterwards make a fraudulent uſe of it, it is not a felony: but if you believe Mr. Lycett's evidence, and think the hiring was only a colour to obtain poſſeſſion of the chaiſe with a fraudulent intention to convert it to his own uſe, and not to return it to the owner, in that caſe I do not heſitate to tell you to find the priſoner guilty; becauſe I do it in the preſence of one of the moſt reſpectable authorities in the law, who will correct my opinion if it happens to be erroneous: if you are of opinion that the hiring was never intended as a bona fide hiring, in that caſe the priſoner is guilty in point of law: You will ultimately decide the queſtion upon the evidence that has been laid before you, which it is your particular province to judge of, and upon which I ſhall not give you any direction, you are the proper judges of the evidence, and according to the opinion you ſhall form upon the facts as I have ſtated them to you, you will find a verdict of guilty or not guilty, according to the circumſtances of the caſe.

GUILTY.

*Court to Jury.* There is one point I wiſh to aſk you, Have you given credit in your verdict to the account of the tranſaction as ſtated by Mr. Lycett the proſecutor?——We give credit to Mr. Lycett's evidence.

*Court.* I perfectly agree with you in opinion.

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

*When ſentence was paſſed Major Semple was put to the bar.*

*Mr. Shelton clerk of the arraigns.* James George Semple, otherwiſe Harrold, otherwiſe Kennedy, you ſtand convicted of felony, what have you to ſay why this Court ſhould not give you judgement to die according to law?

*Mr. Garrow.* My Lord, before the priſoner is called upon to anſwer that queſtion, your Lordſhip knows that the ſcope of my duty can be very ſmall indeed, and I dare ſay that you expect I can be addreſſing the Court for no other purpoſe than that of arreſting the judgment; I think it my duty to inform your Lordſhip that I am not going to make any ſuch motion: I am only going to aſk a favour of the Court: and my humble application is only this, that the judgement againſt the priſoner may be reſpited till the next ſeſſion. My Lord, with all humility to, and with all ſatisfaction at the very ſolemn deliberate judgment which was delivered on this cauſe, I beg leave to point out ſome ſmall circumſtances, which, though poſſibly in my own judgment they could not vary at all this from the other caſes, ſtill as this caſe has ſtruck ſome perſons, and as the priſoner is extremely anxious, as no failure of juſtice can happen, I am ſure the Court will forgive me for ſaying a word: The caſe againſt the priſoner is, that the Jury have found that he poſſeſſed himſelf of the chattel mentioned in the indictment with a felonious intent: I am at a loſs after that finding to ſtate any thing on the ſubject, but this obſervation has occurred, that in every other caſe of this kind there has been a palpable, clear and explicit evidence before the Jury, of which no man could doubt, that the felonious intention had poſſeſſion of the man's mind at the moment he obtained the property of the proſecutor; for unleſs they found that at no one period from the moment of his obtaining the poſſeſſion he had his mind free from the felonious impulſe, they certainly could not find him guilty; for if this man got the poſſeſſion honeſtly, and with a fair intent, and if he afterwards adopted a felonious one, then it would not be a felony: In all the other caſes, as in the caſe of the horſe, there was a palpable piece of evidence to go to the Jury, that he muſt in the nature of the tranſaction have got it for the purpoſe of ſtealing it, and therefore there could be no doubt on the ſubject. In the caſe of Aickles, (which I never like to travel beyond) the inſtant he got poſſeſſion of the note, he did not do one act towards diſcounting it for the proprietor, but he inſtantly converted it to his own uſe; but here unqueſtionably there is a certain period in which the defendant *might* have had an honeſt intention: My Lord, I ſit down after aſſuring your Lordſhip that I juſt mention this at the earneſt entreaty of others, not from my own judgement, and I take the liberty to intreat that ſentence may be reſpited until the next ſeſſion, not to take the opinion of all the Judges, but at the earneſt requeſt of the priſoner.

*Mr. Agar.* My Lord, I beg pardon for troubling the Court with a very few words in addition to Mr. Garrow: In all thoſe caſes that have been cited there has been ſome direct, poſitive, abſolute converſion of the property to the uſe of the perſon: now the direct and poſitive evidence of converſion in the preſent caſe as far as any poſitive evidence goes, only proves a fact which, prima facie, is ſtrictly legal and juſt, namely the hiring and taking a poſt chaiſe, therefore the only ground on which a criminal intention *may* be preſumed is the not returning the chaiſe; now I apprehend the Jury cannot infer a felony from ſuch a circumſtance, and no felonies have yet been ſo inferred, for that would be to make the Jury arbitrary in every reſpect, and they might by extending that power infer a different crime, the crime of murder or any other: My Lord, the next ground of obſervation that ſtrikes me is this; this is a crime which is ſpecifically aſcertained by the legiſlature, and in the ſtatute of the 30th of Geo. the 2d, againſt the fraudulent obtaining poſſeſſion of goods, the legiſlature certainly had this particular ſpecific crime in view; the crime which has been proved againſt the priſoner at the bar is preciſely and ſpecifically the crime provided for by the ſtatute of the 30th of Geo. the 2d; being ſo provided for, I apprehend it cannot now be conſtrued to be a felony: There will in future exiſt no ſuch crime as that of fraud; for this doctrine, the doctrine contained in this caſe, I will aſſert goes the full length of this poſition, the aboliſhing of all frauds and converting them into felonies. I therefore humbly hope that ſentence ſhall be reſpited by this honourable Court till the next ſeſſion.

*Court.* This wears a ſhape, if one can put it into any regular ſhape at all, it ſeems to wear the ſhape of an application to the diſcretion of the Court, for it neither wears the ſhape of a motion for an arreſt of judgment, nor can it wear the ſhape of a motion for reviſion of the verdict of the Jury. Every judicial deciſion muſt be governed by fixed rules, and ſome reaſon muſt be found to induce the Court to comply with the motion, and to prove that ſome end may be anſwered, which may account for that compliance: Now by the mere abſtaining to pronounce ſentence, no end could be anſwered at all, becauſe between this ſeſſion and the next, there is no mode in which the caſe of the priſoner could undergo any reviſion, or reconſideration; if the motion therefore means any thing, it means in indirect terms to call on the Court to reconſider the opinion they have pronounced in point of law, and to call in further advice, to which in caſes of doubt we have the opportunity of reſorting, which is the opinion of the twelve Judges. With reſpect to the caſe of the priſoner now at the bar, although no caſe has come within my knowledge which has appeared to me more free from legal difficulties, taking in all former caſes; yet I feel peculiar ſatisfaction in recollecting that I tried the priſoner in the preſence of one of the moſt learned and experienced judges, and beſt lawyers in this kingdom, a man deeply read in the law himſelf, and moſt intimately acquainted with all the deciſions of the Judges; I ſay, it gives me much ſatisfaction to my mind that he was preſent; though if I had been unfortunately deprived of that aſſiſtance, and that ſanction, I ſhould have felt no heſitation in my own mind; but I had his private aſſurance before we cloſed that caſe that he had no doubts on the ſubject. The objections that have now been taken, ſeem rather to arraign the judgment of the Jury, for it is perfectly in the recollection of the Court, and of every perſon that attended to the trial, that the queſtion, whether there was originally a bona fide hiring, or whether there was a felonious intent at the firſt in the priſoner, was *wholly* left to the Jury; then it may be doubted whether the Jury have formed a right judgment. In this, or in any other caſe, if there is reaſon to believe that the Jury have formed an improper judgment, on a queſtion which they were competent to decide, the only redreſs is by application to the ſovereign, to do away the effect of ſuch a verdict; for the circumſtance of a motion for a new trial is I believe without a precedent; however I think it juſtice to the Jury to declare, that I was moſt perfectly ſatisfied with their deciſion on the queſtion, for the weight of evidence was powerful indeed, from all the circumſtances of the caſe, that there never was at any moment an intention in the priſoner to reſtore that chaiſe to the owner; for it reſted with the priſoner who has been in cuſtody a conſiderable time, to have ſhewn any one period in which he had made a lawful uſe of that chaiſe; and at the diſtance of a twelvemonth he did not offer any particle of evidence, to ſhew that there ever was a moment in which he made uſe of that hired chaiſe, and in which it might be preſumed he had an intention to return it; or to draw the leaſt line in order to enable the Jury to judge whether he ever had any intention but a felonious one. The ingenuity of man is not ſufficient to diſtinguiſh this caſe from thoſe that have been repeatedly decided: it is ſufficient to ſay, that all the objections that have now been mentioned, ariſing from the act of parliament for obtaining goods or money under falſe pretences, and the difficulty of drawing the diſtinction between frauds and felonies; all thoſe general arguments have been fully conſidered by the Judges, in the deciſions that they have lately made, and in juſtice to thoſe deciſions it is but right to add, that there are former deciſions which go nearly as far: what my opinion would be if the law was not completely ſettled, it is not neceſſary to ſay: I can ſee no diſtinction, and that learned Judge whom I have mentioned could ſee no difference; therefore we conſidered ourſelves bound by thoſe deciſions; and it would not be treating the Judges with reſpect, unleſs we could ſtate ſome ground for a poſſible diſtinction. I am therefore ſatisfied, that no good judicial purpoſe could follow, by poſtponing the ſentence. There has been one ground that has been ſtated, which I reſerve for the laſt, and I mention it leaſt it ſhould at all miſlead byſtanders; for I think one of the poſitions laid down by the Counſel dangerous to men of the priſoner's deſcription; becauſe, when they adopt diſhoneſt intentions they may be too apt to weigh, how far they may go conſiſtent with the law, in what they may be ſecure, and what evidence will be neceſſary to convict them. The poſition I mean is this, that the Jury cannot preſume a felony from ſuch a circumſtance as that of not returning the chaiſe, and that no felonies have yet been ſo inferred: I take the law to be directly and flatly the contrary, and in nineteen caſes out of twenty the verdict is found upon preſumptive and not upon poſitive evidence; and the higheſt crimes, not excepting murder itſelf, are perhaps of all others the moſt frequently convicted upon circumſtantial and preſumptive evidence only; for a chain of evidence that hangs well together, carries a much ſtronger conviction to the mind, than the poſitive teſtimony of a witneſs, of perhaps doubtful character; therefore felonies, even of the higheſt nature, are every day inferred from circumſtances that go to the fact of the caſe. I think it my indiſpenſable duty to pronounce upon the priſoner, that ſentence which the Court is of opinion his caſe juſtly merits; and if he has any hopes to mitigate that ſentence, that application muſt be elſewhere: I am far from wiſhing to be underſtood as recommending that application, or as entertaining the leaſt idea of its ſucceſs. It now becomes my duty to pronounce on you the ſentence that ought to follow on the verdict of the Jury: you have been convicted upon evidence——

*Priſoner.* My Lord, I only beg to obſerve, I believe it will be in my power to prove the proſecutor perjured; I have already one affidavit to that purpoſe; I have an affidavit of one witneſs, with whom Mr. Lycett has had a converſation concerning the ſale of the carriage.

*Court.* The Court have no power to reviſe the verdict of the Jury; we are not competent or impowered by the conſtitution, to enquire into any fact ſubſequent to that verdict: Your proofs muſt be laid before your ſovereign, for his mercy. Your peculiar ſituation is very different from that of thoſe unfortunate wretches who generally appear at that bar: A man in ſuperior rank of life, who has had the education which you appear, both from your demeanor and the circumſtances of your caſe to have received; and a man who enjoyed the advantages of aſſociating with perſons of rank and character through many years of your life; theſe, far from being circumſtances of mitigation, I conſider as great aggravations! When men, in the rank of gentlemen, poſſeſſing the means of education, and the benefits of ſociety, which you have poſſeſſed, are led either by profligacy of manners, or a depraved mind, to throw away all thoſe advantages, and to put themſelves on the level of common offenders; it is fit that they ſhould receive as exemplary a puniſhment as the law can in ſuch caſes inflict. The ſentence of the Court upon you is, that you James George Semple otherwiſe Harrold otherwiſe Kennedy, be tranſported for the term of ſeven years, beyond the ſeas, to ſuch place as his Majeſty, with the advice of his Privy Counſel ſhall think proper to direct and appoint.

**The next Part will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VII. PART III.

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[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

672. HENRY BROWN was indicted for feloniouſly breaking and entering the dwelling houſe of Benjamin Branſgrove, between the hours of ten and twelve in the forenoon, on the 18th of Auguſt, in the pariſh of Hanwell, no perſon being therein, and feloniouſly ſtealing therein a cloth coat, value 8s. a thickſet waiſtcoat, value 2s. a jean ditto, value 2s. a linen ditto, value 2s. a velveret ditto, value 12d. a linen ſhirt, value 5s. two handkerchiefs, value 12d. a claſp knife with two blades, value 6d. a red moroco pocket-book, value 6d. the property of Thomas Branſgrove; two aprons, value 12d. a pair of ſhoes, value 6d. a pair of cotton ſtockings, value 6d. the property of Benjamin Branſgrove; three waiſtcoats, value 5s. two pair of velveret breeches, value 6s. a cloth coat, value 5s. the property of John Diamond, in the ſaid dwelling houſe.

THOMAS BRANSGROVE *ſworn.*

My father's name is Benjamin Branſgrove; he lives at Hanwell; he is a labouring man; my father loſt his linen, and my mother loſt a pair of ſtuff ſhoes, and a pair of cotton ſtockings; they were taken out of the window on Friday the 18th of Auguſt; I was at home at breakfaſt a little before ten; the reſt of the family were all out at work, at harveſt work; I left nobody at home; I locked the door; I am ſure of that; there is only one door to the houſe; the windows of the houſe were all ſhut; I am ſure they were all faſt.

Quite ſure of that?——Quite ſure.

How ſoon did you come home?——I was not at home till the houſe was broke open.

Who was the firſt that went out?——My mother; ſhe is here; I know nothing of the fact.

MARY BRANSGROVE *ſworn.*

I went out; and this young man was at home; the door was locked when I went home; it was between two and three.

Did you open it and go in?—Yes, and the firſt thing I ſaw, was the ſtair foot door wide open; from that I ſaw a flitch of bacon fetched down ſtairs, and cut in two, and a piece cut off; there was no caſement window; there was no opening at all; it was an old window with glaſs and lead; and a part of the wood work was taken down with that window; the things were loſt, that were mentioned in the indictment; I loſt two aprons.

*Benjamin.* I loſt a cloth coat, and a ſtriped waiſtcoat.

### WILLIAM MORRIS *ſworn.*

I took this knife and pocket book and a pair of black gloves upon the priſoner; I took him on the 25th of Auguſt; that was a week after; near Cranford-bridge, in a field; he jumped into a hedge among the buſhes.

What did he ſay for himſelf?—He ſaid, he lived in London, and came from Bath; there was an examination taken in writing before the Juſtice.

*(The things depoſed to.)*

Was this pencil in it when you loſt it?—Yes, and the lace that binds the leaves; I got my mother to ſew it through and through; I am ſure it is mine; and the knife is mine.

Where were theſe things in the morning when you went down?—In the coat pocket that was loſt; I am ſure of that; here is a waiſtcoat belonging to me that was found on the priſoner when he was taken; this waiſtcoat was too big round the collar, and I took a needle and thread one Sunday morning and took it in; it is here now.

*Townſhend.* I took this waiſtcoat from the priſoner's back in the bail dock here.

### PRISONER's DEFENCE.

This waiſtcoat I bought on the 23d I think it was; of a man that was in diſtreſs; I was at a public houſe in Evans's-court, Princes-ſtreet, Soho, at the ſign of the Swan; I gave ninepence for it, and part of a pint of beer; the knife and the pocket book were both in the waiſtcoat; I knew nothing of that till the man and me were parted; I am a ſtranger here in town; I have not been in town long; I knew not the landlady.

*Benjamin.* He ſaid, he gave eighteen pence for the knife, and offered to ſell it for a ſhilling.

GUILTY

*Of ſtealing to the value of 4s. 10d. not of breaking.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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673. The ſaid HENRY BROWN was again indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Owen, on the 25th of Auguſt, between one and two in the afternoon, no perſon being therein, and feloniouſly ſtealing, one cloth ſurtout coat, value 5s. one pair of corderoy breeches, value 10s. three cotton gowns, value 30s. a pair of ſtays, value 12s. a child's dimity cloak, value 2s. a child's nankeen jacket, value 12d. three linen ſhirts, value 4s. a pair of pillow caſes, value 6d. a linen apron, value 2s. a muſlin ditto, value 2s. a pair of ſheets, value 8s. a diaper ſkirt, value 12d. two ditto, value 2s. a linen frock, value 2s. ten clouts, value 5s. one apron, value 18d. a cotton jacket, value 12d. a pair of trowſers, value 12d. three damaſk napkins, value 3s. a pair of cotton ſtockings, value 12d. a towel, value 6d. four caps, value 2s. two handkerchiefs, value 18d. a gauze handkerchief, value 6d. a tea pot, value 4d. a ſhift ſleeve, value 3d. one pair of child's nankeen breeches, value 6d. a yard of printed cotton, value 2s. a cotton ſtomacher, value 2d. two yards of ſilk ribbon, value 6d. the property of Richard Owen, in the ſame dwelling houſe.

### RICHARD OWEN *ſworn.*

I live at Harmondſworth, near Colebrook; my houſe was broke open the 25th of Auguſt; I went out at eight in the morning; I left nobody in the houſe; I locked my doors; there are two doors to my houſe; one was barred on the inſide and the other locked; I am ſure that was barred and bolted; the windows were all ſhut; I left the houſe all ſafe; I was called out of the field between one and two; I went home and found both doors open, and the window broke.

What things did you miſs?——A furtout coat, a pair of corderoy breeches, three gowns, three ſhirts, a pair of ſheets, and many other things; I was informed in about an hour that ſomebody was taken up; I went home, and then I went to the ſign of the Magpye; there was the priſoner and the things; I knew the furtout coat, the corderoy breeches, and my wife's gowns; the ſheets, the ſhirts, and the other little things I be not acquainted with; but the things in general were with him.

Who had him in cuſtody?—Morris.

WILLIAM MORRIS *ſworn.*

I took this man in a brake of buſhes about two miles from Harmondſworth; I was at work upon the road; and I ſaw three men running; when they came by, I ſays to them, what are you mad, or are you going mad? a young man ſaid, they had been breaking Owen's houſe open; with that I ran after them; I firſt ſaw the priſoner in the field; the priſoner ran the length of two furlongs, and he jumped into a ditch, and there the things were found; one of the witneſſes ſaw him drop them.

JOHN TILLIARD *ſworn.*

I was the firſt that purſued the priſoner; I got ſight of him within about forty yards of the Coach and Horſes, near Cranford-bridge; I had not ſeen him before any where, near Owen's houſe, I ſaw him go up the bank and throw a bundle off his ſhoulders into the ditch; I ſaw that bundle picked up afterwards; it was the ſame that Morris had; I am ſure of that.

*(The bundle produced by Morris.)*

It has been in my poſſeſſion ever ſince.

SARAH OWEN *ſworn.*

*(Depoſes to the things.)*

The value of them is about ſix pounds as nigh as I can gueſs altogether.

PRISONER's DEFENCE.

My Lord, I had been a month at Bath; I am a journeyman ſhoemaker; I came to town for buſineſs; I was obliged to look for more work; I lived till my money was all expended; and I worked at Colebrook about ſeventeen or eighteen years ago; I went to ſee for an acquaintance, as I have a wife and child, he had no occaſion for me; he directed me to Staines, which is about three miles and an half, or four miles; I lay at Colebrook the night of the 24th, and coming back I ſat on a ſtile near hand theſe people's houſe; there was a boy herding ſome geeſe, and ſome pigs in a field that was cut; the boy was throwing ſome ſtones at the geeſe; I bid him not; I ſat on the ſtile and I ſaw ſome dry graſs and nettles and things; and I perceived a bag laying there; I ſat there amuſing myſelf; I perceived it again; and puſhed the nettles away with my ſtick; and I found a bag; what wearing apparel it was, I could not tell; I put the bundle upon my back, and went ſtrait acroſs the hedge from the ſtile; I heard a cry of ſtop thief; I did not know what might be the conſequence of having theſe things; I threw them into the ditch and jumped over the hedge, intending to eſcape; and they purſued and took me in a hedge.

*The priſoner called one witneſs to his character.*

**GUILTY, Death.**

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

*Priſoner.* I hope you will ſhew me mercy; I have ſerved the King and Country; I never was before a Court before.

*Court.* It depends on the King your ſovereign, he is the proper judge; I think it my duty to tell you, that it does not appear to me probable that you can flatter yourſelf with much expectation of mercy.

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674. JOHN SHEPHERD was indicted for feloniouſly aſſaulting John Hathaway on the king's highway, on the 26th of July laſt, at the pariſh of Hanwell, and putting him in corporal fear and danger of his life, and feloniouſly taking from his

perſon, and againſt his will, one guinea, value 1l. 1s. and 4s. his money.

**JOHN HATHAWAY** *ſworn*.

On the 26th of July laſt, I was robbed by a ſingle highwayman on horſeback, between Hanwell and Southwell, of about four or five and twenty ſhillings; it was about a quarter paſt ſeven or twenty minutes; about a mile and a half beyond the Old Hats; about eight miles from town; at that time I was alarmed, having my wife and children in a coach ſome ſmall diſtance behind; I was in an open chaiſe; I was ſtopped by one man; he met the chaiſe; I was in an open chaiſe; I was coming from town; I was ſo much alarmed that I cannot recollect the manner in which I was ſtopped; I can recollect nothing further; I was rather confuſed at the time; I have not the leaſt recollection of the perſon.

Had the man any weapon?—He had a piſtol, and as ſoon as I gave him the money, he went off inſtantly.

Did you give him any thing elſe but money?——Nothing elſe.

Who was with you in the chaiſe?—Mr. Wheatly, the other evidence.

**WILLIAM WHEATLEY** *ſworn*.

I was in the chaiſe with Mr. Hathaway, when he was ſtopped; at the diſtance of about two hundred yards, I perceived a carriage ſtopped in the road before; at the bottom of the hill; this was nearly the top of the hill; it was about a quarter after ſeven in the evening; the priſoner came from that carriage; when he came up to the head of my horſe, I perceived a very ſmall barrel piſtol in his pocket; I quitted the chaiſe and jumped out on the near ſide, before he ſtopped it; I jumped out as ſoon as ever I perceived the piſtol; I had hold of the reins that ſtopped the chaiſe; on my jumping out the highwayman inſiſted on my getting in again.

Did you get in again?——No, I ſaid, I would not; and he pointed the piſtol in this manner to me; and I had taken up ſome ſtones; there were plenty in the road; and I told him if he did not take away his piſtol, I would throw ſtones at him; he had a large ſilk handkerchief; Mr. Hathaway remained in the chaiſe, and attempted to reach the reins; in the mean time he demanded his money, and robbed him; I heard him demand his money, with the expreſſion of come d—n me your money; he then inſiſted on having my watch and money; the coach was behind, in which my wife and Mr. Hathaway's wife were; I toſſed a guinea acroſs the horſe, which fell on his hand; it fell to the ground; he ſays, d——n me Sir, what do you throw it on the ſtones for? I inſiſt on your picking it up; he did not pick it up nor I; he then rode to the coach, which I ſuppoſe was one hundred and fifty yards diſtance from us; he told me I might pick up the louſy guinea myſelf; he then robbed the coach; I followed him towards the coach; when he turned round and ſaw me following him, he ſhook his piſtol at me, and he ſays, “come on, come on, d——n “me, come on, I am double armed by “God;” this tranſaction took up about five minutes; he rode down the lane and returned to pick up the money that was dropped in the coach; that was a quarter paſt ſeven; it was full day-light; there was a ſilk handkerchief round his neck, and ſometimes it was reached up to his mouth but no higher; it was once or ſo off.

Had you an opportunity during this time of obſerving the man's perſon ſo as to know him again?——I had as much opportunity as I have of ſeeing your Lordſhip; I have every reaſon to believe the priſoner at the bar to be the man; yet I do not ſwear to him poſitively.

How long was it before you ſaw him?—It was eight or nine days.

Had you ever ſeen him before?—Yes, my Lord; I believe I had ſeen him before.

Where?——At Woolwich.

Had you ſeen him before ſo as to know his perſon?—No; it occurred to me then that I had ſeen him before; I ſaw him ſeven or eight days after; he was then in cuſtody at Bow-ſtreet; I was more flurried and diſcompoſed when I ſaw him at Bow-ſtreet, than when I was robbed.

Did you know him immediately?——Yes, I ſaid then, and ſwore, that I really believed and ſuſpected him to be the perſon that committed the robbery.

Now from what you have ſeen of him now, and ſince, and the time of the robbery, can you ſay whether it is the man who robbed Mr. Hathaway or not?——I would not wiſh to be poſitive to any part of the time.

I do not wiſh you ſhould be more poſitive than the conviction of your own mind enables you?——It was with reluctance I agreed to the proſecution.

*Court.* Probably ſo; but however, though it is a painful duty, it is a duty to proſecute offenders, and to give full evidence upon that trial, but to be ſure in that ſituation a man cannot be too cautious not to go beyond his certain knowledge; therefore the queſtion to you is, whether you are perfectly ſatisfied in your own mind that he is the man?——I am perfectly ſatisfied in my own mind that he is the man.

Have you any doubt at all of it?——I have no doubt at all.

*Court.* Who were in the coach?——Mrs. Hathaway, Mrs. Wheatley, Mrs. Hathaway's nurſe, one Mr. Maſon, and two young ladies; the coachman was brought to Bow-ſtreet, but they ſaid, his evidence was not material.

Why were not the parties that were in the coach brought here?—They never attended any time.

*Court.* Their knowledge might be material one way or the other; they might be able to ſay one way or the other, they certainly ought to have attended.

*Priſoner.* My Lord, there was a coachman that was preſent at the examination, he took upon himſelf to ſay, I was not the man, and Mr. Hathaway likewiſe.

*Mr. Wheatley.* The coachman could not ſwear to him.

*Jury.* As you went afterwards to the coach where the ladies where, certainly you had an opportunity of ſeeing his face?——The ſame Sir, that I have of you now, for afterwards returning from the lane, he got off from his horſe, and turned back and ſpoke as he got on the horſe directly, and ſaid, d——n me I will mark you.

PATRICK MACMANUS *ſworn.*

After Mr. Wheatley had given information of the robbery, and ſaid, that Shepherd was the man that robbed him——

*Court to Mr. Wheatley.* How is this?——Coming home, we ſtopped at Shepherd's-buſh, and whilſt we were there the patrol came, and I only deſcribed the man to the patrol, and they ſaid, they ſuppoſed it to be Shepherd.

*Macmanus.* In conſequence of this information I looked out for Shepherd.

How long after did you ſee the priſoner?——I think it was on the 8th of Auguſt; that was a fortnight after.

Where did you take him?——In St. Martin's-lane, in a public houſe.

Did you tell him what he was charged with?——Yes, he denied all knowledge of the robbery; I ſearched him; there was nothing upon him that anſwered to any part of the robbery.

Did you find any piſtols upon him?——No, my Lord.

*Court to Mr. Wheatley.* Was there any thing loſt but money by any of the parties?——A locket, but it has never been found.

*Court.* I could very much have wiſhed that the perſons in the coach had attended, for it is right all perſons ſhould attend.

*Macmanus.* Sir Sampſon deſired both the gentlemen to enquire of all the parties in the coach, whether they could give any account of the perſon.

*Priſoner.* I have nothing to ſay, my Lord, I am quite innocent of the robbery that is alledged againſt me.

*Court.* Have you any witneſſes?——No, my Lord.

*Priſoner.* I think it neceſſary that the coachman ſhould have been examined, he is much in my favour.

*Jury to Mr. Wheatley.* Have you any

particular knowledge of the priſoner by his voice?——No.

**GUILTY, Death.**

*Tried by the firſt Middleſex Jury before Mr. RECORDER.*

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675. JOHN BROWN was indicted for feloniouſly ſtealing, on the 31ſt day of July laſt, a black gelding, price 14l. the property of John Sharman.

### JOHN SHARMAN *ſworn.*

I live at Girton near Rygate, Surry; on the 31ſt of July, I loſt a horſe from my field; I ſaw him in the afternoon, about four on the 30th, I miſſed him in the morning of the 31ſt; about four I ſaw a gap made in the hedge in the turnpike road, leading to the London road, to Sutton, and that way; then I followed the horſe to London; I know nothing further.

### JOHN SHEPHERD *ſworn.*

I ſaw this horſe about ſeven in the evening on the 30th; the next morning between five and ſix, my maſter ordered me to take horſe and go after this horſe; I ſaw the horſe at Smithfield the Friday following; one Baldwin took me to ſee the horſe; I cannot ſay the name of the place; it was my maſter's horſe; I never ſaw the priſoner.

What ſort of a horſe was he?—I knew him; I do not juſtly know his marks; he had a white foot, and a little ſtar on his forehead, and a long ſwiſh tail.

### RICHARD BALDWIN *ſworn.*

My ſervant brought the priſoner and the horſe to my door; he took the man with the horſe on Friday the 4th of Auguſt, his name is Samuel Arnold; he took him in the pariſh of Mary-le-bon; on horſeback; I am a linen-draper in Smithfield; I had been at Ryegate the Sunday before; the horſe that Shepherd ſaw, was the ſame my man brought.

### SAMUEL ARNOLD *ſworn.*

I took the priſoner myſelf in the pariſh of Mary-le-bon on the 4th of Auguſt; he had my coat on his back; I knew him to be the perſon that ſtole our property from Ryegate; I had loſt my great coat on the 31ſt at the Swan; I ſaw the priſoner at Ryegate on the 30th; I do not know what he was doing; I had rather a ſuſpicion of him on the Sunday; miſſing him on the Friday; I ſaw the priſoner at the back of Mary-le-bon work-houſe, with my great coat on; I ſtopped him; I was on horſeback, and he was on horſeback; I brought him and the horſe to my maſter's houſe; I ſtopped him on account of my great coat; and I had ſeen hand-bills about the horſe, which anſwered the deſcription very nearly or quite.

What did he ſay for himſelf?—He ſaid, he was the perſon that ſtole my great coat, and begged I would let him go; he ſaid, the horſe belonged to a timber merchant and wanted me to leave it behind; but I ſaid, they ſhould all go together; I know nothing more; I ſaw the priſoner at Ryegate; the priſoner ſaid, he had lived with the clergyman of that pariſh; paſſing along in a field, he ſaid, he ſaw ſome horſes, he ſaid, them do not look to be nice horſes.

*Mr. Peat, Priſoner's Counſel.* You ſaw nothing of your great coat till you ſaw it behind Mary-le-bon work-houſe?—No, I miſſed my coat next morning; the priſoner went very readily; he ſaid, the timber merchant was behind.

### JOHN CLARK *ſworn.*

I was in Smithfield; I took up the priſoner.

*Court to Baldwin.* Did the proſecutor come up and ſee the horſe afterwards?——I never ſaw him with the horſe.

*To Arnold.* Did Sharman come on Saturday for the horſe?—Yes.

Was the horſe that Sharman took away, the ſame you ſtopped the priſoner on?—Yes.

Now Sharman, was that your horſe?—Yes.

### PRISONER's DEFENCE.

I hope the evidence will prove my inno-

cence

ences if you pleaſe to call them; though upon the ſpot on Sunday, and was in company with the ſervant; I am innocent of the robbery; I never was farther than Ryegate church.

What account do you give of the horſe being in your poſſeſſion?——I bought it at the Swan door, at Weſtminſter bridge, on the 1ſt of Auguſt; on a Tueſday.

*(The priſoner's witneſſes examined ſeparate.)*

ANDREW COLLEY *ſworn.*

Do you know any thing of the priſoner buying a horſe at any time?——Yes; I am a labouring man; I have lived at Bayſwater better than two years; I am known there; I will ſay nothing but the truth; the laſt day in July, I was at work at 'ſquire Moon's in Hyde-park; I finiſhed the job that very day; it was on a Monday; there was a young man came and told me that one Mr. Kipping, a waterman, was going to put me to trouble for a little money; he was a waterman by Weſtminſter bridge; to prevent it, I went on Tueſday the 1ſt of Auguſt; I went to Mr. Kipping to get him to ſtay till latter harveſt; and as I was going I met the priſoner; I had knowledge of him about ſix weeks before; I think I met him in George-ſtreet; he was on one ſide of the way and I on the other; I called to him, and aſked him to do me a favour; ſays I, I am going to the water ſide, I wiſh you would go with me to ſpeak to the man that was going to put me to trouble; he ſaid, he had no objection to do it; he went with me to the foot of the bridge; he ſtaid there two or three minutes, looking for the waterman; the other watermen ſaid, he was gone off with his boat; they told me to wait; I waited, and the priſoner with me, on this near corner of the bridge, and a gentleman and a farmer came over together, leading a horſe, not riding him; they made a ſtop juſt as they came to the end of the bridge; and the gentleman ſaid to the farmer, is that the loweſt you mean to take for the horſe? and the farmer ſaid, it was; and it was too little; and the man I call the farmer, had a farmer's dreſs on; the gentleman he went away; he did not buy it; he ſaid, it did not ſuit him at that price; the priſoner ſaid to the farmer, what is it between the gentleman and you, that you cannot deal? he ſaid, there was a good deal; ſays the priſoner, what will you have for it? it is a thing that will ſuit me very well; I want it to go in a little cart; the farmer ſaid, twelve pounds; the priſoner ſaid, I will give you ten guineas; the farmer ſaid, no; the farmer aſked him to give eleven; and he ſaid, no, he went away, and returned, and he ſaid, there is a bridle and ſaddle is to go with it, and there is a great coat that is uſeleſs to me; you ſhall have them altogether for eleven guineas; the priſoner offered him ten pounds fifteen ſhillings; and the man ſaid, then you muſt ſtand treat; the priſoner ſaid, I am not for drinking this morning, but nevertheleſs if you like to ſtand treat, this man can drink, that was me; they agreed for the horſe; they went to the Swan; I held the horſe the while; I ſaw money paſs between them; they came and aſked me to drink; and aſked me if I could write? I ſaid I could write my name, not very well; then they aſked me to write my name; I did ſo, and they left the pot of beer, what they did not drink to me; and they went their way; I wrote my name upon a piece of ſtamp paper, which the farmer had out of his pocket book, and a little braſs ink-horn, which he produced and wrote with.

What was wrote upon that paper?——I did not look on it to ſee what it was.

*(The paper read.)*

" Auguſt the 5th, 1786. Received of
" John Brown, ten pounds fifteen ſhil-
" lings, for the horſe, bridle, ſaddle, and
" great coat, per me, John Smith; wit-
" neſs, Andrew Colley."

Should you know it again?——Yes, I ſhould.

Is that your hand writing?——*(Shews him a paper.)*——This is my writing; this is the paper I wrote my name to; under there, where they told me to do it. *(The receipt*

*receipt handed up to the Court.*) Then they went off both together; and I ſtaid there till twelve o'clock; I know nothing more that is material.

*Court.* You wrote your name upon this paper at their deſire?—Yes.

Did you read the paper firſt?——I did not; they deſired me to ſign my name, and I did.

*Court.* Write your name on that ſheet of paper; take your time.

(*Writes his name upon a ſheet of paper, which was handed up to the Court.*)

Was any body preſent with you and Brown when this happened?—There was a great many people; and there was the waiter a little crumped back man; they call him my Lord; he ſtopped up ſtairs a very little bit, when he brought the beer up ſtairs; their tap-room is down below, and there is ſome ſeats up at the door where people ſit down; I do not know whether he ſaw the bargain or not; there were a great many people, but I did not know one from the other; the farmer and this priſoner went off both together the ſame way; and I ſtaid at the bridge till near twelve o'clock, waiting for Kipping.

How came Brown to leave you?——He went away with the horſe.

How came the farmer to ſell his great coat with the horſe?—He ſaid, he was going to walk into the country.

What ſort of a horſe was it?—It was a ſmalliſh long tailed black horſe.

A goodiſh ſaddle and a very good bridle?——I did not notice it particularly.

What ſort of a great coat might it be?——It was a lighter coloured than mine; I did not ſee it open; it was tied up.

Did not Brown open it to ſee his bargain before he paid for it?——He did not open it before me; he bought it all together without looking at it.

What might the bridle and ſaddle be worth, think you?—I am not a judge; I did not ſee the great coat opened.

Should you know the bridle and ſaddle again?——I think I ſhould know the coat; I do not know whether I ſhould the bridle and ſaddle.

*Court.* Shew the coat to this man?——(*The coat produced.*)——This is much the colour; but I am not ſure; it was a lighter than mine; I believe this to be the great coat, and it was inſide outwards.

*Court to Arnold.* That is the coat you found on the priſoner?——Yes.

It is a very good great coat?—Yes.

Where is the bridle and ſaddle?—Here is the ſaddle.

*Court.* Colley, look at the ſaddle?——I think, I am pretty ſure it is the ſame; I remember the marks on here; yes, there are a cypher and letters.

How came it that the farmer refuſed ten guineas for the horſe alone, and took ten pounds fifteen ſhillings, for the horſe, bridle, ſaddle, and great coat?——He did not offer the horſe alone; he offered the horſe, bridle, and ſaddle.

You did not ſay ſo at firſt; what may that ſaddle be worth?——I am not a judge.

*Court to Arnold.* What is the ſaddle worth?——I ſuppoſe half a guinea; I do know the value.

*Baldwin.* The ſaddle, ſtirrups and all, I ſhould ſuppoſe to be worth a guinea; the ſtirrups are plated; the great coat is worth half a guinea at leaſt: the ſaddle coſt two guineas and an half, without the ſtirrups; I have had it a year and an half; and I gave twenty-five ſhillings to the beſt of my recollection for the ſtirrups.

*Mr. Peatt.* What would you give for the ſaddle and ſtirrups now?——I would give a guinea and an half for it now.

*Court to Colley.* Did you find Kipping that day?——No, I did not; I went two or three different times for him, but I did not ſee him; I ſent my little boy to him, and he left word with the other watermen that he ſhould not do me any damage; he ſaid, I owed him thirteen ſhillings.

WILLIAM BRUCE *ſworn.*

I am a ſhoe-maker and boot-maker, at Lambeth-marſh, next door to the Queen's head; the priſoner lodged with me near three months.

Did he at any time ſend to you for a pocket book?——He did; here is the letter he ſent to me; the priſoner ſent for me on the 5th of *Auguſt*; he was in the Poultry-compter; I went to him; he lodged with me at the time; he deſired me to go and take the key of his room door, and the key of his box; and to take a green pocket book out of it; and that there was a paper there that his life depended on; accordingly I did ſo, and carried him the pocket book; and he ſaid, it is very happy I gave him the pocket book; and I came away; before I came away, he took out the paper; I did not read it, nor ſee him read it; it was about the length and breadth of a receipt; he did not ſhew me the paper; I ſhould not know it again if I was to ſee it; this is all I know of the matter.

*Court.* Who was preſent when he ſent you for this book?——There were two or three priſoners that were in the ſame room; he was in a little room; I ſuppoſe, I did not ſtay above ten minutes with him either time; as to ſwearing to the book or the receipt I cannot; I have only known the priſoner three weeks when this happened; he was always in at ten o'clock; I know nothing of his character.

*Court.* The priſoner lodged with you till he was taken up?——He was taken on the 4th; that was on the Friday; he wrote to me on the 5th; that I believe was on the Saturday; I put down the day of the month because he deſired me to take particular notice.

When did he deſire you to put down the day of the month?——The very day that I came to him; he deſired me to take notice of the day of the month that I brought his pocket book; he never was out of his lodgings before nor after paſt ten at night.

Do you happen to recollect where he was on the Sunday before that?——No, my Lord, not in the courſe of the day; he was always at home at night; and came home on the Sunday night; I ſuppoſe, it might be paſt nine, as nigh as I can gueſs; I cannot particularly ſay to a quarter of an hour; but he was in before ten.

What houſe have you?——A houſe with three rooms at ſix pounds a year; he rents the one pair of ſtairs.

What is he?——He told me when he came to lodge with me, he was a gentleman's ſervant, and I having been a gentleman's ſervant myſelf; I lived with the Marquis of Rockingham about ten years ago; and at Wimbledon I lived with him ſeven years; I was footman to my Lady; I went down to Wentworth with him, and to Little Harriden; that was the very time when they left that houſe on Parſon's-green, before they went to Mr. Ruſh's houſe at Wimbledon.

*Court to Arnold.* How far is Ryegate from Weſtminſter-bridge?——I ſuppoſe twenty or twenty-one miles.

What time on Sunday was it you ſaw the priſoner at Ryegate?——At a quarter paſt ten at night; for I ſupped with him.

You walked out with him there, and ſpent the evening with him?——Yes; he left me; and I ſuppoſed he was going to the parſon's; I had juſt nearly done ſupper when he came in; and he eat his ſupper, as I was eating mine.

Did you know him before?——Only by ſeeing him that day.

Who was with you that day at Ryegate?——Only the people of the houſe, and the perſon that ſupped with me; he was a paſſenger; I did not know him; I was at the Swan at Ryegate.

When did you miſs your great coat?—On Monday morning the 31ſt, at five o'clock; I ſaw no more of the priſoner; he was gone.

*Court to Bruce.* Do you ſtill ſay that he was at home a little after nine on Sunday evening?—I did not ſay that; I ſaid, on the 5th I had a letter from him.

I aſk you where he was on Sunday?—I never ſaid when he came home on the Sunday night.

Was that true or not?—No, my Lord; if I ſaid ſo, I ſaid wrong.

How came you to ſay wrong upon your

oath; I aſked you where he was expreſsly on the Sunday, you told me that you did not know what became of him in the day, but that he always came home in good time of a night; you ſaid, he came home on the Sunday evening at a quarter paſt nine; I aſked you over and over again, if you was ſure of that; you ſaid you was?——If I ſaid that my Lord, I ſaid wrong; but what I meant was, that on the 5th I had a letter from him.

Then you will not ſay now, what hour he came home on the Sunday night after you have heard that witneſs; was he ever out before the night before?——Before the night before the 5th, he never laid out of my houſe; he came home about half paſt nine.

Will you ſwear that the Sunday before that he came home before ten?——Not the Sunday before I will not; the 4th was the only night that he laid out.

Then where was he on the night of the 30th?——That I cannot tell.

If he never was out you can tell he was at home?——He was at home on the night of the 30th; the 30th! oh, I beg your Lordſhip's pardon; I cannot tell where he was; I believe he was in the Poultry-compter on the 30th.

I mean the 30th of July?——He was at home that night.

Was he at home before ten that night?—He was; I do not remember any night of his laying out; but I do not recollect the days of the month; he was not out any night but the night before he ſent me the letter.

You ſtick to that?——Yes.

*The priſoner called four witneſſes who all gave him a good character.*

What ſort of a horſe was yours?—Between a light and dark horſe, about fourteen hands high, about five years old; I ſet him at fourteen pounds.

*The Jury retired for ſome time and returned with a verdict,*

GUILTY, Death.

*He was humbly recommended to mercy by the Jury.*

*Court.* Gentlemen of the Jury, I always receive this recommendation of ſuch a reſpectable Jury with great attention and with great reſpect, and generally I receive it with ſatisfaction; but the preſent caſe is attended with peculiar circumſtances; for the verdict you have found after ſome conſideration, has confirmed the opinion which I clearly entertained before; that the whole of his defence was a wicked ſcheme by a corrupt perjury; therefore if I carry your recommendation to the King, I wiſh it may be deliberate, and that you will let me know what reaſon I ſhall give his Majeſty for it.

*Jury.* The reaſon why we recommended the man to mercy, we were not quite ſure with reſpect to the receipt.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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676. GEORGE LEE, ALEXANDER SEATON, and GEORGE CONNOWAY were indicted for feloniouſly ſtealing, on the 27th day of July laſt, two live bullocks, value 20l. the property of Robert Hill.

*(The witneſſes examined apart, at the requeſt of the priſoners.)*

WILLIAM DELLOW *ſworn.*

On the 24th of July I drove down thirteen beaſts to Mr. Hill's marſh at Poplar; I ſaw two of them on the Wedneſday following at Mr. Hill's ſlaughter-houſe alive.

What time of the day did you ſee them there?——Towards the evening.

Do you know what became of them afterwards?——No, Sir, I do not.

JOHN BAYTIS *ſworn.*

I found my maſter's locks open, the ſame morning the beaſts were ſtolen from Poplar; which was Wedneſday morning: there had been thirteen, but there were but eleven; I did not ſee the thirteen there; I ſaw the eleven on Wedneſday morning between three and four; I am ſure there were but eleven beaſts there.

### ROBERT STEWART *ſworn.*

I am patrol and watchman of St. James's, Duke's-place; I had an information on Monday, to the beſt of my knowledge, the 24th of July, that there was a cow to be brought into the pariſh; I ſuſpected it was ſtolen; I watched during the night for this cow, and I gave a ſignal to this watchman; nobody came; on the Tueſday following, I had information it was to be bullocks; and not a cow; on the Wedneſday morning, as near as I can recollect, about a quarter after four comes a man to the watch-houſe to me; in conſequence of which I went round the pariſh to ſee, and found nobody on the Wedneſday morning; preſently there came to the watch-houſe a conſtable that was coming round, and ſaid, Stewart, ſtart up, the bullocks are coming; this was a quarter before four; then I run, and I ſaw them directly, and I ſaw the priſoners driving two bullocks in Houndſditch; there was two men and a boy; Lee was on the pavement on the right hand ſide, and Seaton on the left hand ſide, and Connoway was in the middle; the three priſoners were the people; I never ſaw them before; I ran up directly and laid hold of Lee, Connoway ran away; he over run me; Seaton was ſtopped by the conſtable and another; the other made his eſcape from us; we gave charge of the bullocks, while we took Lee and Seaton to the compter; as ſoon as we had delivered the priſoners to the compter we came back and took the bullocks down to Whitechapel-market, to ſee if any of the butchers knew to whom they belonged; and they were known to belong to Mr. Hill in Eaſt-Smithfield.

What did you with them after that?—We went down and knocked at Mr. Hill's door; he ſent up his ſon to ſee if they were his, and he owned them.

*Priſoner Seaton.* Did you ſee me driving bullocks?——I ſaw no other perſon in the ſtreet; at the ſame time he was on the left hand, and Lee on the right hand, and Connoway in the center; I firſt ſaw Lee with the bullocks in Church-row.

How near was he to the bullocks?——He was ſtanding ſtill; he ſtood ſtill a very little ſpace; he walked off; he paſſed me twice; the bullocks were ſtanding ſtill all the while.

Did you ſee Seaton at this time?——I did not.

Did you ſee the boy?——I ſaw him reſt himſelf, and ſit down at the corner of Church-row, when I firſt ſaw the bullocks.

How near the bullocks was he ſitting?——He might be fifteen or ſixteen yards off; he ſat there till about a quarter before four; they all three joined together; I firſt ſaw Connaway at half paſt three, ſitting with the bullocks; he ſat there till about a quarter before four, then he got up and brought the bullocks out of Church-row; I ſaw him go to the bullocks and drive them into Houndſditch.

At that time were any of the other priſoners there?——They were both there then; I did not ſee Lee come back; I ſaw the boy get up and drive the bullocks; I did not ſee Lee nor Seaton at the time the boy ſat down; but at the time the boy got up; I did not ſee Lee at that time.

At the time the boy got up did you ſee Lee there?—I did not.

Did you ſee Seaton there at that time?——I did not; when I ſaw the boy with the bullocks, I ran back to the other officer, and ſo loſt ſight of them for a ſhort time.

When you firſt came back again where were the bullocks?——When I came back again the bullocks were going up Houndſditch; Connoway was walking in the middle of the road behind the bullocks, it might be a dozen yards.

Did you ſee either of the priſoners then?——Yes, I ſaw Lee and Seaton, both of them.

Where did you ſee Lee then?—Lee was

upon the pavement on the right hand ſide of the way going up Houndſditch; he was walking the ſame way with the bullocks; he was behind the bullocks ſome diſtance, about twelve or fourteen yards; we ſtopped them directly.

Before you ſtopped them did Lee ſay any thing or do any thing that ſhewed whether he was driving the bullocks or not?—Not one ſingle ſyllable in my hearing.

What had he in his hand?—Nothing in his hand of a weapon.

What had the boy in his hand?——I did not ſee any thing in his hand.

You did not ſee Lee do any thing then, but walk along the ſame way the bullocks went, you did not hear him ſay any thing?—Not any thing; Seaton was on the left hand ſide of the pavement walking the ſame way as the bullocks.

How far from them?——Much about the ſame diſtance as Lee was on the other ſide.

Had he any thing in his hand?——No, nothing; I neither heard him ſay any thing, nor ſaw him do any thing.

Lee and Seaton did not attempt to run away?—No, the boy did.

Did you at all ſee the priſoners ſpeak to one another?——I did not.

Not at all?—Not at all.

While you were taking the priſoners to the compter, did Lee and Seaton talk together?—Not in my hearing.

Was there any thing from which you could diſcover whether they knew one another?—I could not ſee any thing; they denied any knowledge of one another.

Had you any reaſon from what they ſaid or did, to think otherwiſe?——I had not.

How ſoon after the boy was taken?——In the courſe of a week after; I am quite ſure he was the ſame boy I ſaw with the bullocks.

Was you preſent when the priſoners were examined?——Yes.

Did you ever hear them ſay any thing about this matter?—No, I did not.

*Priſoner Seaton.* When he ſtopped me aſk him whether there was not a man as near?—I ſaw no other perſon.

## DAVID LEVI *ſworn.*

On the 24th of July, there was information brought into the watch-houſe that three men were to bring a cow, on Wedneſday the 26th in the morning, between three and four, I ſaw the three priſoners, two of them ſtood at the corner of the Minories.

Where did you firſt ſee the bullocks?—In Houndſditch.

Was Robert Stewart with you?—No, he was not in Houndſditch.

Who did you ſee with the bullocks?—I ſaw Connaway drive them in, and then he ſat him down at the corner; I went paſt, and I ſaw Lee and Seaton at the corner of the Minories.

How far is that from Church-row?——I dare ſay it is two hundred yards; they were ſtanding there.

What were they doing at the corner of the Minories?—They were ſtanding leaning againſt a poſt, one on one ſide of the way and the other on the other; they were not together; I ſaw them do nothing at that time; I went round the pariſh, and I met Lee in Shoemaker-row; he came directly after me; he went down Houndſditch; I followed him, the bullocks waked in Church-row, and the boy ſat down there till the watchmen went off; when the watch went off at four o'clock they all three went into Church-row, and drove the bullocks out.

Did you ſee them drive the bullocks out?——Yes; when I came back the boy was ſtanding at the corner of Church-row; I ſaw him go up to the bullocks, and they came out.

Did you ſee the other two priſoners at that time?—Yes, at the corner of Church-row; I am ſure of that.

Was Stewart there?——No.

Was not Stewart there when the boy drove the bullocks out of Church-row?—No, I did not ſee him there; I ran and called Stewart, and we both of us came, and ſome of the watchmen; we got a-head of them and came in front of them; they were all three behind the beaſts in the middle of the coachway; they were all three together; I had drove Seaton into the pathway; ſays he, when I laid hold of him, I am not driving the bullocks; the boy ran away, and Lee and Seaton I held faſt; they neither of them attempted to run away.

Did you ſee them ſpeak together?——No.

Did you hear any of them ſpeak to the bullocks, or ſee them do any thing to the bullocks?——No, only Connoway had a ſtick in his hand, the others had none.

*Priſoner Seaton.* Aſk that man when he ſtopped me if I was not on the pavement and whether I did not call out, why do not you ſtop that man a-head?——No, I did not ſee any other man in the place.

MICHAEL NATHAN *ſworn.*

On Monday I was in Smithfield-market; a butcher's boy came to me; his name is Joe; and I went with him to the priſoner Seaton's houſe; it was about twelve; when I came there the priſoner Seaton ſaid he had a cow to ſell; I aſked him to let me look at it; he ſaid, he could not let me ſee it, becauſe he had not got it at home; and he promiſed he would bring it to me on Tueſday morning; I never ſaw him no more till the Tueſday night, after I was in bed, much about nine; then he came to my houſe, with another young man with him.

Who was that young man?—I believe it was the priſoner Lee.

Are you ſure it was him?——I will not take upon myſelf to be poſitive it was him becauſe I had been aſleep; and he told me he could not bring a cow, but we will bring you two bullocks in the morning; I told him, if he brought the two beaſts in the morning, I would ſhew him a perſon that would buy them; on the Wedneſday morning they called me up between three and four; they came and called me, one of them.

Which of them?——It was that young man in the white coat, Seaton, who ſaid, they were coming, where will you take them to; I aſked them if they was not afraid that the beaſts would be ſtopped before they got as far as Aldgate.

Where were they to take them to?——They promiſed on the Tueſday night they would bring them to me; I told them in Spital-fields I would ſhew them a man that would buy them; I aſked them if they were not afraid of their being ſtopped before they came there; and they ſaid no, for the man that was with the beaſts had a note in his pocket; I went on the Monday night before; after I ſaw this young man that came, and he promiſed he would bring me a cow, I went to the watch-houſe, and it was Levi's night the conſtable, and gave the information to him.

How long have you known Levi?——I have known him a great while, ever ſince I can remember.

Did you ever give him any information before this?——No.

How happened you to give him this?—Becauſe I thought they were not honeſtly come by; I went to the watch-houſe, I did not know juſtly that that was his night upon my oath.

How came this boy to offer the cow to ſell to you?—The young man that ſaw me in Smithfield-market offered it.

How came they to pitch upon you?——I cannot tell; I went there to ſee the cow; I do not know.

Are you uſed to buy theſe things?—No, I never did in my life.

Who is that young man?——A butcher that lived in Whitechapel, he aſked me if I knew any body that would buy them; I told him yes; when I firſt went I intended to buy a cow.

How ſoon did you change your mind?—That night when they did not bring the cow.

Did you get up and go and tell your friend Mr. Levi that they would bring two bullocks?—Yes.

Did not Mr. Levi tell you that two bullocks were twice as good as one cow?——No, he did not tell me any thing but that he would be out in the night; he never mentioned any reward to me, nor I to him.

Upon your oath was not it ſettled what ſhare you was to have of this reward?——Upon my oath there never was a word mentioned in my preſence about a reward.

Then without any expectation of a reward you got out of your bed and told Levi?

*Priſoner Seaton.* I have two witneſſes that this man wanted a guinea not to appear againſt me; and then he came to ten ſhillings.

Is that true?——No, there were two people ſeveral times at my houſe, and I denied myſelf; I went with Levi to ſhew him where the bullocks were; I went to the priſoners when they were apprehended.

*Priſoner Seaton.* Was you before them or behind them when we were taken?—I believe I was behind them.—

*Priſoner.* Now that gentleman ſwears that there was nobody elſe by; he owes me a ſpite becauſe I uſed to watch at the Cuſtom-houſe, and he had ſome ſtolen tobacco and I watched him to the ale-houſe.

JAMES HILL *ſworn.*

I am ſon to Mr. Richard Hill; I went to look at the bullocks; I believe it was Stewart that called me up; they were my father's beaſts; I was with him on the Monday as they were bought; I put four clips on the hips of them; I am poſitive they were two of my father's beaſts.

*Proſecutor.* I was in bed, they called me up to know if I had loſt any beaſts, I ſaid no; that was on the Wedneſday morning; I ſaw them afterwards; I have the drover that drives for me to be a witneſs that they were the ſame beaſts; they were mine; we can tell our beaſts; we had them home about ſix o'clock.

*James Hill.* They were the ſame that my father ſaw.

*Court to Dellow.* Where did you ſee the beaſts?——Them are two of the beaſts that I drove to the marſh.

Who ſhewed you them in the evening?—Hill underſtood I ſent for him; I knew the bullocks; they were two of the ſame.

ROBERT DAWSON *ſworn.*

I apprehended Connoway on the 3d of Auguſt, I took him to Juſtice Smith in Eaſt-Smithfield, and he was committed. My Lord, with permiſſion, if you will give me authority I will fetch in a man that will give you proof that the information came from Levi.

*Levi.* The information was not given to me.

JOSEPH SOLOMONS *called in and ſworn.*

Pleaſe you my Lord, I was ſitting one night drinking at the Blue Anchor, in Roſemary-lane; it was on a Sunday night; there was nobody but myſelf in company; there were two young fellows came in and told me——

Who were they?—I ſhould know them, if I ſaw them; they were the priſoners Lee and Seaton; they came to aſk me if I wanted to buy a cow; I am a butcher, and I was to let them know on Monday; they told me they would pay me for my trouble; I did not know it was ſtolen; I went back to Smithfield and ſaw a young fellow at Smithfield, and told him about it; that was Nathan; and I went with him into Roſemary-lane; and I ſaw the two priſoners up a court cloſe to the Blue Anchor; they ſaid they ſhould bring her up on the Tueſday morning; I know no further about it.

*Dawſon.* This man was in company with two more at the door whom I could not ſee when I went out; now they were ſaying to each other, that this man could ſay ſomething in evidence that would diſcharge the three priſoners, not on the other hand could ſay ſomething that would convict them; at leaſt I heard the other man ſay, that this man and this had been at the watch-houſe with Levi the conſtable and the patrols, and that Levi had obſerved to the other, that there was a premium of forty pounds each for ſtealing bullocks or ſheep.

*Court to Solomons.* Is that true?——No, pleaſe you my Lord.

Did any ſuch thing paſs as has been now ſtated?—No.

Had you no converſation with Levi before theſe men were apprehended?—None at all upon my oath; I never knew a word about it.

*Court to Dawſon.* Was what was ſaid in this man's preſence?——Yes, my Lord.

Had you any converſation with that man that was brought in juſt now?—No, pleaſe you my Lord, none at all.

*Dawſon.* Prior to the converſation they had, this man told me himſelf that a man that is in the yard was at the bottom of all this buſineſs, and that it was in the power of this man to aſſiſt the priſoners or convict them; he told me had employed them to ſteal the bullocks, and what they were to have for them, and every thing of the kind.

SAMUEL SAMUELS *ſworn.*

Now, make a full diſcloſure of the truth of what you know in this buſineſs?——I was one day in Duke's-place, and David Levi aſked me to go with him after ſome men that had ſtolen ſome bullocks; I believe it was on a Monday; I cannot rightly recollect the day; there were the patrols and the watchmen of the pariſh; there were four or five; he ſaid, he had two in cuſtody, and one was not taken yet; I went with him down to the Gun at Hollow-buſh, and there the witneſs Nathan, who goes by the name of Jack Trotter, he was to have bought them; I went and ſtaid there two nights till eleven and did not take any body; they told me it was too late to wait; it would be about four in the morning to take them; and I did not take them.

*Nathan.* I was not with him.

How long before the men were taken up was it that you had any conveſation about it with Levi and Trotter?——It was on the Sunday or Monday, I cannot ſay which, before they were taken.

What were they to be taken up for?——For ſtealing the oxen; they told me they were to bring two oxen, I think as near as I can gueſs.

Did you hear any talk amongſt them about any reward for taking theſe people?——They ſaid, they dare ſay there would be forty pounds for each.

This you are ſure was a day or two before they were taken up?——Yes.

*Court to Dawſon.* You heard a man tell a ſtory ſimilar to this?——Yes, only he mentioned the converſation in the watch-houſe.

*Samuel.* I did not mention any thing about any converſation in the watch-houſe.

*Nathan.* Was I with you the day before?—Yes, and he told me the day before that there were to be two oxen bought, and that he was to be the buyer.

*Priſoner Seaton.* There are two witneſſes out of doors to prove that that man wanted ten ſhillings to ſettle it; that is Nathan, or elſe he ſaid, he would have forty pounds.

ELIZABETH BOWERS *ſworn.*

*Court.* Be cautious what you ſay, take care to ſay nothing but the truth.—I went to that gentleman in Duke's-place; I cannot ſay his name; that is the gentleman. *(Points to Nathan.)* I went to him on Tueſday; it was half an hour paſt one; I aſked him what he intended to do with theſe men, as I heard they were innocent; he ſaid, he was the chief witneſs againſt them, and he did not want to hurt them, and if they could make up ten ſhillings he would not appear againſt them. I have known George Lee ever ſince we were babies together.

JANE GRITTON *ſworn.*

I was with this Mrs. Bowers when he offered to take the ten ſhillings.

*Bowers.* There was another young man that was with him, but he is not preſent.

George Lee,
Alex. Seaton,
George Connoway, } Guilty, Death.

*They were all humbly recommended to his Majeſty's mercy.*

*Tried by the London Jury before* Mr. Recorder.

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677. **WILLIAM BUGDEN** was indicted for feloniouſly ſtealing, on the 6th day of Auguſt, one cloth great coat, value 5s. the property of Joſiah Holford, Eſq. and one cloth waiſtcoat, value 5s. the property of Thomas Newby, privily in the ſtable of the ſaid Joſiah.

THOMAS NEWBY *ſworn.*

I am Mr. Joſiah Holford's ſervant; he lives at Hampſtead; he loſt the boy's great coat, on the 6th of Auguſt, out of the ſtable; I loſt my own cloth waiſtcoat from the ſame ſtable; I had not pulled the waiſtcoat off a quarter of an hour.

Did you ſee the coat in the ſtable?——No, not till after it was miſſing; it was about half after eleven in the forenoon; on the Thurſday following the priſoner came into the yard twice; the footman called me down and the priſoner was in the ſtable, he ſaid, he wanted to ſee the coachman; I was called, and the priſoner ſaid, he wanted to find his brother Thomas Dover, whom he deſcribed a black ſwarthy complexioned man, with a blue coat and a red cape; I told him he ſhould ring at the bell and not come into a gentleman's yard without; I bid him go out and he did ſo, and went away hanging down his head; he was taken on the Sunday following which was the 6th; I was in the kitchen and they ſent for me directly, he was going to try on my waiſtcoat; he ſaid it was his own property; I told him it was mine, and he began to cry; they wanted to duck him and let him go, but I ſaid, he ſhould go before the Juſtice; and he was taken before the Juſtice and committed; the waiſtcoat is here; he had the great coat and waiſtcoat together; I know it to be the boy's great coat; the priſoner ſaid, the great coat was his working jacket.

*Court.* Is this boy here?——No; this boy is Mr. Holford's poſt-boy; I never ſaw the priſoner before he came in that Thurſday; the ſtable door was open, and the gate into the yard was on the latch.

JOSEPH PENNY *ſworn.*

I was coming along and ſaw the priſoner coming under 'ſquire Keen's gateway with a bundle under each arm, and a pair of boots in his right hand; I have the property here; I never ſaw the priſoner before; he paſſed on about an hundred yards, and a ſervant came out of Mr. Clay's gateway and cried out ſtop thief; when he got about a hundred yards I ran after him and caught him, and he dropped the boots, and I made him take them up and carry them; I took poſſeſſion of the two bundles; and I left them with Mr. Juſtice Montague till Monday, but they are the ſame coat and waiſtcoat that were in the bundle.

*(The waiſtcoat depoſed to.)*

What is the value of that waiſtcoat?——I ſhould not wiſh to give more than half a crown for it; I am ſure this is the coat belonging to Mr. Holford's boy by the lining and the plain buttons, and ſeeing it on the boy's back.

What do you value the coat at?——Five ſhillings.

PRISONER's DEFENCE.

I ſaw the coat and waiſtcoat at the door.

What buſineſs had you to take it?——It was laying in the ſtreet; I have neither father nor mother; I am twenty-two; I come out of Wiltſhire.

Guilty, 10d.

*Tried by the firſt Middleſex Jury before* Mr. *Juſtice* Gould.

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678. The ſaid **WILLIAM BUGDEN** was again indicted for feloniouſly ſtealing,

on the 6th day of Auguſt, a livery cloth coat, value 5s. a livery cloth waiſtcoat, value 5s. the property of Richard Clay, Eſq; and a pair of leather boots, value 5s. the property of William Mutton, privily in the ſtable of the ſaid Richard Clay.

WILLIAM MUTTON *ſworn.*

I am ſecond coachman to Mr. Clay; he lives at Hampſtead; on Sunday the 6th of Auguſt, he loſt out of his ſtable a frock, and waiſtcoat, and a pair of boots; the boots are mine, the coat and waiſtcoat are my maſter's; I ſhifted myſelf to go to church; I hung up my coat and waiſtcoat and boots in the ſtable; I have nothing to ſay againſt the priſoner; when I returned from church he was before Juſtice Montague, and there I ſaw the things and the witneſs Joſeph Fenn, I knew them very well; I am very certain they are mine; they are here.

JOSEPH FENN *ſworn.*

*(Produces the things.)*

I ſaw the man coming out of 'ſquire Clay's gateway with two bundles, one under each arm, and the boots; we took him in the road, about three or four hundred yards from the gateway, with two bundles and a pair of boots; he was going to get over ſome railing into a field and I ſtopped him; theſe are the things, I marked them at Mr. Montague's; I am ſure theſe are the ſame things.

*(Depoſed to by Mutton.)*

I am certain they are all mine.

What is the value of them?—Five ſhillings a piece the coat and waiſtcoat, and the boots fifteen ſhillings.

Do you think they are worth ſo much?——Yes.

PRISONER's DEFENCE.

I was in diſtreſs and out of place which drove me to it.

*Jury to Mutton.* Was the outer gates open?——Yes.

GUILTY, 4s. 10d.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* GOULD.

679. SARAH JONES and ANN CROW were indicted for feloniouſly breaking and entering the dweling houſe of Maria Weaver, between the hours of eleven in the forenoon and one in the afternoon, of the 21ſt day of July laſt, no perſon being therein, and feloniouſly ſtealing therein, a linen apron, value 2s. two linen caps, value 12d. a piece of unmade ſhift, value 2s. an iron ſtove, value 2s. an earthen ware tea pot, value 3d. a tin boiler, value 6d. and an earthen pan, value 2d. her property.

MARIA WEAVER *ſworn.*

I live in Marlborough-court, Pettycoat-lane; on the 21ſt of July I went out about eleven in the forenoon, and in my abſence the houſe was opened by a falſe key; I locked the door, and tried, and found it was faſt; there is only one door to my houſe; I left one ſhutter up and one down; the caſement was ſhut; I never opened it ſince I was there; I could not open it; I returned about ſeven in the evening, and when I opened the door the things were gone; when I came home I found the key did not turn as uſual, and I tried the door and found it was not locked; the window was as I left it; I put down this liſt of the things as ſoon as I loſt them; they were of the value of about twelve ſhillings; ſeveral of the things were quite new; I know nothing of the priſoners; I ſaw my ſtove at a broker's door who is here.

LEWIS ABRAHAMS *ſworn.*

What are you?——A jew, I am an old clothes-man; I live in the ſame court with the proſecutrix; on Friday the 21ſt of July, I ſaw the two priſoners come up to the proſecutrix's window, and the priſoner Jones ſaid to the other woman, ſhe had lived in that room two years; I was at my window cleaning a hat; it was a little after twelve at noon; the priſoners went up to the window; I knew the priſoner Jones, ſhe lives in the ſame court; then the priſoners went back without doing any thing, and ſtaid a minute or two; then they returned, and Jones had a key in her hand;

and I ſaw her unlock the door and go in; they both went in together; in three or four minutes they came out again; I ſaw Jones in particular have a cup in her hand, but what was in her apron I cannot tell; and the other priſoner had ſomething in her apron, but nothing in her hand; I told Mr. Cox the landlord, and we went to the place, and the things were gone; and we took the key of Jones's door and it fitted the proſecutrix's door; Jones was on her bed; I believe ſhe was very much in liquor then; I did not ſee the other woman till the Sunday night; this was on the Friday.

WILLIAM COX *ſworn.*

Confirmed the above evidence as to his informing him of the robbery, and went and found the room ſtripped, and ſaid the houſe was let out in ſeparate tenements, and had a door which does not communicate with any other; he went to Jones's room, who was very much in liquor laying on the bed, and denied any knowledge of the robbery; there he found the pan.

*(Produced and depoſed to.)*

*Priſoner Jones.* That pan ſtood at my door full of ſoap-ſuds; I took it up and emptied the ſuds and carried it in doors.

SAMUEL CHERRY *ſworn.*

The priſoner Crow brought me this ſtove to ſell on Friday between twelve and one, ſhe ſaid, ſhe was ſent to ſell it; I told her I did not chuſe to buy it, it was not worth buying, and I would give no more than one ſhilling; ſhe ſaid, it belonged to a perſon that uſed our houſe; I am ſure it is the ſame ſtove.

*(Depoſed to by the Proſecutrix.)*

PRISONER CROW'S DEFENCE.

We had both been drinking a drop of beer and liquor that was given us by a young man; and I ſat at Mrs. Jones's, and I began to be very ſick, ſays Mrs. Jones, Nanny go out and fetch a drop of a dram, and I went out and ſaw a poor man, who aſked me to do him a favour to ſell a ſtove, and I went and ſold it; I never ſaw any key; I have ſeen the man in the neighbourhood; he was a ſhortiſh man in a light coloured coat.

PRISONER JONES'S DEFENCE.

I know nothing of the ſtove, the pan I took from the door, as I have mentioned.

BOTH GUILTY, 10d.

*To be privately whipped, and confined twelve months in the houſe of correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* GOULD.

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780. JOHN MONK was indicted for feloniouſly ſtealing, on the 22d day of Auguſt laſt, a cotton gown, value 15s. the property of Sarah Iſabella Armſtrong, widow.

Mrs. ARMSTRONG *ſworn.*

On the 22d of Auguſt I loſt a gown from my bed chamber in Gray's Inn; I read an advertiſement from the public office in Hyde-ſtreet, Juſtice Walker's; I took a piece of the gown and it matched the gown.

JAMES HECTOR *ſworn.*

The priſoner came into our ſhop, an old clothes ſhop, he came in at ſix in the evening; he brought a cotton gown to ſell; he ſaid, he was in great diſtreſs and his wife at home very ill with three children; I would not buy it; he aſked twelve ſhillings for it; he afterwards ſold it to a Jew for ſeven ſhillings; I thought the gown was ſtolen, and I followed the priſoner and took him to Juſtice Walker's, and Miſs Armſtrong ſwore to it.

*Priſoner.* What time was it I came to your houſe? —— About ſix.

—— TREADWAY *ſworn.*

*(Produces the gown.)*

GEORGE MEECHAM *ſworn.*

Mr. Hector brought the gown to me and I took it to Juſtice Walker's office.

*Treadway.* I have had it in my poſſeſſion ever ſince.

(*Depoſed to.*)

### PRISONER's DEFENCE.

I found the gown in Weſtminſter; I loſt an eſtate in America; I have a wife and four children.

GUILTY.

*The priſoner called one witneſs to his character.*

*Whipped.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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681. EDWARD WILLIAMS was indicted for feloniouſly ſtealing, on the 4th day of Auguſt, one piece of cotton for handkerchiefs, containing ten yards, value 24s. the property of the Eaſt India Company.

JOHN CLARK *ſworn.*

The priſoner was a labourer in the Eaſt India Company's warehouſe, he aſked leave to go out about nine in the morning, I refuſed him, and ordered him back to his buſineſs; on his returning back, I ſaw ſomething bulge out of his breeches, upon that I ſearched him, and pulled a piece of handkerchiefs out of his breeches; it came from the ſhip Valentine.

WILLIAM BADCOCK *ſworn.*

I am door keeper, I only confirm what Mr. Clark has ſaid.

JOHN STRANGE *ſworn.*

I am an officer of cuſtoms; I took charge of the goods only, it has been in my cuſtody ever ſince.

*Mr. Clark.* I ſaw the piece, it was delivered to Strange.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before Mr.* RECORDER.

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682. ISABELLA LEICESTER was indicted for feloniouſly ſtealing, on the 16th day of Auguſt, one quart pewter pot, value 1s. and three pint pots, value 3s. the property of John Maſon.

JOHN MASON *ſworn.*

Mr. Taylor brought the priſoner into my houſe with a quart pot, and ſhe had three more of my pots in her apron; they had my name on them.

RICHARD TAYLOR *ſworn.*

I ſaw the priſoner with a pot in her apron, ſhe dropped it, I made her pick it up; ſhe brought it back to Mr. Maſon's houſe.

WILLIAM HARDY *ſworn.*

I ſaw the priſoner in the publick houſe, and ſhe called for a glaſs of gin.

(*The pots depoſed to.*)

### PRISONER's DEFENCE.

I found the pots, they were laying in the ſtreet, I took them up, I was going to carry them to the houſe, and a gentleman came and took me; I was going to take them to the firſt public houſe.

GUILTY.

*Privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

The next Part will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
## ON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;
## AND ALSO
## The Gaol Delivery for the County of *Middleſex*,
## HELD AT
## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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NUMBER VII. PART IV.

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M DCC LXXXVI.

[PRICE SIX-PENCE.]

### THE WHOLE

# PROCEEDINGS

### UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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683. WILLIAM FLAXMAN was indicted for feloniouſly ſtealing, on the 10th of Auguſt, one tin box, value 1d. eight pieces of braſs work, part of the inſide of a watch, value 5s. one piece of ſilver work, part of the inſide of a watch, value 1s. the property of Cuthbert French; a linen handkerchief, value 2d. the property of John French, privily from the perſon of the ſaid John French.

JOHN FRENCH *ſworn.*

How old are you?—Going on fifteen.

Do you know the priſoner?—Yes.

What have you to ſay againſt him?—He and I was behind a coach in Whitechapel Road; I had a watch in my pocket going to the gilders; I was going of an errand, and I got up behind a coach, he was up before me; it was five minutes before nine in the morning.

Did you look at any clock juſt when you got up behind the coach?——Yes, I did at the London hoſpital clock; it was this day three weeks, we rode to the Bell-founders juſt by the church; I found I had loſt part of a watch, and my pocket handkerchief; I had them in my coat pocket.

Did you feel him put his hand in your pocket?—No, I did not, but I miſſed it before I got down, I charged him with it; he ſaid he had not got it; I told him I would not let him go away till he gave it me; then I ſaw a little bit of my handkerchief out of the flap of his breeches, and I pulled it out, it was my handerchief; he ſaid nothing then, and a young man took him to the watch houſe; a young woman found the watch work juſt by the church; I am ſure I had them both in my pocket.

COLEMAN JOEL *ſworn.*

I was going towards Whitechapel church towards nine, and I ſaw a parcel of people about the boy; he had the handkerchief in his hand; the priſoner was taken to the watch houſe; he ſaid he picked up the handkerchief from the ſide of the coach, and put it in his breeches.

ELIZABETH WOOD *ſworn.*

Croſſing the road in Whitechapel, I picked up this tin box, with the part of the watch in, upon the ſtones; here is the handkerchief, I have had it ever ſince; it was given to me at that time by Mr. Staples.

*(The handkerchief depoſed to.)*

Jury. Was the watch in the carriage way, or in the path way?—In the coach way.

PRISONER's DEFENCE.

I picked up this handkerchief where I ſtood, and when the lad ſearched me, it was in my breeches.

*The priſoner brought two witneſſes, who gave him a good character.*

GUILTY.

*Of ſtealing the handkerchief only value 2d.*

*To be privately whipped, and delivered to his father.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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684. **ANN SYMONDS**, otherwiſe **BIRNHAM**, was indicted for feloniouſly ſtealing, on the 3d day of December laſt, one linen ſhift, value 6d. an apron, value 6d. a ſilk and cotton handkerchief, value 3d. a muſlin ditto, value 3d. a linen ditto, value 2d. a cloth coat, value 1s. a ſtone jarr, value 2d. the property of Thomas Collier.

MARTHA COLLIER *ſworn.*

I am wife of Thomas Collier; I loſt the things mentioned in the indictment *(repeats them)* they were my huſband's property; I firſt miſſed them the night of the 3d of December, between four and five; the priſoner was paid her wages before they were due, I owed her nothing; ſhe went to fetch ſome milk, and did not return; ſhe took the jarr to fetch the milk in.

WILLIAM COOK *ſworn.*

I am conſtable for the pariſh of South Mims; I apprehended the priſoner at Potters Bar, the 1ſt of Auguſt, and found on her an apron, and a handkerchief: previous to taking her, ſhe brought a cloak for ſome victuals.

*(The things depoſed to.)*

PRISONER's DEFENCE.

I have nothing to ſay.

GUILTY.

*Privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

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685. **JOSEPH HARBIRD** was indicted for feloniouſly ſtealing on the 12th day of Auguſt laſt, two live cocks, value 2s. three live hens, value 3s. one live duck, value 12d. one night cap, value 6d. a key, value 2d. the property of Matthew Burton, Eſquire.

SAMUEL COOKE *ſworn.*

I live with Mr. Burton, he loſt the things mentioned in the indictment; I ſaw them in the hen houſe on Thurſday night; a night cap was miſſed off the green in the garden, and the iron key of the garden gate which was on the inſide.

Was this night cap laid in the garden on the graſs?—Yes, I found nothing ſince but the key, which the conſtable gave me in the priſoner's lodgings, in Conway Court, Mary-bone, No. 7; the priſoner was preſent; I never ſaw him till he was brought before the magiſtrate; he directed us to his lodgings himſelf; the key was tried by the conſtable in my preſence, it opened the gate as well as uſual; it was a common wooden lock.

Then perhaps more keys would open the lock than one?—I knew the key, I had it in my poſſeſſion twenty two months; there is a particular mark goes acroſs the inner ward; I deſcribed this mark to the conſtable.

*(Shewn to the Jury.)*

—— BULLOCK *ſworn.*

I am conſtable of the night; I apprehended the priſoner on Thurſday the 17th, in the morning about one; the week after the things were miſſing; two of my men, John Maſon and John Ward, got the priſoner by my houſe; they brought him to me, and he had two bags and a tool, and hearing the next morning, that this hen houſe was broke open, I went there and tried it, and it fitted to the place that was broke open; on ſearching him, I found this knife and theſe two padlock keys; the knife appeared to be bloody, and had feathers ſticking about it; in the afternoon of the ſame day, I went to ſearch his lodgings by his own direction.

### JOHN MASON *ſworn.*

I am one of the patrols of Hampſtead town; about a quarter or twenty minutes before one, we were going our round, between the ſixteenth and ſeventeenth, by the chapel walk, we ſat down there about ten minutes, and we heard ſome ducks halloo, and in leſs than two minutes after we ſaw them coming out of a pond, and the priſoner behind them; the priſoner drove the ducks about, he did not take them; we found the things on him that have been produced.

### JOHN WARD *ſworn.*

I am another patrol; I was in company with Maſon that morning, I ſaw the priſoner a little before one; the ducks were coming out of a pond, and he drove them about; we took him, and took the things upon him.

### PRISONER's DEFENCE.

I was in a common lodging houſe; I know nothing of the key; the woman that lives in the room, is a common proſtitute, and ſeveral men came there as well as me.

Did you ſee any man in the houſe?—I ſaw a Jew in the houſe.

*Priſoner.* I have had witneſſes theſe three days.

Not Guilty.

*Tried by the ſecond Middleſex Jury before* Mr. Rose.

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686. ESTHER HARWOOD, otherwiſe HOWARD was indicted for feloniouſly ſtealing, on the 14th day of Auguſt, one ſilver watch, value 20s. two iron keys, value 1s. one half guinea, and two ſhillings in monies numbered, the property of James Potter, privily from his perſon;

And JAMES WETHERICK was indicted for feloniouſly receiving the ſaid watch, knowing it to be ſtolen.

### JAMES POTTER *ſworn.*

On Wedneſday, the 9th of Auguſt laſt, I loſt a watch at the Wheatſheaf, in Tothill ſtreet, Weſtminſter; I was in company with the priſoner; I firſt met with her in the houſe, about ten in the morning; I cannot ſay that any body elſe was in company with me, other people were there; it was in the publick tap room; we had been there a conſiderable time; I ſtaid there till night; ſhe was not with me all the time, but we were five or ſix hours together in the tap room all the time; we ſat in a box; I had no knowledge of her before; when ſhe had left me ſometime, I miſſed my watch; I might ſtay after her, half an hour or an hour; I lodge in the neighbourhood; the woman went out of the houſe; it was a ſilver watch; I had drank rather more than I ſhould do, when I miſſed my watch; the next day I got a warrant for the woman, and ſhe was taken; the pawnbroker has my watch; I had the watch out ſeveral times whilſt I was in her company, to ſee the hour; I am ſure I put it up again, but I did not know when I loſt it.

How many times had you it out?—Three or four times.

Was you not ſo overcome in liquor, that you do not know what you did?—I recollect very well about the watch.

But after ſhe was gone, did you ſee your watch?—No.

Did you ſee the priſoner Wetherick in company?——No.

### JANE FERGUSON *ſworn.*

Did you ſee the priſoner Eſther Harwood, and James Potter together?—Yes, I lived in the publick houſe a ſervant girl.

How long did you ſee theſe priſoners and Potter together?—They came in about ten.

How long did they ſtay together?—Mr. Potter went away between nine and ten.

The woman did not ſtay there all the time? —No, ſhe went away at a different time.

Did you ſee Potter pull out a watch at any time?—Yes, I ſaw him pull it out once to ſee what o'clock it was.

Did you ſee this woman do any thing? —Yes, my Lord, between five and ſix, James Potter went into the vault, and this Eſther Harwood came after him about five or ſix minutes after; I was in the kitchen, and ſhe came into the vault to him, and ſhe bid him get up, and ſhe felt about his breeches, and ſaid that the watch fell into the vault, and ſhe felt again, and ſaid it did not; and I ſaw her take his watch out of his breeches pocket, and ſhe ſaid, ſhe would take care of it for him, and ſhe wrapped it up in paper.

Was Potter in liquor at the time?—Yes, he was.

What time of day might this be?—Between five and ſix in the evening.

Did they come into the houſe again?—Yes, and ſhe ſtaid half an hour, and ſhe held the watch in her hand, wrapped up in paper.

Did ſhe offer to give the watch to Potter?—No.

Why did not you tell him of it?—He was ſo much in liquor, it was to no purpoſe to tell him of it.

Did you go to the vault?—No, I looked through the kitchen where a pane was broke, and the vault door open.

She had the watch in her hand publickly?—Yes.

Was there a good many people there? —No, not many, there was a few.

Did you ſee her take the watch from the breeches, or was the watch dropped down, and ſhe took it up?—No, my Lord, ſhe took it out of the breeches.

Did the people that were there, ſee any thing of it?—No, they did not.

Why did not you tell ſome of the people of it?—I told my miſtreſs of it.

*Priſoner to Jane Ferguſon.* Did not the man go to the vault, and pull off the man that was on the vault, and ſay he would ſh——t in his lap, ſaving your preſence, and I told him not to uſe the man ill for he was very much in liquor?——Yes, Sir, there was a ſoldier.

What did he go in for?——I did not ſee what he went in for.

Was he in the vault when this woman went in?——Yes.

Did you know this woman before?—— Yes.

Did ſhe uſe to come to your houſe?—— Yes.

What pretty often?——Yes, the ſoldier and her went in together.

What was the ſoldier's name?—I cannot rightly ſay his name.

### FRANCIS FLEMING *ſworn.*

On Thurſday the 10th of Auguſt the woman priſoner brought a ſilver watch to our ſhop in Tothil-ſtreet, Weſtminſter, and aſked for three ſhillings on it; I told her that I had no objection to it, provided ſhe would tell me whoſe it was, for I knew it was not her's; ſhe ſtood confuſed for two or three minutes, and then ſaid, ſhe would go and fetch the perſon who ſent her with it.

Did ſhe go away?——Yes, and in four or five minutes ſhe returned with the priſoner; I knew the woman priſoner, and I had ſeen the man before; the man came and ſaid it was his; I kept the watch; the man ſaid, he had borrowed a ſhilling ſince, and did not want to pledge it, and I then delivered the watch to him; I thought he had a right to it; it was between ten and eleven; they both went away together.

### ROBERT CLARKE *ſworn.*

This is the watch the proſecutor ſwears to; I am a pawnbroker in Bridge-ſtreet, Weſtminſter; that is about a quarter of a mile from Tothil-ſtreet; the man priſoner brought the watch to me and aſked a half a guinea on it, on the 10th of Auguſt; I lent it him, and he left the watch.

Did he go away?——Yes, immediately; on the day after the conſtable came; this is the watch I received from the man priſoner.

*Fleming.* This is the ſame watch I received from the woman priſoner, and which I delivered to the man.

*Proſecutor.* This is my watch; I have had it about a year; there is a circle round the inſide caſe; the chain has been broke, and the ſeal has the impreſſion of the free maſon's arms on one ſide, and a man's head on the other.

How long has the chain been broke?—I believe two or three months.

*(The watch ſhewn to the Jury.)*

**PRISONER HARWOOD's DEFENCE.**

I had been at Billingſgate; I went into a public houſe where the gentleman was; he aſked me to drink, and he gave me a ſhilling to go to get ſomething to eat; he drank there a conſiderable time; I went round with my oyſters, and he aſked me to drink; he pulled out his money all round the place; he had a half a crown, and half a guinea, and he changed the half guinea; I went round again with my oyſters; he had eight penny worth of oyſters and never paid me for them; he aſked me to drink again; he went to the vault and ſet upon the vault, and this ſoldier followed him out; he dragged him out; he ſaid, he would do what he had in his lap; he gave that little girl ſome ſilver; ſhe was aſide the ſoldier waſhing her pots; I went round again with my oyſters; when I came round again at ten he was gone; I went to the vault, and I put my hand to feel whether it was dirty, and there lay the watch in the corner and the key.

**PRISONER WETHERWICK's DEFENCE.**

I am a ſervant to John Houſely; on the 10th of Auguſt I went to the Wheatſheaf; the man credits me, and I pay him; this woman came after me; ſhe ſaid, ſhe wanted to ſpeak to me; I went to the corner of St. Giles's paſſage, and this woman came to me and told me ſhe had found a watch, and the pawnbroker would not let have any thing without ſhe had a man; I ſaid, did you come by it honeſtly, ſhe ſaid, ſhe pawned it, I gave her the half guinea.

*The priſoner called one witneſs to his character.*

ESTHER HARWOOD, GUILTY,

*But not privily.*

*To be tranſported for ſeven years.*

JAMES WHETHERWICK, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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687. LYDIA BILLS and ELIZABETH COOPER were indicted for feloniouſly ſtealing, on the 19th day of July laſt, twenty-eight yards of canvas, value 15s. the property of Edward Dudley.

EDWARD DUDLEY *ſworn.*

I am a floor cloth manufacturer; on the 20th of July in the morning about nine, I miſſed a piece of canvas out of a factory; I was not at home, and I was deſired to attend the Rotation-office, in Mount-ſtreet, Groſvenor-ſquare; the next morning I went there, and there I ſaw the piece of cloth; the priſoners were in cuſtody, and the piece was with them; I know the priſoner Bills; ſhe has worked for me; I had not ſeen her for two or three weeks before; I only employ her occaſionally; her huſband works for me now and did at that time; I believe ſhe did not live with him at that time; I look upon him to be a very honeſt man; this kind of canvas is manufactured at Reading, in Berkſhire; when it comes to me there is always my initials upon it, which are ſtill in this piece, which are put by the manufacturer before they are ſent; they are not worked in the piece, only ſtained upon it, E. D. when it comes in I make the factory debtor for a piece of cloth; when any part is cut off, credit is given for that part; this is the remaining part that agrees with the goods that were left; it makes up the full length; I ſhould ſuppoſe, and really imagine it muſt be my piece, though the place was not broke open or any thing of that kind, how it was taken I do not particularly know.

DAVID

### DAVID COOK *ſworn.*

I am the patrol; I took the priſoners a little before twelve on the 19th of July; the priſoner Cooper was carrying ſomething; I ſaw them near Pimlico turnpike, going towards Buckingham-gate; it was covered; I went up and aſked them what it was, they ſaid, it was a child; I ſaid, it was a large child; yes, replied Bills, I have known it theſe four years; ſo accordingly I ſaid, I muſt look at that child, and I called to a watchman to fetch his light; then Cooper dropped down; I aſked them what they had, they ſaid, it was nothing; it turned out to be this piece of cloth; then they ſaid, it was given to them at Chelſea, I aſked them by what man; I aſked them if it was one Mr. Davis, who I knew kept a ſhop there; they ſaid, yes; then they did not know where he lived; then they ſaid, a man gave it them, they did not know him.

*Priſoners.* We found the piece of cloth, we had been at hay making.

**BOTH GUILTY.**

*They were humbly recommended to mercy.*

*Lydia Bills to be privately whipped, and confined twelve months in the Houſe of Correction.*

*Elizabeth Cooper, to be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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688. ANN SMITH was indicted for feloniouſly ſtealing, on the 2d day of Auguſt, ſeven pair of flannel drawers, value 20s. one cotton ſopha cover, value 20s. one cotton cover for a chair, value 6d. the property of John Mucklow.

### JOHN MUCKLOW *ſworn.*

I live in James's-ſtreet, Hay-market; on Wedneſday the 2d of Auguſt, I loſt ſix pair of drawers, and one pair that belongs to a gentleman that was left in my care; it was marked H. S. the property of General St. John; a cotton ſopha cover, a cotton cover for a chair; I only ſpeak to the property; I firſt miſſed the property between ten and eleven on that Wedneſday; I ſaw the things again at Juſtice Hyde's office the ſame day; ſome of the drawers have my mark on them; I know the cotton ſopha cover. *(Produced and depoſed to.)* I know the cotton ſopha cover by the ſtripe; I have no more; I know the cotton cover for the chair; I have only that one; I know it by being the ſame pattern of the ſopha.

### JOHN MAIR *ſworn.*

I am a publican; on the 2d of Auguſt about nine, I was at breakfaſt with my wife in the bar; my bar window is facing Mr. Mucklow's door; I ſaw the priſoner and another lounging about before Mr. Mucklow's door, and this woman had ſomething in her apron at that time; the other had a large cloak, and juſt as ſhe came to Mr. Mucklow's door ſhe took ſome loggs of wood out of her apron and gave to the other woman that had the large cloak; and I ſaw the priſoner go into the paſſage of the proſecutor and turned to the left; and I ſaw her return with her apron full of things; I run out into the proſecutor's houſe, and I called the maid; I followed the priſoner; ſhe ſaw me coming after her in Little Suffolk-ſtreet; ſhe went on as faſt as ſhe could; I overtook her juſt by the Orange coffee-houſe; I aſked her what ſhe had in her apron, ſhe ſaid, ſome linen ſhe was going to waſh; I aſked her, who gave it her, ſhe ſaid, a woman; I brought her back to the proſecutor's back parlour; I made her open her apron, and there were all the things mentioned in the indictment; ſhe began to cry; ſhe ſaid, I had got all, what would I have more; I told her, it was my duty to have her puniſhed; there had been a very great fire at the houſe; the houſe is repairing; there is only one room that is inhabited by a ſervant of the proſecutor's, which he leaves in the houſe.

### PRISONER's DEFENCE.

A woman aſked me to go in for the things, and I foolish woman did ſo; I hope gentlemen you will have compaſſion on me.

*Court to laſt witneſs.* Did the priſoner mention another woman?—No.

GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Roſe.*

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680. WILLIAM MILLIAN was indicted for feloniouſly ſtealing, on the 15th day of Auguſt, one piece of Iriſh cloth, containing twenty-four yards, value 36 s. the property of Thomas Kilham, privily in his ſhop.

THOMAS KILHAM *ſworn.*

I did not ſee the priſoner till he was brought back, and he ſaid, when he came back not to proſecute him, and when I gave charge of him, he hoped I would conſider him, as he had a wife and four children; I told him he ſhould have conſidered of that, and let the piece of Iriſh linen alone; he was committed.

Did you ſee him take any thing?—No.

HUGH WILSON *ſworn.*

I am ſhopman to the proſecutor; on Thurſday the 15th of Auguſt the priſoner and two women came into our ſhop, and aſked for ſome Iriſh cloth; they laid out one pound one, and elevenpence; there was a quantity of Iriſh lay on the counter, and the priſoner ſeemed to have one in his hand longer than I thought he ſhould; I did not ſee him take it, but I ſaw him have his hand on a piece of Iriſh after that they bought the cloth; they paid the money; he took his hand away at the time I ſaw him; I did not ſee him take the piece; I ſaw it lay on the counter afterwards; but after they were gone out, not ſeeing the cloth I had a ſuſpicion; I immediately ran after him and took him with the piece of cloth in Chiſwell-ſtreet; he had the cloth in his apron; Mr. Kilham lives in the cloiſters, and I immediately ran for him; he was not in the ſhop at that time; the piece of linen was brought back, it was Mr. Kilham's property; I know the mark of it.

What did the priſoner ſay?—I cannot recollect what he ſaid, when he was taken; when he was carried before the Alderman, he ſaid, the apron was laying on the counter, and he was very much in liquor.

Was he in liquor?—Not to my knowledge; I did not perceive it.

JOHN NEGUS *ſworn.*

I took charge of the priſoner; this linen was given to me.

*Wilſon.* I did not bring the linen back; I have it not in my poſſeſſion; I detected the priſoner with it.

How do you know that is the ſame piece?—By the private mark.

But you did not look at the mark in the ſtreet?—No, but it had ſome dirt upon it I believe; I cannot ſay to any particular mark that there is upon it, any farther than that I am ſure of it.

PRISONER's DEFENCE.

I went into this man's ſhop, with my wife and another woman; I was not ſo ſober as I ſhould be; we bought ſeventeen yards of white cloth, and ſeven yards of other; I took them up; I thought they were mine; if I had any intention to defraud this gentleman, I might have been out of his ſight far enough before he took me.

*Court to Wilſon.* Did the priſoner drop the piece?——I believe he did; I did not ſee it upon the ground; I did not pick it up.

*Jury.* When you ſeized the priſoner was there any ſtruggle?——The priſoner made a wrench to get from me, and we both fell into the kennel, the other ſhopman came to my aſſiſtance and he took the cloth; the things he bought were all together, and he had that with this ſtolen parcel; he had both together.

Were they tied together?—They were not tied; the parcel that he had was tied.

*The priſoner called three witneſſes who gave him a very good character.*

*Proſecutor.* After I ſaid to him he ſhould have conſidered his family before he took the cloth, he ſaid theſe words, that it was either his own fooliſhneſs or his folly in taking this cloth, and he deſerved to be hanged for it.

GUILTY

*Of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* RECORDER.

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690. **THOMAS MARSHALL** was indicted for feloniouſly ſtealing, on the 28th day July of laſt, twenty-eight pair of leather ſhoes, value 4l. two other pair, value 2s. four pair of women's leather ſhoes, value 7s. thirteen pair of breeches, value 13s. a pair of ſheets, value 2s. a canvas bag, value 1d. the property of Samuel Showell.

*A ſecond count*, For ſtealing the ſame goods, laying them to be the property of Richard Reeves, and others.

*A third count*, Laying them to be the property of Sir James Eſdaile, Knt. and others.

*A fourth count*, For ſtealing the ſame, laying them to be the property of the pariſhioners of St. Luke's.

*A fifth count*, Laying them to be the property of perſons unknown.

*(The caſe opened by Mr. Silveſter.)*

*(The witneſſes examined apart.)*

HUMPHRY HUGHES *ſworn.*

I am a milk-man; I met the priſoner on the 28th of July laſt, between three and four in the morning with his ſack on his back; I ſaw another man calling to him, what have you got in that ſack; that was the watchman; his name is Harwood; the priſoner ſaid, a few cabbages; then the watchman ſaid, I want a few cabbages myſelf; then he turned his rattle, and the priſoner threw down the ſack, and ran back towards the French hoſpital; I put down my pails and ran and met him; I caught him there juſt by the corner; he begged very hard to let him go; I brought him back and the ſack to the watchman, the watchman put the ſack on his back and brought it to his box, then another watchman came to aſſiſt him.

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RICHARD HARWOOD *ſworn.*

I ſaw two men, one went down the City road; I gave the priſoner the meeting who had the bag on his back; he ſaid, he had ſome cabbages; I told him I was very fond of cabbages, I muſt have one; then he threw down the bag and ran towards my box, and the milk-man ſtopped him; when I came to the watch-houſe I examined what was in the bag; the beadle and officers examined the bag in my preſence; there were a number of ſhoes of one ſort and another, and thirteen pair of boys breeches, and one pair of ſheets, and a purſe; there was nothing in the purſe; I gave them to Mr. Green.

JOHN GREEN *ſworn.*

I am beadle of the pariſh; that is the bag that was brought in by Harwood; it contained theſe things; they are the ſame; I have had it ever ſince.

SAMUEL SHOWELL *ſworn.*

I am the maſter of St. Luke's work-houſe; theſe things were in my ſtore room before the 28th; I am certain to them; upon the examination I found ſome miſſing, on being informed of the robbery; I believe they muſt get in through the window; I found the window wide open and a ladder in the garden; I ſaw theſe things in the evening before; I have examined them all; I am ſure of the property; I know the man's ſhoes by the maker's name which we contract with; his name is George Murray; it is upon the ſhoes; I know the women's by the ſhort ſtraps, which we always have for that purpoſe; other pariſhes may have ſhort ſtraps; I do not ſee the maker's name upon the women's ſhoes; I know them from the knowledge I had of them in the ſtore room; I know the priſoner to be a pauper that had been in the houſe ſeveral times, and had lately been diſcharged there.

*Court.* Are you anſwerable for the things in it?——I do not know that, I am anſwerable for the value of them.

How are they delivered to you?——They are delivered to me by account; I am apprehenſive I am anſwerable; they are laid in upon the pariſh expence; they are delivered to me and I am to produce them to deliver them out.

**THOMAS PITTMAN** *ſworn.*

*(Looks at the breeches.)*

This is my make, here is my mark; I made them for Mr. Samuel Showell, maſter of the houſe, by his orders.

*Priſoner.* I have nobody to my character.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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691. **WILLIAM LARTER** otherwiſe **LARBOLD** was indicted for feloniouſly ſtealing, on the 1ſt day of June laſt, five ounces weight of enamel, value 1l. 5s. two ounces and an half of other enamel, value 15s. two ounces of other, value 15s. two ounces of other, value 10s. two ounces of other, value 10s. one ounce of other, value 5s. a china globe, value 10s. the property of Richard Dovey.

*Another count.* Laying them to be the property of Richard Dovey and Samuel Gramſhaw.

*(The caſe opened by Mr. Silveſter.)*

**RICHARD DOVEY** *ſworn.*

I live at No. 50, Bateman's-buildings, Soho; I ſuſpected the priſoner of taking two ſpoons; in conſequence of which I went to his lodgings; I deſired him to turn out the boxes; his wife opened one box, and the ſecond, there was nothing there; I had a witneſs with me; the third box the wife went to open, I ſaw her drop ſome linen over ſomething; the priſoner ſays, look here; no, ſays I, I ſhall look here; I ſaid to the priſoner, you are a d——nd raſcal, you have robbed me of ſome enamel; Sir, ſays he, I hope you will forgive me, it is the firſt offence; Sir, ſays I, I will not promiſe you that: ſays I, take them back; he took them under his arm, and coming down ſtairs, he put ſome through the banniſters to his wife; ſays I, you raſcal, you are robbing me again; theſe are the enamels that were found in his poſſeſſion.

*Court.* Open the enamels?——I have no knife. *(Opens the enamels.)* If you take my magnifier and take it at three inches: ——here is a piece I have found in the priſoner's poſſeſſion; I have another piece in my pocket that will match it; that will appear to any gentleman of judgement that that was one piece that flew from the other; this is the ſmall piece which I have in my poſſeſſion; when the enamel is poured upon a ſheet of copper, and not properly cooled it will fly; I reckon myſelf a bit of a mechanic, and I know what can, or what cannot be done.

*(Shewn to the Jury.)*

*Mr. Silveſter.* What is the value of that enamel, of all that you found there? ——I value them at ten pounds; ſome I ſell for a guinea, ſome for ten ſhillings, ſome for ſeven ſhillings, and ſome for five ſhillings per ounce.

How are theſe pieces uſed?——They are ground in an agate mortar, and then they melt it and put it on the gold; by twenty years practice I brought it to bear, to make ruby, and every colour; ſometimes I have two guineas an ounce; here are a number of different colours; I dare ſay here are two hundred ounces in the parcel that

I found in his lodgings; I have a cabinet with fourſcore drawers in it, and a bureau, and when I came to take his pocket book I found a drawing of this key. *(The drawing produced by the officer.)* And he took a copy of all my ſecrets or receipts which were kept in my cabinet, ſo that he muſt have been there for a long time; I am very happy to get it again, or elſe I ſhould have been ruined.

You was pretty careful of the key?——Yes, I never let my wife have it though ſhe is a gentlewoman.

*(The drawing handed up.)*

*Court.* This is a drawing that any workman might make a key; have you a partner?——Yes, he is concerned in the enamel.

Are theſe valuable, or might they be thrown away?——Some I do not put much value upon, that—that is of ſome value to be ſure, which I ſell at ten ſhillings an ounce; it gets red in the fire, like a ruby, and never loſes its colour any more; now this is a remarkable thing, it appears to you to be blue, but when it is enamelled it is a fine purple red; it is made from gold, and ſtruck into it in ſuch a manner that when it comes to be put on gold it is a fine purple red; it is worth ten ſhillings an ounce, that I ſell it for to workmen; the priſoner has numbered almoſt every paper here to correſpond with the receipts in the book.

How long has this man lived with you?——About half a year; he ground the materials, charged the furnace, and poured it out when I knew it to be ready.

*Mr. Garrow, Priſoner's Counſel.* Mr. Dovey do not be angry with me becauſe I am only going to ſay one word to you, and that is, another time when you come into a Court of Juſtice, do not preſume that every man in it means to inſult you; I ſhould be very ſorry to inſult a man of your ingenuity.

*Priſoner.* My Lord, I leave it to my counſel.

*The priſoner called three witneſſes who gave him a very good character.*

GUILTY.

*Transported for ſeven years.*

*He was humbly recommended to mercy by the Proſecutor.*

*Tried by the first Middleſex Jury before Mr.* RECORDER.

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692. WILLIAM PETERS was indicted for feloniouſly ſtealing, on the 30th of March laſt, one wooden box value 6d. three hundred and fifty yards of black lace, value 50l. and five guineas, value 5l. 5s. and one half guinea, value 10s. 6d. and four half crown pieces, value 10s. the property of Thomas Fenner.

*(The caſe opened by Mr. Garrow.)*

THOMAS FENNER *ſworn.*

I keep a ſhop at Weſt Wickham, in Buckingham; I deal a little in lace; I ſold ſome to different ſhops; I was coming out of a ſhop by Red Lion ſtreet; I ſaw a man about forty yards before me on the payment walking gently on, when I came up to him, he ſaid I am juſt come out of Yorkſhire, we have had a great deal of ſnow, I dare ſay you have had as much in your country; I ſaid much the ſame; I had my box in a pair of white wallets; no more converſation paſſed at that time; he was a little ſhort old man; I went to the farther end almoſt of Great Queen-ſtreet, near Long Acre; I did not ſee him then; I ſaw ſomething lay on the pavement, I thought it was a glove; I did not ſee any body drop it; when I came near enough to pick it up, I ſtooped down to pick it up, and the hand of a man came under my hand, and picked up this parcel; he ſaid nothing at all to me, nor I to him, but picked up this parcel, and I turned myſelf round, and found it was the ſame old man that had ſpoke to me about the weather; I went on into a publick houſe in Wild-ſtreet, and called for a pint of beer; and the ſame man came in, and called for a pint of beer, and he pulled out a paper, and aſked me to read it, for he ſaid he could not read; I took the parcel and looked into it, and I ſaw it was a bill and receipt for two hundred and fifty pounds for a diamond ring, bought in Cheapſide of Mr. James; I paid for my pint of beer, and went out of the houſe leaving him in it; I then paſſed on to go to Covent Garden, to ſeveral places where I ſell laces, and to ſeveral other ſhops; it was about three when I left him the firſt time; and between ſeven and eight in the evening (it was a very dark and cold night) I went into a houſe in Saint Giles's, and called for a pint of beer; the waiter I met in the paſſage, he aſked me into a large room; before I ſat down, the ſame man that aſked me about the weather, and picked up the parcel came in; the little ſhort old man, which I ſuppoſe is Patch, as ſoon as ever he came in, he called for ſixpennyworth of crank; then the priſoner and another man, whom I never ſaw before, came in and called the waiter for a pen and ink, and a ſheet of writing paper, either the man at the bar, or the other ſtranger; the other man ſat writing; and this priſoner ſays to the little ſhort old man, I think as you have found a thing of that value, you ought to let that man have part.

Had there been any diſcourſe about finding it?——None at all, the little man, which I think is Patch, ſaid I will agree to let him have a hundred pounds; I will go to my banker's directly, I hope you will be here when I come back, I will not be long; he was not gone two minutes, and came in, and ſaid his banker was not at home, his banker's clerk was, and he could not have the hundred pounds that night, but he would bring it the next morning at eleven o'clock; I then got up to pay for my pint of beer; my hands were very cold, and I took a canvas bag I had, and ſhook my money looſe in the window; I had five guineas, one half guinea, four half crowns, and a ſixpence; I took it out to look for a ſixpence, becauſe my hands were numbed; the priſoner, after I gave the waiter the ſixpence, came up to me, between me and where my money lay, and aſked me to ſign my name to a piece of paper in two or three folds folded up, which I ſuppoſe was the ſame piece of paper; the other man had been writing; they were all three in the room; then the waiter went out after I paid him; I wanted to get my money to put into my bag; the man that ſat writing, whipped up and ſhut the door; the priſoner ſtepped up to me, and aſked me to ſign my name to the paper, and I refuſed it; he directly took the pen from the other man, and inſiſted upon my ſigning it; he did not explain what the paper was; I did not know what to do; I wrote my name on the paper; I did not know what I wrote it to, nothing was read to me; then I got up to go out; the priſoner ſays to me, give that man your money that lays in the window; I anſwered no; he then ſays go and take it; accordingly the man that I took to be Patch took it; he came behind me, whipped up my box, and this man, and the other man came behind me, keeping me from following them; the man at the bar put his hand upon the back of the man that had the box, and bid him run off with the box; and the priſoner and Patch ran out together, the other man followed; I run to the window and took up my hat, and cried ſtop thief, but nobody came to my aſſiſtance; I loſt ſight of them; I put the parcel which I had in my hat, in my waiſtcoat pocket; I went to the Green Man and Still, where I lodge; I went to a friend that I deal with.

What became of the paper you ſigned?—They took it with them; when I got to my friends in Carnaby-ſtreet, I opened the parcel which was tied in three different knots, and I found this ring.

Did you give the ring to any body that is here?—No, I went to Juſtice Bond's at Bow-ſtreet, and gave a deſcription, and the priſoner was taken ſome time after, about three weeks ago Mr. Lucas knows.

Did you at any time part with your goods on any occaſion, either for a ring or any thing elſe?—No, Sir, I did not.

Did you conſent either to their taking the box or the money?—No, I did not.

You are poſitive you did not give your box as ſecurity for your producing the ring, or any thing of that ſort?—No, Sir, I did not.

Are you ſure that the priſoner is the ſame man?—I am ſure this is the man that puſhed out Patch with the box, and bid him run off; I have never ſeen him before; I was with him a quarter of an hour; he was taken the 22d of July.

That was four months after; can you undertake to ſwear poſitively to the perſon of a ſtranger at four months diſtance of time?—Yes.

*Mr. Peatt, Priſoner's Counſel.* You was not willing to loſe this purſe?—No, Sir; I ſtooped to pick it up, but a hand interpoſed.

When you came into this cold room, where you wanted to warm your hands, where there was no fire, what made you ſtay?—I ſtaid to drink my beer; I never ſaid a word about his going to his banker's.

If the hundred pounds had come, you would have received it, would not you?—Yes, I believe I ſhould.

Whereabouts did this box of your's ſtand, when the man was writing?—At the door; it ſtood cloſe by my foot, and Patch ſat oppoſite me, the other two men ſat oppoſite me.

You was not afraid of loſing your box?—I was not careful enough at that time.

It ſeems the ring was of too much value to bring here?—I do not know the value of the ring.

Did it appear to you to be a very good ring?——I did not underſtand it.

What would you have thought it worth?——I thought nothing of it; I carried the ring to Juſtice Bond, and it was given to a man named Morris.

But what directions did you give him?——This Morris ſent me a letter to come to the office in Bow-ſtreet; and I went to attend an appointment from a letter; there was a Mr. Morris; he took us to another houſe; there was a man that was to produce the property, not the man that took the things.

*Mr. Garrow.* Morris got the ring under pretence of getting your laces?——Morris is an attorney's clerk; he ſaid to the man, I will draw up an agreement if you will ſign it; we ſtaid till near four o'clock, and the haberdaſher perſuaded me; accordingly my box was brought in, and I looked over it, and caſt it up, and found it thirty pounds deficient, in caſe my laces were not cut; ſome of them appear to be cut; when I ſaid there was a piece of nineteen yards wanting, then they brought me in nine pounds worth of lace more; then there wanted twenty pounds; I gave the ring up with that view, to have my property; I was to have received all my property; the paper I ſigned, was to ſay nothing about it, provided I got all my property within five pounds; the haberdaſher adviſed me.

Was Morris acting for you, or for thoſe that had your laces?——He was acting for the rogues.

Will your Lordſhip permit the name of Richard Morris to be called here in Court.

*(Called but did not anſwer.)*

Will your lordſhip permit me to have an order of Court for his attendance.

*Court.* If it is ſubject of criminal enquiry, it muſt be made out, and there muſt be a warrant for taking him up?——The haberdaſher ſaid, the beſt way would be for me to employ an attorney; and the attorney came there by the deſire of me and the haberdaſher; the haberdaſher carried me to the attorney, and Morris was his clerk.

You found at laſt, you had twenty pounds worth miſſing?——Yes.

Have you ſince ſeen any part of it that has been miſſing?——Yes.

Is it here to be produced?——Yes.

*Court.* I want to know a little more who this haberdaſher is, and where he lives?——His name is Thomas Hatterſley, in

Holborn; I have done buſineſs with him two or three years.

EDWARD LUCAS *ſworn.*

I apprehended the priſoner along with his wife and four others, in Bell-court, Gray's-Inn Lane; that was on another information concerning a Scotchman's pack; I think it was the 22d of July.

Did you at that time know of the laces of this poor man?——I did, I had been a long time ſeeking the priſoner, and could not find him; I ſearched his wife and him, and I found ſome duplicates on her of the lace which has ſince been found.

Was the priſoner preſent?——He was; he did not ſay any thing about them.

Was any thing ſaid when they were found in his preſence?——I do not recollect that there was; there were ſeveral duplicates, and but two that belonged to this lace; I gave the duplicates to Pickering.

*Court.* I do not think you have brought them home, unleſs there was ſome recognition about them; being found on his wife is not ſufficient.

WILLIAM PICKERING *ſworn.*

I received two duplicates, and found a piece of lace at Weſtminſter, ſeventeen yards and a half.

ROBERT CLARK *ſworn.*

I am a ſervant to Mr. Waſſell, a pawnbroker, in Bridge-ſtreet, Weſtminſter; it is ſeventeen yards and a half; it was pledged by one John Price.

What ſort of a man is he?——I cannot deſcribe him; about ſix feet high, black hair, rather ſlim; I ſhould know him, but I do not ſee him; it is not the priſoner.

*Proſecutor.* It is mine.

What is the value of it?——I gave two ſhillings a yard.

Another PAWNBROKER *ſworn.*

I am a pawnbroker in Long-lane, Smithfield; I had this piece of lace, on Friday the 16th of June from a girl; I know the girl, ſhe goes for a niece to Mrs. Peters; I never ſaw her and the priſoner together; I lent half a guinea upon it; there is about eight yards and a half of it.

*(Depoſed to.)*

*Pickering.* It was by the directions of Mr. Peters, that I went to theſe places where I took the duplicates; I aſked the priſoner whoſe they were; he told me ſome of them belonged near Weſtminſter Abbey; I went to the corner of Parliament-ſtreet, and there I found ſeventeen yards and a half of lace, which the priſoner told me he had of Price; I aſked the priſoner where ſome other of the tickets were, which have ſince been delivered to the wife; he ſaid in the Borough.

*Priſoner.* I leave it all to my counſel; I am very hard of hearing.

The priſoner called two witneſſes to his character, who ſaid he was a journeyman ſhoe-maker; and one of them ſaid, that his wife had a ſtand in Roſemary-lane, and ſold laces and ribbonds.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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693. JAMES WOOD, THOMAS TANNER, and HENRY LENHAM, were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Taylor, about the hour of ten in the night, on the 25th of July laſt, and burglariouſly ſtealing therein, ſix ſilver tea ſpoons, value 15s. a pair of ſilver tea tongs, value 13s. three gold rings, value 31s. a ſilver bracelet, ſet with dimonds, value 30l. one bombazeen gown, value 1l. three table cloths, value 12s. a cotton counterpane, value 10s. three pair of ſheets, value 2l. one gown, value 18s. one cotton gown, value 18s. five ſhirts, value 40s. two dimity petticoats, value 20s. a cloak, laced, value 40s. a bonnet, value 8s. two caps, value 7s. three muſlin caps, value 6s. five aprons, value 10s. two other aprons, value 4s. two fine muſlin

aprons, value 2l. eight linen neck handkerchiefs, value 6s. a gown unmade, value 4s. twelve pair of cotton ſtockings, value 18s. two pair of breeches, value 6s. two waiſtcoats, value 1l. the property of the ſaid William Taylor, in the ſame dwelling houſe.

*(The caſe opened by Mr. Silveſter.)*

*(The witneſſes examined apart, at the priſoners requeſt.)*

SARAH TAYLOR *ſworn.*

I keep the Bell in Charles-court, Strand; the three priſoners came into our houſe, and called for a pint of beer, on Tueſday night, the 25th of July, at ten o'clock; the priſoner Lenham drank out of the pint of beer, and went out as I thought; the other men ſat full twenty minutes over a pint of beer; then they went to the ſtreet door, and I went over the way to get ſomething for ſupper; and Wood ſays to Tanner, d——n my eyes and limbs what a while he ſtays; Wood had then a blue coat and a green apron on; and Tanner anſwered, this is the houſe, if he does not come preſently, we will go; with that I went in, and deſired the girl to go to the door, as I had a ſuſpicion of them, for ſaying thoſe words; the girl's name is Elizabeth Spicer; ſhe went and ſtopped about five minutes, then ſhe came in and aſked if a man was gone out with a bundle; I anſwered her no; ſhe ran into the court; I went up ſtairs, and found my room door open, and my drawers all broke open, and my property all gone, which I left ſafe two hours before.

How was the door faſtened?—I had locked it myſelf with my own key; I had my key in my pocket, but when I came up, it was open.

What did you loſe?——I made a memorandum *(repeats the things)* my huſband came home two hours after; when Tanner was taken up, he had a falſe arm on; he had but one arm at our houſe; his arm was taken off, and I ſwore to him poſitively; we have the arm; the priſoner Wood was taken the ſame night; and Tanner was taken that day week after; and Lenham laſt Friday ſe'night.

Are you ſure of all the three priſoners?——Yes, I am ſure.

*Mr. Garrow, Priſoner Wood's Counſel.*

Did you ſay at the Juſtice's, that you knew him to be the man, only that the man you ſaw had but one arm?—Yes.

Did you know Wood before?—No, he was full twenty minutes in the houſe, and I did not ſee him go up ſtairs at all.

It is very clear I ſuppoſe, that the perſon who robbed your room got in by the door?——Certainly, the windows were ſecure.

You are ſure Wood was not up ſtairs?—I am not ſure of any thing about it; the bar ſtands with the front facing the fire place; I only went to the cook's-ſhop the other ſide of the way; I only went to the door and ordered three-penny worth of ham; it was almoſt inſtantly; they had been out at the door five or ten minutes before.

Did Wood ſay this loud?——Quite loud to the other; the expreſſion was, d——n my eyes and limbs, what a while he ſtays; none of the things were found.

ELIZABETH SPICER *ſworn.*

I was ſervant to Mrs. Taylor, in July laſt; I ſaw two men ſitting drinking a pint of beer in the tap room, and they went outſide the door; I know one of the men, James Wood; he was in a blue coat, yellow buttons, and a green apron; they went outſide the door, and my miſtreſs came and deſired me to go to the door, for ſhe ſaid ſhe did not like the men at the door; and I went, I heard one of the men, who has one arm, ſay to Wood, his wife muſt love him very well to keep him ſo long; then I ſaw a man come through the paſſage with a large bundle before him; and I went into the bar, and aſked my miſtreſs, if there was a man in the tap room with a bundle; I did not know where he came from, or where he went to; it was not either of the men that was in the room; I told her I ſuppoſed the houſe was robbed;

and I followed them, they all three went up the court together; the man with the bundle went firſt; the man with the one arm went next, and then Wood; they walked as faſt as they could; I ran after them, and the priſoner Wood ſtopped me at the bottom of the court, and ſaid d——n your eyes where are you going? I ſaid what is that to you; he ſaid I was come to watch him; I told him I was not come to watch him, or any body elſe, I was going about my miſtreſs's buſineſs; and he ſtruck me over the left breaſt; a young man came up and caught hold of him, the others made their eſcape; the young man's name is James Stewart.

*Mr. Garrow.* Wood was walking up the court?——Yes, after the two men.

You always gave the ſame account?—Yes.

Are you ſure you told the Juſtice all this?——Yes, I am ſure I did.

Will you ſwear that?——The Juſtice's clerk ſaid it was not neceſſary to put down ſo much; he ſaid it was neceſſary to ſtate the heads; his name was Fletcher.

Which was it, the thick one or the thin one?—I cannot ſay.

Do you mean to ſwear that the clerk told you it was unneceſſary to ſay ſo much but only the heads; that was what you ſwore juſt now?——I did not ſwear; I ſaid it.

Do you now mean to ſwear that the Juſtice's clerk told you it was not neceſſary to ſet down any thing but the heads?——I would not wiſh to ſwear it; I ſaid every thing at Juſtice Hyde's, as I have ſaid it now, but I cannot ſay to Litchfield-ſtreet; I will not ſwear that he ſaid ſo.

*Court.* Did the Juſtice's clerk ſay any thing to you to that effect.——He did not queſtion me, I was queſtioned at Juſtice Hyde's, but I cannot ſay he ſaid them very words; I was going to tell the particulars of it; and he ſaid as for that does not ſignify.

*Mr. Garrow.* Will you ſtand by that?——Yes, I will.

Will you ſwear that the Juſtice's clerk ſaid that to you?——Yes, I will.

*(The examination read.)*

**JAMES STEWART** *ſworn.*

I am a ſervant to Mr. Taylor; on the night of the robbery, I was in the houſe when the three men came in.

Do you know them again?——I know one of them.

Which is that?——Wood; ſome time after, one of them went out of the tap room; then after that I went to the door, and I ſaw three men come out, one of whom had a bundle.

What did you go out of the door for?—For the air; it was a very hot night; the maid was at the door, and ſhe ran in and came out again in a great hurry, and ran down the court after them into the Strand; when I came up to her ſhe was ſtaggering, and I ſecured Wood; I am ſure he was one of the men that was in the houſe.

*Mr. Garrow.* What diſtance was you from the door in the court when the man came out?——I ſuppoſe about three yards, or thereabouts; I had been ſtanding in the court about eight or ten minutes.

Had you ſeen your miſtreſs go to the cook's-ſhop?——No, I do not recollect it; I had ſeen none of the men; I was ſtanding right before the window, with my back to the window.

Now, if any body elſe had been ſtanding at the door and talking together do not you think you ſhould have heard it?——I did not hear any body; the girl was ſtanding there at the ſame time I was.

How long might ſhe be ſtanding there?—I do not know.

Did the girl when ſhe ran in tell you what ſhe ran in for?—No, ſhe was on the oppoſite ſide of the court by the cook's-ſhop.

I thought you ſaid ſhe was ſtanding by you?—She ſtood beſide me ſome time; ſhe did not explain why ſhe ſtood there; then ſhe went to the oppoſite ſide in an inſtant, I ſaw three men come out, and the man with the bundle went firſt.

Did they run very hard up the court? No, they did not till they got clear of the door, then they ran pretty ſmartiſh; Wood was ſearched in the watch-houſe, and a pick-lock key was found upon him.

*Court.* Did you leave the three men in the tap room when you went out?—I left two men in the houſe.

Did not you ſee your miſtreſs come out and go to the cook's ſhop?—No.

Did you ſee your miſtreſs go out before you went into the court?——I do not recollect.

Which went out firſt, you or the girl?—I went out firſt I believe.

*Jury.* How far had the men got from the houſe before they ran?——I dare ſay they were over twenty yards before they made any great run; they walked pretty ſmartly, but did not run.

### WILLIAM TAYLOR *ſworn.*

I was not at home at the time.

### JOHN SAYRE *ſworn.*

I apprehended Tanner, and found upon him fourteen pick-lock keys; I tried them and this key opens the room door, and locked it again.

*Mr. Garrow.* That was after Wood was in cuſtody.

### THOMAS DALTON *ſworn.*

I apprehended Lenham; he was very inquiſitive to know the buſineſs; the next morning taking him up to the Juſtice's he complained of being hungry and dry, and I gave him ſome bread and cheeſe and beer; he aſked me if it was Tanner's affair; and here is the arm that was taken off Tanner.

*Sayre.* He had a falſe arm when I took him; I thought it had been a real arm at firſt.

*To Mr. Stewart.* Did you ſee the arm?—Yes.

### PRISONER LENHAM'S DEFENCE.

They took me out of an alehouſe; they ſaid, they wanted me; they kept me in the watch-houſe all night; in the morning the gentleman gave me a pennyworth of beer and an halfpenny roll; I aſked Blacketer, he ſaid, if I tell you, it muſt be a ſecret, it is about Tanner and Wood's affair; the maid ſaid, at the office, if I was the perſon I had a brown coat on, with white metal buttons; I know nothing of the affair; I do not know the houſe.

### PRISONER TANNER'S DEFENCE.

They took me to Bow-ſtreet; and the woman, the maid, and the man too ſaid, they did not know me, then I was taken to Juſtice Hyde's, and they ſaid ſo there; I pulled off my arm, and then the woman ſaid, ſhe believed I was the perſon by my arm; the woman would ſwear to any man with one arm.

*Priſoner Wood.* I know nothing of the robbery.

*Court to Taylor.* What is the value of the things that are loſt?——I ſuppoſe not leſs than fifty pounds; they did not leave me a ſecond thing.

*The priſoner Wood called four witneſſes to his character.*

James Wood,
Thomas Turner,
Henry Lenham,
} Guilty, Death.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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694. BOZE VENNER was indicted (together with FRANCIS HILL) for feloniouſly ſtealing, on the 1ſt day of June laſt, twenty-one yards of callico, value 4l. the property of John Aſhby and John Philpot, being laid and placed and expoſed to be whitened in a certain bleaching ground of theirs, againſt the ſtatute.

*(The caſe opened by Mr. Peatt.)*

### JOHN PHILPOT *ſworn.*

I am a callico printer; my partner's name is John Aſhby; I loſt a quantity of callico from my bleaching grounds; on the 2d of June, at five in the morning, I went down the field as I generally do, and ordered up thoſe goods that I wanted up firſt; I miſſed one of the pieces, in conſequence of miſſing it, I enquired of my people;

three weeks after I loſt three pieces more, and I applied to the public office; on loſing the three pieces, I advertiſed the priſoner on this occaſion; two or three days after I miſſed the firſt piece, I had occaſion to take ſome of my women to go to the hay fields, and in conſequence of ſome converſation I had ſome ſuſpicion of the priſoner; I advertiſed him; then I went to Bow-ſtreet, and about a month ago, I ſaw the priſoner at Bow-ſtreet; the priſoner deſired to ſpeak to me, and he related to me how he took this piece away.

Did you threaten him or promiſe him?—By no means whatever; he ſent for me voluntarily himſelf; he began relating the ſtory where my piece was; he was very ſorry, and that he would tell me of the others; he then told me, he had ſold it to Mrs. Daly, a woman with one eye; I went to Mr. Bond the magiſtrate, and he ſaid, if it would be of any ſervice letting the priſoner go with us, as he had informed us it was ſomewhere in Rag-fair; we found it in the Minories.

Was there any of your property found in conſequence of any information you had received?——There was no goods found in the houſe, but there was a gown found that was pledged.

Was that gown any part of the callico that was loſt?——I am ſure of that, for this reaſon, I can ſhew you the original pattern, whereby I diſtinguiſh it. *(Produces the gown.)* This piece and this piece only taken away, is the only piece in the world, I will venture to ſay, that is to be found in this ſtate.

You will venture to ſay there is no piece of that pattern?——No, I will venture to ſay ſo; this gown is a part of the property I loſt, I know that; the reaſon why I know it to be mine is this, this piece is without either green or blue in it, the original pattern is what we call chintz, which has both green and blue in it, and if that had been left with me then it would have had both green and blue in it; I firſt ſaw this gown at Bow-ſtreet; I ſaw it afterwards, only within this month.

*Court.* Was the confeſſion reduced into writing?——Yes, it was, but he would not ſign it himſelf, but Mr. Bond ſaid, he would ſign it, and ſend it here himſelf.

## JACOB FREEMAN *ſworn.*

I belong to the public office; I went down to Bow-ſtreet; I heard the priſoner was there; I found him there; I ſaw Mr. Philpot there; he ſaid, he ſhould be glad to ſpeak to him; that was before he was examined by the Magiſtrate concerning this gown; I told the proſecutor; the proſecutor went to him; I was preſent; he ſaid, I think it my duty to tell you all of your piece; the priſoner ſaid, as I am a dead man if I ſhould be caſt for this, all I want of you is to ſave my life; ſays the proſecutor, I cannot ſay any thing to that; ſays he, if it turns out if you do tell me any thing that will ſave your life, I will; I went to the pawnbroker's and found this gown; I ſhewed it to the proſecutor; I went to ſearch for the receiver, but could not find her.

*Court.* Before Mr. Philpot told him he would be of any ſervice to him that he could in the other matter, what had Venner ſaid;——He made uſe of an expreſſion that he was very ſorry he had robbed him; that was before Mr. Philpot had ſaid, he would be of ſervice to him, he ſaid, Sir, I can inform you where your pieces are, you have loſt out of your ground; that was before Mr. Philpot promiſed him.

## JAMES CHARINEAUX *ſworn.*

I am ſervant to Manby; this gown was pledged with us on the 22d of July by Mary Daly; ſhe is in cuſtody as a receiver.

## PRISONER's DEFENCE.

I was taken up to Bow-ſtreet office, and I ſent to Mr. Philpot to ſpeak to him; he put the queſtion to me and ſaid, that he thought I did rob his ground, and he ſaid, if I would tell him, he would be a friend to me, after that I told him; he came down to the gaol, got my irons knocked off, and took me to Eaſt Smithfield; he brought me back to the office in Bow-ſtreet, and they all made a collection; Mr. Philpot gave me half a guinea, and promiſed that he would not proſecute me, and that he would withdraw his indictment.

**Guilty, Death.**

*Proſecutor.* The trial is now all over in reſpect to this, and conſequently it will not effect him; ſome time after I made him a promiſe of this, and I ſhould be very happy if you would recommend him to mercy, for I ſhould be very ſorry to take away the life of a poor man.

*Jury.* The gentlemen wiſh to recommend him to mercy.

*Court.* Upon the recommendation of Jury, I ſhall certainly excercife that power which the act of parliament reſts in me of reſpiting the priſoner, and change the ſentence of death to tranſportation for fourteen years.

*Tried by the firſt Middleſex Jury before Mr.* Recorder.

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695. JOHN KEYS was indicted for feloniouſly breaking and entering the dwelling houſe of Richard Wood, on the 18th day of Auguſt, about four in the afternoon, no perſon being in the ſaid dwelling houſe, and feloniouſly ſtealing therein, one cotton gown, value 10s. a callimanco petticoat, value 10s. his property.

MARY WOOD *ſworn.*

My huſband's name is Richard Wood; I live in Shadwell; on the 18th of Auguſt, I went out at a quarter paſt three; I left nobody at home; I locked the room door; there was a ſtreet door beſides; we let part of the houſe out, and this was a room we kept to ourſelves.

Were there not lodgers in the houſe?——Yes, but they were not at home when I went out.

How do you know that?——Here are witneſſes to ſhew that none of them were at home; when I went out I left the ſtreet door open on account of the lodgers; I did not come back till the next morning; when I came home the next morning, I miſſed out of the top drawer a gown and petticoat; my door had been faſtened by a neighbour; there were many other things in the drawer which were not taken; I know nothing of the robbery.

SUSANNAH GREENAWAY *ſworn.*

I live next door; I went out and caught the priſoner with the petticoat upon him; it was between four and five in the afternoon; I followed him and cried ſtop thief; he took the petticoat from under his ſurtout coat and dropped it; I took the petticoat and went after him; I never loſt ſight of him till I took him.

Did you go to look at Wood's houſe?——Yes, but there was nobody in the houſe, the room door was open; I could not tell what was taken out of it; I ſaw nothing but the petticoat.

*Priſoner.* Did you ſee me go into the houſe?——No.

JACOB COOK *ſworn.*

I ſaw this priſoner come out of Wood's houſe, and I ſaw him have a petticoat under his coat; there were two more men came out; then he gave a whiſtle to one; another man had a bundle under his jacket; I croſſed two or three times to ſee what they were about; then he came out of the houſe, and I ſaw this lad ſtand at the door to watch.

Did this lad go into the houſe at all?——He ſtood at the door; I ſaw him come out of the door with the petticoat under his coat; the other two men run away; I ſaw the priſoner drop the petticoat by the ſide of a dray; I told Mrs. Greenaway directly, and ſhe came out and went after him.

*(The petticoat produced and depoſed to.)*

*Priſoner.* I know nothing of it; he ſwears as falſe as God is true; I leave it to the mercy of the Court; I have nobody to my character to day, they were here yeſterday.

GUILTY.

*Of breaking and entering the dwelling houſe, and ſtealing to the value of 4s. 10d.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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696. **WILLIAM TRAPSHAW** was indicted for feloniouſly breaking and entering the dwelling houſe of James Linnell, between the hours of five and ſix in the forenoon of the 24th of Auguſt, Frances his wife being therein, and feloniouſly ſtealing therein, a linen gown, value 3s. a cap, value 2s. a lawn apron, value 2s. a linen work bag, value 2d. a piece of gauze, value 2d. a pair of ſciſſars, value 6d. a ſilk bonnet, value 2s. his property.

*(The witneſſes examined apart.)*

JAMES LINNELL *ſworn.*

I live in the Temple mews; I went out about five in the morning on the 24th of Auguſt; I left all the lodgers in the houſe and my wife in bed; there was nobody up belonging to the houſe but me.

How many lodgers have you?——There are three families in the houſe; I returned back again after I had done my buſineſs in the yard, in about twenty minutes, and when I came back I found both doors open; we have the ground floor, and one room up one pair of ſtairs; I turned ſhort at the parlour door, and I ſaw the priſoner ſtanding upright in the parlour, with a bundle under his arm, and a white bonnet in his right hand.

Did you leave the door faſt when you went out?——Yes, I pulled the outward door; it goes with a ſpring lock; I always ſhut it faſt that I cannot open it myſelf; I am ſure it was faſt; I found the door open; I ſaw the priſoner in the parlour; he ſaid, he wanted a hoſtler; the priſoner knocked me down, and got out; he was purſued and brought back.

FRANCES LINNELL *ſworn.*

The bundle contained the things mentioned in the indictment.

Was the parlour door open or ſhut?——At half after twelve I locked it myſelf, and took the key up ſtairs; that door appeared to be opened by a chiſſel and a pick-lock key; it appeared as if the bolt of the lock had been forced back by ſomebody; the things were ſeparate about the room; ſome in a chair, and ſome hung on the door of the cupboard; the bonnet was in the cupboard; it was mine; they were all found in the poſſeſſion of the priſoner; the bonnet in his hand.

Who is the occupier of the houſe itſelf? We are all lodgers; it is let out in ſeparate tenements; it is Lord Radnor's houſe.

Do you hold your apartment immediately under Lord Radnor?—Yes.

And the other other lodgers theirs?——Yes; I have the parlour and lodging room up one pair of ſtairs, and a garret; the things laid in the parlour; the outer door is common to all the lodgers; it always goes with a ſpring lock.

——— REED *ſworn.*

On the 24th of Auguſt, I was going to Guildhall to work, and coming through Fleet-ſtreet I ſaw the priſoner run out of the Temple mews, and afterwards the proſecutor called to me, ſaying to me, ſtop thief.

Was Linnell running after him?—Yes.

Did you ſtop him?—Yes.

*Priſoner.* He did not ſtop me?——I was cloſe by him when he was ſtopped; Young ſtopped him; I never loſt ſight of him till he was ſtopped.

Had he any thing upon him when he was ſtopped?——He had a bit of gauze in his pocket; I ſaw that found, and two pick-lock keys, and a chiſſel he threw out of his pocket; I believe the conſtable has the gauze now.

JOHN DICKS *ſworn.*

This parcel was delived to me before the ſitting Alderman at Guildhall.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VII. PART V.

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*LONDON:*
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M DCC LXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

### *Continuation of the Trial of William Trapſhaw.*

Was the proſecutor preſent when they were delivered to you?—Yes.

Were the things that were delivered to the conſtable the ſame that was in the bundle of the priſoner?——Yes, here is the bit of gauze that was found in the priſoner's pocket.

*Court to Proſecutor's wife.* Where were theſe bits of gauze?—They were in the cupboard wrapped up.

Can you know theſe pieces at all?—I ſwore to them being my own.

What do you know them by?—I know them by my wrapping them up; I know them to be my own.

Can you know them that were not in the bundle?——I know I had a piece of gauze hung over the cupboard door.

Suppoſe the man had any other gauze before in his pocket, how would you know yours from that?——It would be impoſſible.

Were they ſuch pieces as this that you loſt?——They were, and I ſuppoſe them to have hung over the cupboard door.

*Priſoner.* In the firſt place, I was in Fleet-market, going to buy ſome fruit, for my daily labour, and a man came up to me in Fleet-market, and aſked me to carry a letter into Fleet-ſtreet, and he would give me ſixpence; the door was open; I aſked for one Mr. Williams, a taylor; I went and knocked at the door, three men came out; I went in; I ſaw nobody in the room; I turned to come out, and the proſecutor came and knocked me down; he fell upon me; he let me go; then he called out ſtop thief; Mr. Young and Mr. Jackſon are in the yard; the two men that followed me; nothing was found upon me but the two keys; I knocked at the door going in.

*Court to Proſecutor.* Is Young or Jackſon here?——I do not know; Young never went to the Juſtice's with me, nor never came to Court with me.

*Priſoner.* He is a turner; he lives at No. 6, Stone-cutter-ſtreet; the proſecutor has been enquiring every day what reward he ſhould get to hang me; and that gentleman told the people that if he did he would give it my wife for a preſent.

WILLIAM YOUNG *ſworn.*

I ſtopped the priſoner; I ſaw him ſearched; there were two pick-lock keys pulled out from underneath his hams, and a bit of gauze was found upon him; I heard ſomething drop, but whether he dropped it I cannot tell.

GUILTY, Death.

*(Judgement reſpited till further orders.)*

*Tried by the London Jury before* Mr. RECORDER.

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697. GEORGE WOOLFORD, JOHN BATT and WILLIAM WHITE were indicted for feloniouſly aſſaulting Abraham Dyſon, on the 24th of Auguſt on the king's highway, at the pariſh of Hendon, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a watch, with the inſide caſe made of baſe metal, and the outſide caſe made of tortoiſeſhell, value 50s. a ſteel chain, value 18d. a ſteel ſeal, value 2s. one guinea, value 1l. 1s. and thirteen ſhillings in monies numbered, his property.

ABRAHAM DYSON *ſworn.*

On Thurſday the 24th of Auguſt I was robbed about a quarter after eight in the evening between the five and ſix mile ſtone on the Edgware-road, coming towards town; I was in a coach; we ſaw a man paſs the coach, and go behind the coach, and he turned round and called out to ſomebody; Mrs. Dyſon, and Mr. and Mrs. Robins were in the coach with me; the man was on foot; he met the coach and paſſed it; after I obſerved that Mr. Robins ſet on that ſide of the coach and he put his head out of the coach window, and a man came up to the coach with a piſtol in his hand; that was the oppoſite ſide to me; the coach was ſtopped, and I ſaw three men; the man that came up to the coach with a piſtol firſt, opened the door and jumped into the coach, and bid us deliver our money and watches, or he would ſearch us; another man came round on my ſide of the coach, and opened the door, with a piſtol alſo, and the man that paſſed the coach he came up on that ſide of the coach where I was; I did not obſerve whether he was armed or not; I gave them a guinea, and I think about fourteen ſhillings in ſilver; that was to the firſt man that came up, that was on my ſide the coach, and Mrs. Dyſon gave him her purſe; he then felt about Mrs. Dyſon's pocket to feel for a watch; then he came to me and aſked me for my watch; I gave it to him, and told him it will be of very little ſervice to you, but I muſt have it he ſaid; it was a metal watch with a tortoiſeſhell caſe; the other man ſearched Mr. and Mrs. Robins, and robbed them, he took off Mrs. Robins's cloak; then he felt for Mrs. Dyſon's cloak, but ſhe happened to have a linen one on, and he did not take it; and he reached over then and aſked us every one what we had loſt, and we told him, then the man got out and they ſhut the door and went away.

Did any of them offer any violence to any of the parties in the coach?——No.

It was then duſk?——Yes.

Had you light enough to know any of theſe perſons?—Not poſitively; I think I could tell Batt's perſon very well; I think he was the man that firſt paſſed the coach; I took notice of his ſize and his air; I did not ſee his face, but as to his perſon I think I could be poſitive; the man on my ſide had a handkerchief over the lower part of his face, ſo that I cannot know him for certainty, and the other I did not ſee that was the other ſide of the coach.

Was your watch ever found again?——Yes, the next day; a gentleman overtook us at Kilburn turnpike, that was Mr. Drake, the foreman of the grand jury; he aſked us if we had been robbed; he took our deſcription and went to Bow-ſtreet; and in conſequence of that the watch was brought the Saturday morning; I did not ſee the watch till the next morning; it was then in the poſſeſſion of Sayre; they ſent to Mr. Robins and me, but we were both of us out; the three priſoners were then in cuſtody.

*Mr. Peatt, Priſoner Batt's Counſel.* If I underſtand you right, you know nothing of Batt but by the ſize of his perſon?——No.

Is not he a common ſize man?——Yes.

The perſon you ſuppoſe to be Batt, did not uſe any ill language?——No, he did not ſpeak to us at all, and whether he had a piſtol or not, I cannot tell.

### JOHN ROBINS *ſworn.*

*Court.* I need not trouble you to go through all the circumſtances of the robbery, but do you know the perſons of theſe men?——I cannot be poſitive to any one of them, but I believe the furthermoſt man, that is Woolford, is the man that was on my ſide; it was rather a cloudy night and rained; I had not ſufficient ſight of him to ſwear poſitively to his perſon; I loſt about ten ſhillings, but I loſt no watch, only a pocket book; that was not found; I loſt nothing that had been found that is capable of being identified; I deſired the man that had been in the coach ſome few minutes, to put up his piſtol, which he did.

Then there was no particular ſort of incivility or violence?——No violence or oaths, he put his hands in our pockets.

*Mr. Peatt.* It was half paſt eight, and cloudy and dark at this time of the year?—Yes.

### MARY ROBINS *ſworn.*

I was ſo frightened I did not look at the man I gave my purſe to; there was very little money in it, and my cloak was taken ſome how or other; my cloak was found again; it was a black mode cloak, with a lace, and a pocket handkerchief; the handkerchief was found and the cloak; the purſe and the money; the men were remarkably civil for thieves.

### MARGARET DYSON *ſworn.*

Do you know the perſons of any of them?——No, my Lord; I had no money about me; I loſt nothing that can be proved only a purſe.

*(The priſoners deſired that the officers of juſtice might be examined ſeparate.)*

### EDWARD LUCAS *ſworn.*

Information came by the pawnbroker's ſervant to Sir Sampſon Wright's, when I was there; I do not know the ſervant's name; he is not here.

In conſequence of that information what did you do?——Macmanus, myſelf, Sayre and Carpmeal went to the pawnbroker's in Holborn, and took theſe priſoners in cuſtody.

What time was this?——It was between ten and eleven on the Friday, we put them in a coach, and took them to Sir Sampſon's; I cannot ſpeak to the property that Sayre found; I ſearched Batt, and I found a ſilver watch; I ſearched White, and I found this metal watch upon him, and this purſe and ſeal, and this ribbon.

What watch is it, a gold watch, or a metal one?——It is a ſilver gilt one I think.

Did the priſoners ſay any thing material on their examination?——Yes, Batt did.

What did he ſay?——He owned to the robbery.

Was any promiſe made to them of favour, if they told the truth?——No, my Lord, none at all.

*Priſoner Batt.* Yes, there was, my Lord, by the clerk.

Was Lucas preſent?—No, my Lord.

Who was preſent?—Nobody but me and him; I was very much in liquor, I did not know what I ſaid.

*Court to Lucas.* Was this man in liquor when he was examined?—He did not appear to be in liquor; after he had been examined before Sir Sampſon, and had confeſſed the robberies, he was alone with the clerk.

Was he alone with the clerk before that?——No, he was not.

Was what he confeſſed, reduced into writing?——Yes, it was, I witneſſed it, and I believe I ſaw him ſign it.

Endeavour to recollect yourſelf, whether any thing was ſaid by any perſon to induce him to make this confeſſion?——No, Sir, there was not.

*The confeſſion handed up to the Court.*

*Court.* Look at that, is that your handwriting?——Yes, it is; I ſaw the priſoner

ſoner and the magiſtrate ſign it; it was made apparently to me without any condition.

*Mr. Peatt.* Was you ſtanding by Batt, cloſe to him the whole time?——Yes, I was cloſe to him all the time.

Did you ſee any body ſpeak to him during the time?——Upon my word I did not.

*(The confeſſion read.)*

"Middleſex, to wit.—This confeſſant well knows White and Woolford; and on Sunday evening, they with this examinant, ſtopped two men, near nine, at Tooting, and robbed them; they robbed a man and woman on foot, on the Merton road; on Tueſday night, they robbed two men in a ſingle horſe chaiſe, of about ſeventeen ſhillings and ſixpence; they ſoon after robbed two gentlemen in another chaiſe, of about fifty ſhillings, or three pounds in money: the ſaid White, Woolford, and this examinant then croſſed the Uxbridge road, and robbed a poſt chaiſe boy; then robbed a waggoner of four ſhillings; about a quarter of an hour after, robbed a labouring man of twopence; ſtopped at the Bull, Brentford, and had ſome beer, and a glaſs of ſpirits each; that they ſtopped two gentlemen and two ladies, and robbed them of a metal watch, a black ſilk laced cloak, and two purſes; and further ſaith, that the three piſtols now produced, and found at the lodgings of William White, in Crown-court Butcher Row, are the piſtols that they uſed; further ſaith, that they laid down under an hedge till four; then they came to Mr. Maſters, for the purpoſe of ſelling or pawning one of the watches, where they were apprehended. Signed, John Batt, taken before Sir Sampſon Wright."

*Court to Lucas.* Was you preſent at this examination?——Yes.

Are you ſure that the priſoner was not examined in private by the clerk before this?——No.

What is your clerk's name now?——Fronſham.

Was the other priſoners preſent at the time?——No, they were not; the priſoner Batt ſeemed to be very deſirous of opening his mind.

Was you out of the room at any time prior to Batt's confeſſion?——No, I was in the room all the time.

Was you out before he ſigned that confeſſion?——No, I was not out the whole time; I was out afterwards, not before.

Can you take upon yourſelf clearly to recollect that?—Yes; the watches do not belong to theſe people.

*Mr. Dyſon.* This is my ſeal, and this is my cypher.

*Mrs. Dyſon.* This is my purſe; I have no doubt of this being my ſeal.

*Lucas.* This ſeal and purſe were found on White.

*Court to Mrs. Dyſon.* By what do you know this purſe, Mrs. Dyſon?——I never ſaw one like it before nor ſince.

*To Lucas.* Was this one of the purſes that was produced before the Juſtice?——It was.

Are you ſure of that?—I am; and this duplicate was found in the waiſtcoat pocket of White; I believe it is a duplicate of a gown.

Did you go to ſearch for what it referred to?—No, I did not.

*Mr. Peatt to Dyſon.* This is the common ſize of the ſteel ſeals?—Yes.

Your initials are exceeding common ones?——Yes.

*Court.* Had you it cut for you, or did you buy it?—I bought it ready cut in Exeter-change; I looked ſeveral times for one.

Had you obſerved the cut and finiſh of it, ſo as to know it again?—I had.

NATHANIEL CHANDLER *ſworn.*

On Friday morning laſt, the 25th, about ten, the three priſoners came to our ſhop; I am a pawnbroker in Holborn; I live with my father in law, his name is William Maſters; I do not whether they came in together; I was in the parlour; but I ſaw them in the ſhop; our ſhopman came to me in the parlour, and brought me a watch, which is not the watch mentioned in the indictment; and I looked at the Publick Advertiſer; I went into the ſhop to the priſoner; when I came into the ſhop, the three priſoners were ſtanding at the counter, and they offered a watch to pledge; they offered nothing elſe at that time; I ſuſpected the watch to be ſtolen; and immediately ſent to the publick office, and the officers came, and they were ſearched in the ſhop; Lucas was the firſt perſon that came into the ſhop, and he immediately ſearched White, and I believe he ſearched Batt; he took two or three watches from them, but I cannot particularly ſay from which; I cannot ſay whether he found any thing elſe; I believe there was a purſe found on one of them, but I cannot ſay which; there were other things taken; I did not obſerve particularly.

### JOHN SAYRE *ſworn.*

On Friday laſt in the forenoon, there came information to Bow-ſtreet; I apprehended the priſoners, and ſearched the priſoner Woolford; I found upon him this watch, a metal watch, and tortoiſeſhell caſe; this purſe, a dollar, a crooked ſhilling, and ten-pence all but a farthing; I did not ſearch any of the other priſoners; we took Batt in a coach, and he ſhewed us the lodgings of White.

Did you ever know from White, that that was his lodgings?—No, I believe the landlord is here that let him them; there we found this piſtol, and theſe eight balls upon the top of the bed; nothing elſe that is mentioned in this indictment.

Were you preſent at the whole of Batt's examination?——At part of it, not the whole.

Was you preſent at the firſt?—Yes.

What induced Batt to make ſo full a diſcovery?——I cannot ſay.

Was there any expectation given him, that upon a full diſcovery he would be admitted an evidence, or have favour ſhewn him?——None that I heard.

Have you any reaſon to believe any ſuch thing was ſaid?——No, none.

*Mr. Dyſon.* This is my watch, I know the caſe and the chain very well; here are two links I have of the chain, I had ſhortened it; I knew the maker's name before I loſt the watch; his name was Richard Jackſon, the number I do not recollect; upon the whole, I have no doubt but this is my watch.

*(The purſe that was found on Woolford was ſhewn to Mrs. Robins.)*

*Mrs. Robins.* It is certainly my purſe; I have had it between one and two years; I am quite ſure there was only a dollar and French crown in it; I cannot ſwear to the dollar.

*Sayre.* The priſoner had the dollar in his pocket not in the purſe, when he was taken.

### THOMAS CARPMEAL *ſworn.*

I ſearched Batt; Lucas had taken a watch from him before; I found two leaden bullets, and ſome gunpowder in his waiſtcoat pocket, and nothing elſe; the things that I have, I found in the lodging that was ſaid to be White's; they are nothing relating to this indictment; there was two piſtols both loaded, one with three balls, the other with two.

Was you preſent when Batt was firſt examined?——I was.

Do you know what it was led him to make ſo full a diſcovery?—I do not know any thing particular; he went with us, and told us where White lodged.

Had not he ſome expectation of being admitted an evidence?——No my Lord; this cloak was found in White's lodgings.

*(Depoſed to by Mrs. Robins.)*

*Mrs. Robins.* I made it myſelf, and the lace round the neck is different from that of the cloak; I am perfectly convinced of this being my cloak.

*Mr. Peatt.* I believe the lace round the neck of a cloak is generally worſe than the other?——I do it to ſave expence.

*Carpmeal.* I believe Batt ſaid he had been drawn in by the other men, but they were not preſent; there was a woman taken up that lived with White, and ſhe was ſo ill, that Sir Sampſon let her go.

### PATRICK MACMANUS *ſworn.*

I ſearched the priſoner Woolford, and found this handkerchief in his pocket.

*(The handkerchief depoſed to by Mrs. Robins.)*

*Mrs. Robins.* It is my handkerchief; it is not marked at all, only with a figure at each of the corners; I have two in my pocket of the ſame; I know it by being of the ſame pattern.

### JOHN TIBBONS *ſworn.*

I live in Crown-court, Butcher Row, Temple-bar; the priſoner White lodged with me one week.

Were you at home when the officers came there?——No, my wife fetched me home; I ſaw them there.

Was the room that they ſearched White's room?—Yes.

You are ſure of that?——Yes.

Did you ever ſee any of the other priſoners there?—No.

*Mr. Peatt to Mr. Dyſon.* Was you preſent when Batt ſigned his confeſſion at Sir Sampſon's?——I was not.

Did you at any time before he ſigned that confeſſion ſee Batt?——I ſaw him at the outer office deſk by the clerk.

That was previous to his ſigning the confeſſion?——I think it was.

Did any converſation paſs between you and White?——Yes.

Do you recollect ſpeaking to him?——Yes; the only thing that I ſaid was he ſat there, and I ſaw his face look a little rough, for a gentlemen knocked one of them down, I ſaid you are the perſon that was knocked down; that is all.

*To Mr. Robins.* Did you ſee the priſoner Batt at any time before he ſigned his confeſſion?—I ſaw him at Bow-ſtreet at three o'clock ſtanding with the clerk; I did not ſpeak to him.

Did your lady, or any other perſon to your knowledge, or by your direction.——

*Priſoner Woolford.* I have nothing to ſay.

*Priſoner White.* I have nothing at all to ſay.

### PRISONER BATT's DEFENCE.

When I was in the office with them, the clerk told me, if you will tell all you know, you will be admitted an evidence.

### HENRY JAMES *ſworn.*

I am a maſter baker in Leadenhall-market; I have known Batt, he lived ſervant with my brother ſix months or better; he left him only a fortnight yeſterday; he behaved well; he really is a good character.

What profeſſion is he?—He is a carter.

### VALENTINE DICKINSON *ſworn.*

I am a victualler; I have known the priſoner two years; he lodged at my houſe about nine months; he behaved extremely well; I always looked upon him to be a very juſt honeſt man; I have ſeveral times entruſted him with twenty or thirty pounds to take up bills; he always diſcharged it; I would truſt him again; when I firſt knew him, he was a gentleman's ſervant.

### JOHN HIGGINSON *ſworn.*

I am a blackſmith; have known him theſe dozen years, not lately; he bore a very good character when I knew him.

### ELIZABETH JAMES *ſworn.*

I am wife of Mr. James; the priſoner lived ſervant to us as carter to look after the horſes.

What is Mr. James?——A brandy merchant; he left us yeſterday fornight; Mr. James went down to the North, that was the occaſion of his diſcharge; I would entruſt him to morrow, and I dare ſay Mr. James would when he went away; Mr. James paid him fourteen or fifteen ſhillings more than his due, and told him when he came to town, he would employ him again.

*The Priſoner Woolford* called one witneſs to his character.

*Priſoner White.* I could not ſend to any of my friends.

GEORGE WOOLFORD, } GUILTY, **Death.**
JOHN BATT,
WILLIAM WHITE,

*The priſoner Batt was humbly recommended to mercy by the Jury.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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698. GEORGE SMITH was indicted for feloniouſly ſtealing, on the 9th day of Auguſt, one black gelding, price 4l. the property of John George.

JOHN GEORGE *ſworn.*

I live at St. Alban's; I loſt a horſe the 9th of Auguſt; I miſſed him early in the morning; he was a black horſe, and was in a little field; I ſaw him about four in the afternoon; I heard of him again the Friday following; he was in London; I was coming to Smithfield; I heard in St. John's ſtreet that he was at Mr. Paris's, in Hockley in the Hole; there I found him, it was my horſe, I bought him about five weeks before in Smithfield; he had a ſtar in his forehead, and a ſnip on his noſe, a ſhort cut docked tail, a long mane, no white feet.

THOMAS PARIS *ſworn.*

I am a horſe dealer; my man was coming along by the Seſſions-houſe, and he brought the priſoner and the horſe to my houſe about nine on the 9th of Auguſt; my man and the priſoner had agreed for a guinea if he could find a perſon to prove that it was honeſtly come by; when I ſaw it, I did not approve of it; I thought it was worth a great deal more money, and not honeſtly come by; the priſoner ſaid, he could prove it was honeſtly come by, by Mr. Aldridge, in St. John's-ſtreet; I ſaid, I did not deſire a better man; then he ſaid, he would go into St. John's-ſtreet, and ſeemed to equivocate; ſo I took him before Juſtice Blackborow; the priſoner ſaid, he brought it from Hadley, and I ſent my man down, and there was no ſuch perſon as he mentioned; the Juſtice committed him, and I advertiſed the horſe according to the Juſtice's orders.

Was that the ſame horſe that was afterwards found at your houſe by Mr. George?——Yes; he had a ſmall ſtar on his forehead, and a little ſlip on his noſe, a ſhort dock tail, about fourteen hands high.

GEORGE BAKER *ſworn.*

I met the priſoner between ten and eleven in the morning of the 9th of Auguſt with a horſe; I aſked him if he was for ſale, he ſaid, yes; he was leading him in a halter; I aſked him the price of it, he told me a guinea and an half; but he ſaid, it would not do for me, he ſaid, it had the running reins, by which I afterwards underſtood a glandered horſe; I told him for that reaſon it would do for me, becauſe we bought ſuch to kill; my maſter is a licenſed dealer in horſes, and a boiler; I agreed to give him a guinea for him; I found when I examined him after the agreement, that he was worth more, worth three or four, and I told the priſoner ſo, and I did not think he acted honeſtly; I told my maſter, and he took him before Mr. Blackborow.

*Priſoner.* This Baker is a man of an indifferent character, as far as I underſtand, I am not the firſt that he has ſworn their lives away; I am as innocent of the ſtealing of the horſe, as a child unborn.

How did you come by it?——I have no friend, nor no money; the horſe was brought to me by one William Smith; he employed me to ſell it; he is a pig driver, he lived at Hadley, near to Barnet; and this man ſays, he ſent after him, and could not find him.

GUILTY, **Death.**

*Court.* Now, if you can make it appear, that there is any truth in this, by application to the King, if you can prove how you came by it, your life may be ſaved ſtill;

but any falſe attempt of that kind, will only render your fate more certain.

*He was humbly recommended to mercy by the Proſecutor.*

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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699. JOSEPH PIGGIN was indicted for feloniouſly ſtealing, on the 12th day of Auguſt, one cotton counterpane, value 3s. the property of Thomas Harris.

SARAH HARRIS *ſworn.*

I am wife of Thomas Harris; I live in St. George's pariſh; on Saturday was three weeks, I was robbed of a counterpane and a pair of ſheets off my bed; I ſaw them about ſix in the afternoon.

ROBERT DAWSON *ſworn.*

I took the priſoner with the things in his apron. *(Depoſed to.)* The officer aſked him what he had in his apron, he ſaid, a ſhirt and a pair of ſtockings, but when the things were diſcovered, he ſaid, he found them.

*Court to Proſecutrix.* Was the door locked?—Yes; the window looks into Wapping church-yard; it is about eight or ten feet from the ground, but there was a rain ſpout juſt by the door, and there are holdfaſts in the wall, juſt like a ſtep ladder that any perſon might very eaſily climb to that window; I cannot ſay whether the window was open.

*Priſoner.* I picked up this counterpane in a leather apron; I told the gentleman I was going to my mother for a ſhirt and a pair of ſtockings.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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700. NICHOLAS DEADROSS was indicted for feloniouſly ſtealing, on the 23d day of July laſt, forty pounds weight of lead, value 5s. and five iron ſtove bars, value 2s. belonging to Gedeliah Gatfield, affixed to a certain building of his called a hot-houſe.

JOHN FRAZIER *ſworn.*

On the 23d of July, I left the proſecutor's premiſes between ſeven and eight in the evening; I am a gardener; he lives at Epping; on Sunday morning, between five and ſix, I found a piece of lead belonging to a hot-houſe was torn away, and there is a waſte pipe to convey the water into the well, I ſaw that was gone; I went round to the back part of the hot-houſe, and there was a little ſhed, which I keep things in for the uſe of the hot-houſe fire, and there were five or ſix of the iron bars taken away, and a hand-ſaw that hung up in the green houſe; the lead and the hand-ſaw were found, and are in Court now.

WILLIAM BATT *ſworn.*

I compared the lead, all the nail holes anſwered, there is not the leaſt doubt.

PETER BONDSEY *ſworn.*

I am a watchman; on the 24th of July, in the morning, I ſaw the priſoner and two more men near Bethnal-green, then we came up to them and inſiſted upon knowing what they had; he had ſomething in his apron on his head; he chucked it down; I took it to the watch-houſe.

*Priſoner.* I work for a gentleman upon Epping-foreſt, and I found the lead going to market.

*Bondſey.* I ſaw the other man fling the ſaw away.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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701. SARAH CAREY and CHARLOTTE MASON were indicted for feloniouſly ſtealing, on the 25th day of Auguſt, one cloth coat, value 4s. a waiſtcoat, value 2s. a pair of leather breeches, value 10s. a pair of ſilk hoſe, value 6d. a hat,

value 6d. one leather ſhoe, value 6d. and one metal ſhoe buckle plated with ſilver, value 2d. the property of John Dennis:

And MARY BADMAN was indicted for feloniouſly receiving one pair of leather breeches, part of the ſaid goods, knowing them to be ſtolen.

### JOHN DENNIS *ſworn.*

I am a footman out of place; on the 25th day of Auguſt, between eight and nine, I loſt the things mentioned in the indictment; I aſked for a lodging in Parker's-lane of Sarah Carey; the other young woman, Charlotte Maſon, was with her; the things were all in the room; I laid them by the ſide of the bed, and went to bed between eight and nine; one of the women lighted me up, and the other woman was in the room; neither of them went to bed with me; I was quite ſober; I miſſed the things about an hour after; I ſaw the jacket and waiſtcoat taken out between ten and eleven, and two ſhoes and buckles, one of the ſhoes dropped againſt the door; the ſilk ſtockings were afterwards found on Carey, and the cloth waiſtcoat; I did not ſee her take the breeches; I did not ſee Maſon take any thing; nothing was found on her; I had no converſation with either of them, but aſking them for lodgings; they were in ſeveral times after they had taken the jacket and waiſtcoat; Carey and Maſon were carried to the watch-houſe.

*(The things produced and depoſed to.)*

### DANIEL MALONEY *ſworn.*

I took the priſoners to the watch-houſe; I ſearched the priſoner Carey; I found upon her a duplicate for a pair of breeches and a pair of ſilk ſtockings; in the room that Maſon lodged I found this hat and waiſtcoat, and one ſhoe and one buckle; ſhe loged in Dyot-ſtreet, about half a mile from the other priſoner.

### RICHARD WILLIAMSON *ſworn.*

On Friday the 25th of Auguſt the priſoner Badman brought theſe breeches to pawn; ſhe pawned them for ſeven ſhillings; they were worth about twelve ſhillings; I have often ſeen her, ſhe ſaid, ſhe came from Mrs. M^c Gee, and the duplicate was in that name.

### PRISONER CAREY'S DEFENCE.

I did not come home till eleven that night; as I was coming home, I trod upon ſomething ſoft, and it was this ſtocking and a duplicate, and the watchman took me up; I never ſaw the proſecutor till I ſaw him in the watch-houſe.

### PRISONER MASON'S DEFENCE.

I went to lodge with the woman who brought the things with her, and laid them down on the table and went away.

### PRISONER BADMAN'S DEFENCE.

I was ſitting at my own door, and a woman aſked me to pawn theſe breeches for her, and ſhe would give me ſixpence; ſhe ſaid, I muſt put them in, in the name of M^c Gee; I gave her the duplicate and the money; ſhe gave me a ſixpence; I did not know her.

SARAH CAREY,
CHARLOTTE MASON, } GUILTY, 10d.

*Each to be privately whipped, and confined twelve months in the Houſe of Correction.*

MARY BADMAN, NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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702. GEORGE GIBBS was indicted for feloniouſly ſtealing, on the 31ſt day of July laſt, one card, containing nine yards of black ſilk lace, value 12s. the property of Elizabeth Hammond and Eſther Wilſon, privily in their ſhop.

### ELIZABETH HAMMOND *ſworn.*

My partner's name is Eſther Wilſon; I know the priſoner very well; I ſaw him in my ſhop the 31ſt of July, between twelve and one, taking a piece of ribbon out of the window; I aſked him what he was going to do with it he ſaid; he ſaid, he wanted ſome ſhirt neck buttons; I ſaid, you rather wanted a piece of ribbon, and as I came nigh to the window I miſſed a card of lace; it had lain in the window; I called my partner and ſhut the ſhop door, and told him to deliver the card of lace up; he denied having it, he went out and was purſued and brought back in three quarters of an hour; I am ſure he is the ſame perſon; the lace was delivered to me by Milner; I have had it ever ſince.

(*Depoſed to.*)

**ELIZABETH CORRAL** *ſworn.*

I live better than half a mile off the proſecutrix; I heard the cry of ſtop thief, and I looked out of my door, and this card of lace was toſſed into the entry by the priſoner, I ſaw him take it out of his boſom and toſs it into my entry; my huſband ſtopped him.

**JOHN MILNER** *ſworn.*

Confirmed the above.

*Priſoner.* I went in to buy a card of lace, I pulled off my coat, and let her ſearch all about me to convince her I had it not about me; I ran out of the ſhop for fear of being ſent to gaol.

GUILTY *of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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703. **SUSANNAH TRIPPET** was indicted for feloniouſly ſtealing, on the 29th day of Auguſt, one metal watch, value 4l. a key, value 6d. a ſteel chain, value 1d. the property of Michael Sargeant, privily from his perſon.

**MICHAEL SARGEANT** *ſworn.*

I was going home to my houſe between two and three in the morning; and in St. Margaret's church-yard, there were three men and a woman at a diſtance, when I came up the men ſeparated from her, and the woman ſtood ſtill; ſhe aſked me ſome queſtions that women generally do, my dear are you going home without a ſweetheart, well, but I have ſomething to ſay to you; I was *obedient* enough to liſten to her; but I have ſomething to tell you, ſays I, there is no place up; I do not think it neceſſary that you ſhould drink; we paſſed through the church-yard, the three men were near, ſhe unbuttoned my breeches, and my watch chain was very long, and I was affraid ſhe might have made too free with my watch; huſſey, ſays I, I believe I might make free with her, I believe I might call her, *you W*; I called the watch; I found my watch was gone; I thought I perceived her take it; ſhe called two men, one man made near me; I caught hold of her; the watchman was crying the hour; the man made up, and made a long arm, and I ſaw her reach him my watch; it was not a very dark night; I took her into cuſtody.

**JOHN ELLIOT** *ſworn.*

I am a watchman; I took charge of the priſoner.

**PRISONER's DEFENCE.**

The gentleman was very much in liquor, and began pulling me about; I called for aſſiſtance; he ſtruck me in the ribs ſeveral times, and ſaid, where is my watch?

GUILTY *of ſtealing, but not privately.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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704. **MARY JACKSON** was indicted for feloniouſly ſtealing, on the 1ſt day of Auguſt, five ſhillings, and one ſhilling, the property of John Holloway.

**JOHN HOLLOWAY** *ſworn.*

I ſpent the evening at a gentleman's houſe; I was ſhut out of my lodgings; the priſoner aſked me to drink; I gave her five farthings; ſhe wanted me to go to a houſe; I went with her, and I dropped to ſleep and the landlady waked me, and I found my pockets turned inſide out, and my money gone; the watchman brought the priſoner back with my handkerchief upon her, and the money was taken out of her pocket.

**JOHN BRAD** *ſworn.*

I took the priſoner into cuſtody, and coming along, I aſked her how ſhe came to rob the gentleman of ſo much money, ſays ſhe, it is falſe, I only took ſeven ſhillings out of his pocket, and ſhe offered me two ſhillings to let her go; I brought her to the watch-houſe.

**ROBERT BIBB** *ſworn.*

I ſaw her ſearched; the proſecutor deſcribed one ſhilling which was found upon her, and it anſwered the deſcription.

*Priſoner.* He gave me the bad ſhilling and the handkerchief.

GUILTY, 10d.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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705. **JOHN WILLIAMS** was indicted for feloniouſly ſtealing, on the 17th day of Auguſt, ſix pounds weight of bacon, value 3s. the property of John Hartſhorne.

GUILTY, 10d.

*To be privately whipped.*

*Tried by the London Jury before Mr.* ROSE.

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706. **WILLIAM BROWN** was indicted for feloniouſly ſtealing, on the 1ſt day of September, one half guinea, value 10s. 6d. and ten ſhillings and ſixpence in monies numbered, the property of William Miller.

**WILLIAM MILLER** *ſworn.*

The priſoner ordered a pot of beer and change for a guinea; I took them to the hoſpital, and the priſoner ſnatched the pot of beer out of a ſtand it was in, and the change of the guinea out of my hand; he ſat down the pot of beer; I never ſaw the priſoner before; I loſt ſight of the priſoner and found him in Mr. Tatterſall's yard, covered over with litter in one of the ſtables.

Are you ſure it is the ſame man? —I am poſitive.

*Priſoner.* When they took me, they told me, if I would reſign up my money, I ſhould go about my buſineſs.

**WILLIAM KEMP** *ſworn.*

I took the priſoner in the ſtable; I ſaw five ſixpences, half a guinea, and eight ſhillings, which tumbled out of his coat ſleeve.

**PRISONER's DEFENCE.**

They know very well, when they took me, I told them I had been a man that had lived well, and had been out of buſineſs, and had a ſick wife, and was in great diſtreſs, that made me do it; and Mr. Bond deſired I might be recommended; it is the firſt offence that ever I was guilty of; my uncle keeps the Bear at the Deviſes; his name is William Hockam; I was brought up to the jewellery buſineſs; I kept an inn upon the Warminſter-road, and failed; I kept a public houſe in town; I have been out of buſineſs a long time; I have really walked many and many a day with a pennyworth of bread, and ſpoke to a gentleman to relieve me; my poor wife was almoſt dying; I have a wife and a daughter; my wife lodges in Whitechapel, at one Mrs. Day's; her huſband was an attorney, but he is dead; I really would ſuffer my right hand to be cut off before I would do ſuch a thing; I was only brought in on the Saturday, or elſe I fancy I ſhould have had many creditable friends to ſpeak on my behalf.

GUILTY.

*Recommended by the Jury.*

*Sentence reſpited.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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707. **WILLIAM LEWIN** was indicted for feloniouſly ſtealing, on the 8th day of Auguſt, twenty-five live geeſe, value 25s. the property of William Richardſon.

**WILLIAM RICHARDSON** *ſworn.*

I live at Golder's-green, near Hendon; I loſt twenty-five geeſe, on Monday the 7th of Auguſt, about three in the afternoon; they were on the Common; I ſaw two men driving a flock of geeſe, we ran after them, and as I ran down by the ſide of the wood, I thought I ſaw ſomething in the wood, and a man brought one of the perſons, who was admitted an evidence, and the priſoner was brought back by James Painter.

**JAMES PAINTER** *ſworn.*

I ſaw the evidence driving ſome geeſe; the priſoner was crawling on his hands and knees the other ſide of the field, as much as five or ſix hundred yards.

How could you ſee him at that diſtance?——It was at the ſide of the hill; they were both together when I ſaw them firſt; I ſaw the priſoner afterwards with the evidence driving the geeſe.

*John Stopps and Anthony Haſlett* confirmed the above.

**WILLIAM BUCKLAND** *ſworn.*

The priſoner and me were driving the geeſe acroſs the field; he did not ſay where they were to be driven to; he told me to drive them; I cry earthen ware about; I lodged with the priſoner; he aſked me to go in the country with him, ſo he ſaw theſe geeſe and he began driving them.

*Priſoner.* I was coming to market; I never meddled with the geeſe.

Guilty.

*Privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* Recorder.

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708. **ESTHER EWEN** was indicted for feloniouſly ſtealing, on the 26th day of July laſt, ſeven ſhillings and ſixpence, in monies numbered, the property of John Reynolds.

Not Guilty.

*Tried by the London Jury before Mr.* Rose.

709. **ANN SMITH** was indicted for feloniouſly ſtealing, on the 25th day of Auguſt, one pewter pint pot, value 6d. the property of John Dodſon.

**JOHN DODSON** *ſworn.*

I live in Biſhopſgate-ſtreet; I loſt a pint pot; the priſoner was in my houſe on Friday the 25th of Auguſt, ſhe called for a pennyworth of beer, then ſhe wanted cyder; ſhe went away; ſhe appeared to be very much in liquor; I did not miſs the pot till I was ſent for to another houſe.

**WALTER PROSSER** *ſworn.*

The pot that Mr. Green gave to me is the ſame I ſhewed to Mr. Dodſon; it has been in my poſſeſſion ever ſince.

**JOHN GREEN** *ſworn.*

I found all theſe pots in a market baſket, with the priſoner at the bar, under an old coloured apron.

*(Produced and depoſed to.)*

*Priſoner.* A woman aſked me to carry the baſket.

**GEORGE PONTIN** *ſworn.*

I am a baker; between twelve and one, I was coming up Biſhopſgate-ſtreet, this woman lay under a window, by the ſign of the White Horſe, with a baſket under her arm, with a cloak over it; the baſket was in her poſſeſſion under her cloak.

Guilty.

*Court.* Has not the priſoner been here ſeveral times before?——Yes, ſeveral times before.

*Court.* The practice of ſtealing pots is grown to a great extent, and the publicans ſuſtain very heavy loſſes; I have therefore long thought it would be right to ſet ſome example of ſeverity in the puniſhment, in order to deter others from going on at that rate, and there cannot be a better time to ſet that example, than when we have an old offender before us; therefore the ſentence of the Court upon you is, that you be

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* Recorder.

710. **JOHN SKEGGS** was indicted for feloniouſly ſtealing, on the 22d day of Auguſt, two printed books bound in leather, value 3s. the property of Thomas King.

The priſoner was taken with the books upon him.

GUILTY.

*To be whipped.*

*Tried by the London Jury before*
*Mr.* ROSE.

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711. **CHARLES CROWLEY** and **JOHN WELCH** were indicted for feloniouſly ſtealing, on the 25th day of July laſt, one pair of men's leather ſhoes, value 4s. the property of Richard Day.

Miſs DAY *ſworn.*

I am the proſecutor's daughter; on Tueſday about nine in the morning, the two priſoners came into the ſhop; they did not come in together; Crowley aſked for a pair of ſhoes; he tried them on, and went out of the ſhop; he came in again, and aſked me to let him look at them again; they both went out of the ſhop together; Crowley ſaid, he would have that pair of ſhoes he had tried on firſt; then he told me to fit the boy with a pair, and the man kept cloſe to the glaſs caſe all the time; I did not ſee him take any; then he ſaid, he had no change; when he got change he would pay for them; they were purſued, and a pair of ſhoes were found upon him; I know the ſhoes by the mark; they were No. 3, my father's writing; they were marked S. W. by Mr. Scott; I ſaw the ſhoes that day.

ALEXANDER SCOTT *ſworn.*

On Tueſday the 25th of July, I ſaw the two priſoners run acroſs the way, from the Church to Union-court, and at the end of the court, Crowley turned his head; they got into a timber merchant's yard, which is no thoroughfare; there I ſaw Crowley take the ſhoes from under his left ſide, and give them to the other priſoner; the little one ſaid, he had juſt bought them of a Jew; ſays Crowley, he will go with you and ſhew you the man, he is over the way now; accordingly the great one followed me, and the little one began to look under the apple-ſtalls; I ſaid, you do not think the Jew is gone to bed; and while I was talking the little one ran up Shoe-lane, and the priſoner Crowley ran down Holborn, and I ran after the boy up Shoe-lane.

JOHNATHAN WILKINS *ſworn.*

I ſaw Scott talking to the priſoner; I ran after the boy; he was committed; I did not ſee Crowley run.

*(The ſhoes depoſed to.)*

PRISONER CROWLEY'S DEFENCE.

I was going home to breakfaſt, and I met this lad, and two or three more, talking to a Jew; I ſtood and looked on while they bargained for a pair of ſhoes, and the boy reached them to me, and aſked me if they were worth the money; then the conſtable came up, and the boy told him he bought them of a Jew.

*Priſoner Welch.* I had been at work; I bought the ſhoes of a Jew for four ſhillings and ſixpence.

*The priſoner Crowley called four witneſſes to his character.*

CHARLES CROWLEY, GUILTY,

*To be tranſported for ſeven years.*

JOHN WELCH, GUILTY,

*To be Whipped.*

*Tried by the London Jury before*
*Mr.* ROSE.

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712. SOLOMON BOWSEY was indicted for feloniouſly ſtealing, on the 23d day of July laſt, two cotton ſtockings, value 2s. the property of Samuel Hinchliffe.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* ROSE.

713. MARY DAWSON was indicted for feloniouſly ſtealing on the 5th day of Auguſt, ſeven guineas, value 7l. 7s. and one half guinea, value 10s. 6d. the property of Joſeph Sutling.

*Joſeph Sutling* called, and not appearing, the priſoner was

ACQUITTED.

*Tried by the London Jury before*
*Mr.* ROSE.

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714. THOMAS GEER was indicted for feloniouſly ſtealing, on the 28th day of Auguſt, a ſilk handkerchief, value 2s. the property of John Thornton.

*John Thornton* called upon his recognizance, and not appearing, the priſoner was

ACQUITTED.

*Tried by the London Jury before*
*Mr.* ROSE.

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715. MAJOR BUCKRIDGE was indicted for feloniouſly ſtealing, on the 2d day of September, a ſilver milk-pot, value 5s. the property of Thomas Hallington.

MARY BENNETT *ſworn.*

Laſt Saturday morning I was coming up Halfmoon-alley, and I ſaw the priſoner run up the alley, upon the cry of ſtop thief, and he had a milk-pot in his hand, and I ſaw him fling it away, and I went acroſs the way and picked it up; I did not know whoſe it was, but by report; I have not ſeen it ſince.

RUTH DELLA *ſworn.*

I am ſervant to the proſecutor; I was in the parlour, and I ſaw the priſoner take the milk-pot off the counter; the door was open; he ran away with it, and I followed him; the milk-pot was brought home before I returned; it was my maſter's property.

JAMES SHAWCROSS *ſworn.*

I ſaw the priſoner taken in Biſhopſgate-ſtreet.

*(The milk-pot produced and depoſed to.)*

*Priſoner.* I never ſaw any thing of it; I live at home with my friends in Widegate-alley, Biſhopſgate-ſtreet; I am turned of twelve; my father is a weaver.

GUILTY.

The priſoner's father promiſing to take care of him, he was ordered

*To be privately whipped, and diſcharged.*

*Court to boy.* Who bid you take this milk-pot?——Nobody.

How came you to do it?——I do not know.

*Tried by the London Jury before*
*Mr.* ROSE.

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716. JOSEPH ABRAHAMS was indicted for feloniouſly ſtealing, on the 24th of Auguſt, one umbrella, value 4s. the property of Joſeph Hibbert.

JOSEPH HIBBERT *ſworn.*

I loſt my umbrella out of a ſingle horſe chaiſe; I was coming down the Minories the 24th of Auguſt, about a quarter after eight in the evening; the head of the chaiſe was down; I turned round my head, and ſaw ſomebody ſtanding behind on the rail; I directly miſſed my umbrella; I called out ſtop thief, and in a minute or two the boy was taken; I cannot ſay it was the priſoner I ſaw behind; my umbrella was produced; I knew it by the braſs being looſe on the top.

HENRY BIRCH *ſworn.*

I was ſtanding at my door in the Minories, and I ſaw a perſon going down in a ſingle horſe chaiſe, and the priſoner behind taking ſomething; I ran towards him, and he dropped the umbrella; I never loſt ſight of him; I picked up the umbrella, and kept it till the conſtable was ſent for.

WILLIAM BOX *ſworn.*

I took charge of the priſoner and the umbrella.

PRISONER's DEFENCE.

The umbrella laid in the road.

*Court to Birch.* Have you any doubt that that was the man behind the chaiſe?—Not in the leaſt; I was in the watch-houſe half an hour; I was inſulted very much by a gang of thieves; the priſoner confeſſed it, and begged of me to forgive him; I promiſed I would ſave him from being hanged.

*The priſoner called three witneſſes to his character.*

**GUILTY.**

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* Rose.

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717. WILLIAM NOBS was indicted for feloniouſly ſtealing, on the 14th day of Auguſt, a ſilver watch, value 39s. the property of John Blades.

JOHN BLADES *ſworn.*

I am no trade at all; I live at No. 130, in Chancery lane; on Monday night the 14th of Auguſt, between nine and ten, in the middle of Fleet-ſtreet, I found a fit coming on me; I have been ſubject to fits theſe ſix or ſeven years; I always know before they come; I made the beſt of my way home.

*Court.* What is it a fainting fit?—No, it is not, it is the cramp which ſeizes every limb and nerve in my body; I do not drop, if I ſit down, I recover in about two minutes; I got to my own door; it ſeized my hand in ſuch a manner, I had not power to knock; I called out, and the firſt perſon that came by was the priſoner, and two more with him; I deſired him to knock at the door for me, for I was going into a fit, inſtead of knocking at my door, in my diſtreſs for me, he was at my pocket taking my watch.

Why was you ſenſible?——Yes, I am always ſenſible, though I cannot ſpeak perhaps; I was ſenſible though I had not the uſe of my hands; as it is coming on I can ſpeak, but afterwards I cannot; as it happened I had my right hand at liberty immediately, by the ſurpriſe, I look upon it; he was at my fob; my watch was taken out; I felt his hand at my pocket; I caught hold of the end of my chain, and the chain broke, he held the watch and I the chain; I have had it ever ſince. *(The broken chain handed up.)* After the chain broke he turned away and ran down Chancery-lane; he ran againſt a poſt, which I look upon it knocked him down; I was preſent when he was ſearched; there was nothing of my property found on him; there is a lamp juſt by our door; I never loſt ſight of him till he fell down; I did not ſee him reach any thing to any body; I am ſure he is the man, or elſe I ſhould not have proſecuted him; I never ſaw my watch ſince.

*Mr. Garrow, Priſoner's Counſel.* Mr. Blades, I begin what I have to ſay to you, with informing you that I know enough of you to believe that you will ſay nothing but what you think to be true?—I would not; I know the Court too well; I would not ſwear to him withoud I knew he was the man, for five hundred watches.

Was you ſtanding with your face to the door?——My face was on one ſide.

That part of Chancery-lane is by no means light?——There is a lamp at the corner of the houſe; there is a ſhop between our paſſage door and the lamp.

Is it that part of Chancery-lane which projects over?——It is above that.

How many moments do you think this was paſſing, for it could ſcarcely be a minute?——I cannot tell; I had not at firſt the uſe of my hand.

How long do you apprehend it was from the time that you firſt found the hand at your watch before you had the uſe of your hand?——A very ſhort ſpace; he had got the watch out of my pocket.

How long have you been ſubject to this misfortune?——For near ſeven years.

You will excuſe me aſking you whether on that evening you had been drinking?—Nothing to do me hurt, I had ſat down in no public houſe whatever; I had been at the Manſion-houſe about buſineſs for the Sheriff, and had been drinking two or three horns of porter.

Had you dined at the Manſion-houſe?—No, I had not; I had drank nothing at all before that evening.

Then upon an empty ſtomach you had two or three horns of porter?—No, I had no empty ſtomach; I generally have a pretty good dinner.

Had that liquor made you a little groggy?——I was not groggy at all.

It put your blood into rather a quicker circulation than uſually it is in?——It did not.

I do believe you are a very ſober man?——I can drink a glaſs of punch or any thing.

Have you found that liquors have affected you at this time more than if you had not drank?—No, I cannot ſay that it does.

You have no experience either way?—I cannot ſay.

When you have a fit after a little liquor you have leſs poſſeſſion of your intellects than when you have been quite in your ſober ſenſes?——I always am in poſſeſſion of my ſenſes; I never found any difference; I always have my recollection; it has come upon me in the night in my bed, when I am as ſenſible as I am now.

This was between nine and ten?——It was; it was not a light night, and no moon; it was a fair night.

Was you afterwards with your ſon at any public houſe that evening?——The conſtable and my ſon came.

Do you remember your ſon's ſaying, do not preſs my father to drink, for he has had rather more than is good for him already?——I do not remember that.

*Court.* Have you any office here?——I have been door-keeper ten years, next November.

*Priſoner.* I leave it to my counſel.

### SAMUEL GRAYS *ſworn.*

I am conſtable; I was ſent for that night to take charge of the priſoner; I ſearched him, and found nothing upon him that Mr. Blades owned, from the firſt to the laſt; I was in company with him an hour.

In what ſtate did Mr. Blades appear to you to be at that time, as to intoxication or otherwiſe?——I thought he was at that time rather the worſe for liquor, and what confirms me in that opinion is, the ſame night as we were coming from the compter with the priſoner, Mr. Blades ſaid coming home, you ſhall have ſome beer at the Four Kings; I objected to it; it was my night to be up at the watch-houſe, and I wanted to go home; we went in, and Mr. Blades called for a pot of beer; there was myſelf, Holmes, a brother officer, Mr. Blades and his ſon; the pot of beer was drank out in ſix or ſeven minutes; Blades ſaid, we will have another; I objected to it; then he ſaid, you ſhall have a glaſs; we had a glaſs apiece, Mr. Blades's face was towards the bar, and I ſays to his ſon, your father is a little in for it I believe, is not he.

What did you mean by that phraſe?——Being in liquor; his ſon made a reply, my father is in liquor, do not let him drink; but I dare not ſpeak to him; when I firſt ſaw him I thought him in liquor, my reaſons were, the man was ſearched once before I came, as they told me; when I came he was ſearched again; Mr. Blades was not ſatisfied, and he was ſearched a third time, and by Mr. Blades himſelf; and from his mode of acting (I have ſeen him before ſeveral times) I judged him in liquor, not ſo much diſguiſed as a man that could not walk, but as a man that ſeemed merry in liquor.

A man that was leſs likely to take particular notice than if he was not in liquor?—I ſhould imagine ſo.

*Court.* When the ſon ſaid, that his father was in liquor, do you think that he heard him?——I do not know, he made no anſwer.

### JAMES HOLMES *ſworn.*

I am another conſtable of the ſame pariſh of St. Dunſtan's; I attended to take the priſoner to the compter, with Mr. Gray, Mr. Blades and his ſon.

From your obſervation of Mr. Blades, did you take him to be in liquor?——I rather thought he was.

Did you take him to be in full poſſeſſion of his ſober ſenſes or otherwiſe?—He was very forward in liquor; I went to the compter, from thence to a public houſe in the Old Bailey.

Your own opinion was that he was forward in liquor?——He was.

*Court.* Did he give you at this time any account of his robbery?——Yes, he told us in the coach that he was robbed, he ſaid, he deſired the priſoner would knock at his door in Chancery-lane, for he found the fit was coming on him, and he ſaid, at that time he loſt his watch; he ſaid, the priſoner pulled it out of his pocket, and that he was never out of his ſight, and that he had his chain in his hand.

Did you ever ſee the priſoner before that time?—Never.

*Court to Groys.* Did Blades give the ſame account in your preſence?——He did; he was telling the company at large.

*Jury to Proſecutor.* Which way did the two other perſons run?——He ran down Chancery-lane, they muſt run up; they did not go down the ſtreet; but I did not take notice.

Had you any thing to drink at the compter?——Nothing.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr. Rose.*

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718. **THOMAS SAWYER** was indicted for feloniouſly aſſaulting Anthony Patrier, on the king's highway, on the 22d of July laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a remnant of ſilk, called Perſian ſilk, containing ten yards and a quarter, value 20s. and one other remnant, containing ſix yards and a quarter, value 40s. the property of Elias Patrier.

**ELIAS PATRIER** *ſworn.*

I live at No. 4, Old Artillery-ground, in the liberty of the Tower; Anthony is my ſon; he is almoſt fifteen; I ſent him for the two pieces of ſilk; when I came home, he had loſt two pieces of ſilk that he was to bring back from Fiſher and Wells, it was my property.

**ANTHONY PATRIER** *ſworn.*

How old are you?——Fifteen, in October; I called at Fiſher and Wells, and took pieces, and gave a receipt for them on a bill of parcels; when I was coming by St. Paul's, the priſoner tapped me on the ſhoulder, and aſked me, if I did not live at Mr. Jones's the dreſſers, and I told him, no, and I went on; he did not ſpeak to me till we got into Biſhopſgate-ſtreet, then he aſked me if I did not know one Mr. Rogers, a dreſſer of ſilks; I ſaw him ſometimes before me, and ſometimes behind me; he kept near me; there were two of the men that met us, and he aſked if I did not know them, I ſaid, yes, very well; when we came to the Swan Inn, in Biſhopſgate-ſtreet, he aſked me to drink a pint of beer with him, I told him no, I muſt make haſte home; then we croſſed the way, and as we were coming by Roſe-alley, he puſhed me into the alley, and then he threw down this trunk; he had a trunk which was covered with oil ſkin, and then he took the pieces away from under my arm.

(*The witneſs Barnes was ordered to withdraw.*)

How came you to let him?——I could not hinder him, he threw down the box and took it from under my arm directly.

Why did not you hold it faſt?——I could not becauſe he pulled it ſo hard.

Did you try to hold it?——I do not know, I was very much frightened; I cannot tell in what manner he took it; I did not ſee which way he ran; it was between one and two.

*Mr. Garrow, Priſoner's Counſel.* How old are you?——I ſhall be fifteen in October.

Have you never told a different ſtory from this?——No.

You know Mr. Barnes the baker?——Yes.

You have had a good deal of talk with him about it?——Yes.

To day?——Yes.

And yeſterday?——No; we have been talking of it all day to day.

Did not your father threaten you, if you did not find out the man?——No, he did not.

Had you any money, when you went out in the morning?—No.

Upon your oath, had you any when you come home?——No, I ſwear that poſitively.

*Court.* Where did you ſee the priſoner?—At Mr. Saunders's, the paper warehouſe, where he was brought by the two officers by my deſcription; I knew him as ſoon as I ſaw him; I am ſure he is the man.

### EDWARD BARNES *ſworn.*

I am a baker's apprentice; I ſaw the proſecutor's ſon, and the priſoner walking along together down Biſhopſgate-ſtreet, about half after one, arm in arm.

Were they arm in arm together?—No, no, they were not walking arm in arm together.

Then how came that expreſſion into your head?—It was a miſtake; I watched them down Biſhopſgate ſtreet, as far as I could ſee them; I went to tell his father, but he was not at home; I thought he was in company with a bad man; I told his mother, he had a trunk under his arm; he took out a knife and opened it; and there was an old mop, an old ſhoe, and ſome bits of mortar.

*Court.* Do you know what the reward is in this caſe?——No.

Did you never know it was forty pounds?——No; I have not been talking about it to day to the lad.

How long have you known the boy Patrier?——Four or five years.

What ſort of a boy is he?—A pretty good boy.

Do you think he is to be believed upon his oath?——Yes, Sir, I do.

Then he has ſworn that you have been talking with him about it to day, and ſince four o'clock this afternoon?—I have not, we have not been together five minutes the whole day.

### JAMES SHAKESHAFT *ſworn.*

We took the priſoner into cuſtody, and the baker's lad came, and ſaid he ſaw him with Mr. Patrier's ſon; he had ſome money about him.

### —— ARMSTRONG *ſworn.*

I queſtioned the boy very much; I thought he might be induced to change the ſilk for the trunk, but he perſiſted in it, as he has done here.

*Priſoner.* I leave it to my counſel.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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719. WILLIAM HARRIS was indicted for feloniouſly ſtealing, on the 20th day of Auguſt, one dead lamb, value 4s. the property of WILLIAM STENT.

### RICHARD MERRYMAN *ſworn.*

I ſaw the priſoner at one in the morning, the 21ſt of laſt month at Weſtminſter Market; I was watching; he was cutting a lamb as it hung in the open ſquare in the market; I ſaw him take it off the proſecutor's hook; I purſued him, and he threw it on the ſtall board; I put it on the hook again.

*Proſecutor.* It was my lamb.

### PRISONER's DEFENCE.

I roſe a quarter before two in the morning, and my noſe bled a few drops; I was coming through the market, which was the nigheſt way, and there was a great dog, and I would have turned back and they ſtopped me; I never ſaw the lamb.

*Jury to Merryman.* What knife had he?—Here is the knife which was taken on him.

*(A penknife produced.)*

Were the quarters ſeparate?——It was almoſt in two.

**GUILTY.**

*To be whipped at Weſtminſter Market.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

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120. **ANN CLAPSHAW** was indicted for feloniouſly ſtealing, on the 13th day of Auguſt, a ſilk bonnet, value 3s. a cloak, value 3s. a gown, value 10s. an apron, value 3s. a pair of ſtockings, value 2s. a muſlin handkerchief, value 3s. an apron, value 6d. a handkerchief, value 6d. the property of Elizabeth Ingram, ſpinſter.

**ELIZABETH INGRAM** *ſworn.*

I had been out at work all the week; and was locked out of my lodging, and the priſoner aſked me to go home with her; we went to bed, and I waked at nine in the morning; the priſoner was gone, and my things; on the Tueſday week following, I found the priſoner with my bonnet and cloak, and gown, and handkerchief upon her; I am ſure they are mine; ſhe ſaid I had robbed her of two guineas, and ſhe would not give me my things till I gave her the two guineas.

**PRISONER's DEFENCE.**

I have known this young woman a month; ſhe has been under the piazzas frequently, and went in company with me night after night; one evening we met two gentlemen in New-ſtreet, Covent Garden, and one of them gave a couple of guineas to that young woman; we went out together, and was out till four in the morning; the proſecutrix went home with me; ſhe lent me the gown to go out in, and the cloak and bonnet; I went out of town with a gentleman; and I came back, and I went under the piazza's to look for her; ſhe overtook me in Hart-ſtreet, and charged me with a theſt.

*Court to Proſecutrix.* Is that true, did you lend her theſe things?—I never lent them her; ſhe took them while I was aſleep.

**GUILTY, 10d.**

*Privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

The next Part will be publiſhed in a few Days.

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*N. B.* The Firſt Part being ſent to preſs before the Seſſions was ended, the following Alterations were afterwards made in the Jury.

LONDON JURY.

John Gray, and John Waugh, ſerved ſome time in the room of James Elworthy, and Frederick Jenkins.—John Buxton, in the room of Robert Tunno.—William Woollett, in the room of Thomas Zennoble.

SECOND MIDDLESEX JURY.

Jacob Roberts, in the room of Thomas Turner.

ERRATUM In the Title of Major Semple's Trial, for *Friday*, September 2d, read *Saturday*.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER VII. PART VI.

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*LONDON:*
Printed for E. HODGSON (the Proprietor)
And Sold by J. WALMSLAY, No. 35, *Chancery Lane*, and
S. BLADON, No. 13, *Pater-noſter Row*.
M DCC LXXXVI.
[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
## UPON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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721. GEORGE GILES was indicted for feloniouſly ſtealing, on the 28th day of July laſt, twelve pieces of Dutch thread bobbin, value 3s. 6d. and twelve pieces of beggars tape, value 4s. the property of Joſeph Sturgeſs.

There being no evidence, the priſoner was

ACQUITED.

*Tried by the London Jury before* *Mr*. ROSE.

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722. JOSEPH MARGETROYD, ANN KENT, and ELIZABETH BURNE were indicted for feloniouſly ſtealing, on the 21ſt of Auguſt, one leather pocket book, value 1d. two guineas, value 2l. 2s. and 8s. 6d. in monies numbered, the property of James Jenkins, privily from his perſon.

The witneſſes called on their recognizances, and not appearing, the priſoners were

ALL ACQUITTED.

*Tried by the firſt Middleſex Jury before* *Mr*. RECORDER.

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723. HANNAH WILSON and MARTHA BURKITT were indicted for feloniouſly ſtealing, one handkerchief, value 1s. one rule, value 6d. and ſix ſhillings, the property of Samuel Munday.

The proſecutor caught the priſoner Burkitt's hand in his pocket, and pulling her hand out, he was knocked down by a man; the other priſoner only ſtood by, and attempted to pull Burkitt from the proſecutor.

*Joſhua Jones, a Watchman*, ſaw the priſoner Burkitt drop the handkerchief, and found on the priſoner Wilſon, ſix ſhillings and ninepence farthing; the priſoner denied it.

HANNAH WILSON, NOT GUILTY.

MARTHA BURKITT, GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* *Mr*. RECORDER.

724. JAMES PEACHEY was indicted for feloniouſly ſtealing, on the 2d day of Auguſt, one ſilk handkerchief, value 2s. the property of George Jones.

The priſoner was taken inſtantly with the handkerchief.

GUILTY.

*Tranſported for ſeven years.*

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725. MARY MATTHEWS was indicted for felonouſly ſtealing, on the 2d day of July laſt, five guineas, value 5l. 5s. the property of Jacob Burton.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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726. JOHN MOORE was indicted for feloniouſly ſtealing, on the 3d of June laſt, a ſilver milk pot, value 5s. the property of Abraham Alexander.

ABRAHAM ROBERTS *ſworn.*

I heard the priſoner running; he ran through the White-lion, in Faſhion-ſtreet; at the back door I overtook him, and in the left ſide of his coat, I found this milk pot.

(*Depoſed to.*)

Mrs. ALEXANDER *ſworn.*

I ſaw the priſoner in the room, putting his hand on the milk pot, and I cried out my milk pot, ſtop thief; he ran out, and I after him.

PRISONER's DEFENCE.

I and my mother had been ſelling chip hats; I came into this houſe, and had a pint of beer; and the gentleman perſuaded this gentlewoman to ſwear that I took it; I have been almoſt four months in confinement.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

727. SUASNNAH GREEN was indicted for feloniouſly ſtealing, on the 29th day of Auguſt laſt, one pair of ſlippers, value 2s. 6d. the property of Samuel Pullen.

The priſoner bought one pair of ſlippers, and took another; ſhe was brought back inſtantly, and the ſlippers taken out of her pocket; they were not the pair ſhe bought; ſhe ſaid it was a miſtake.

GUILTY, 10d.

*Recommended by the Jury.*

*Privately Whipped, and Diſcharged.*

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728. WILLIAM THOMPSON was indicted for feloniouſly aſſaulting John Judſon, on the king's highway, on the 11th day of July laſt, and putting him in coporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 40s. one half guinea, value 10s. 6d. and 2s. 6d. his property.

The witneſſes called, and not appearing, the priſoner was

ACQUITTED.

*Tried by the Second Middleſex Jury before Mr.* RECORDER.

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729. THOMAS LUCAS and CHRISTOPHER DIVERS were indicted for feloniouſly ſtealing, on the 21ſt day of Auguſt, privily from the perſon of Thomas Harrold, one bill of exchange, ſigned C. and J. Adams, value 137l. two months after date; the ſaid bill being the property of Chriſtopher and Joſeph Adams, and the money due thereon unpaid.

The bill of exchange being deſcribed in the indictment to be without any acceptance, and the proſecutor ſwearing it was accepted, it did not appear to be the ſame bill, and the priſoners were

ACQUITTED.

*Detained till next Seſſion.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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730. **HYAM SOLOMON** was indicted for feloniouſly ſtealing, on the 30th of Auguſt, ſeven hundred and twenty copper halfpence, value 30s. the property of Jane Staples, widow.

JAMES M‘ LEAN *ſworn.*

Coming up Little Tower-hill, I ſaw the priſoner jump into a cart, and take ſomething out from a box which was covered with a ſack, and which ſince proves to be three papers of halfpence; he dropped one paper in getting down; I ſaw the halfpence on the priſoner at the Juſtice's; I believe them to be the ſame.

JAMES TAIN *ſworn.*

I am carman to the proſecutrix; I received twenty ſhillings worth of halfpence from Mr. Wetherſtone; I put them in my cart.

JETHRO' WETHERSTONE *ſworn.*

Proved paying the halfpence to the carman.

JOHN WADE *ſworn.*

I ſtopt the priſoner and took a double paper of halfpence out of his pocket.

*Priſoner.* I found them.

GUILTY.

*To be whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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731. **CHARLES MANN** was indicted for feloniouſly ſtealing, on the 26th day of Auguſt, one ſilk handkerchief, value 2s. the property of Peter Rourke.

The proſecutor took the priſoner with his handkerchief in his hand.

Mrs. BLYTH *ſworn.*

I ſaw the priſoner take Mr. Rourke's handkerchief out of his pocket, and put it in his own ſide pocket.

*Priſoner.* I ſaw the handkerchief lay, I ſaid to the gentleman, is this yours? yes, ſays he.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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732. **ANN WARE** was indicted for feloniouſly ſtealing, on the 14th day of Auguſt, a ſilver watch, value 4l. and a pair of breeches, value 2s. the property of John Campbell.

JOHN CAMPBELL *ſworn.*

I am a journeyman taylor; I loſt my watch on the 14th of Auguſt, on a Monday morning, and a pair of black ſilk breeches; I was going home between one and two; I was not very ſober; I met the priſoner, and ſhe would not part with me, till ſhe forced me to an apartment in Star-court, Croſs-lane, near Drury-lane; when I came there, I ſaw my watch, and the priſoner ſaid, give me a ſhilling and you may go to bed, and ſo I did; I undreſſed myſelf, and went to bed, all I can recollect was her taking off her cloak; I cannot ſay ſhe ſtripped; I waked about ſeven and ſhe was gone and my watch and breeches; I called up a neighbour; I never got my property again; ſhe acknowledged where they were pawned.

*Priſoner.* It was my ſiſter, not me.

JOHN UMPAGE *ſworn.*

I am conſtable of Bow-ſtreet; I took the priſoner into cuſtody; the priſoner confeſſed ſhe had pawned the things; I heard the whole of her examination; there was no favour offered to her.

*Priſoner.* Mrs. Price took the things.

GUILTY.

*To be confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

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733. SARAH PEARSON was indicted for feloniouſly ſtealing, on the 11th day of July laſt, three linen ſheets, value 12s. and two flat irons, value 1s. the property of Mary Suttle.

GUILTY

*Of ſtealing two ſheets, value 4s.*

*To be privately whipped, and confined twelve months in the houſe of correction.*

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

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734. ANN CARR was indicted for feloniouſly ſtealing, on the 30th day of June, a copper tea kettle, value 18d. a bolſter, value 2s. and a bed rug, value 14d. the property of William Slater, in a lodging room.

GUILTY.

*To be privately whipped.*

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

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735. JOSEPH MOORE was indicted for feloniouſly ſtealing, on the 21ſt day of Auguſt, two live geeſe, price 2s. and one live cock, price 6d. the property of Thomas Eagles.

There being no evidence to affect the priſoner, he was

ACQUITTED.

*Tried by the firſt Middleſex Jury before* *Mr.* ROSE.

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736. GEORGE BROOKS, THOMAS EDEN, and THOMAS EDEN, jun. were indicted for feloniouſly ſtealing, on the 26th day of May laſt, two ewe ſheep, value 46s. and two lambs, value 42s. the property of Richard Lowe and John Pugh.

There being no evidence to affect the priſoners, they were all

ACQUITTED.

*Tried by the ſecond Middleſex Jury before* *Mr.* RECORDER.

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737. WILLIAM WALL was indicted for feloniouſly aſſaulting Thomas Bellinger, in a certain field and open place, near the king's highway, on the 19th day of Auguſt laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, two ſhillings in monies numbered, his monies.

THOMAS BELLINGER *ſworn.*

I work at the painting buſineſs; my maſter paid me on Saturday the 19th of Auguſt, a little after nine, ten ſhillings and ſome odd halfpence, and coming through the market by South Moulton-ſtreet, I was going into the Five Fields, a place ſo called; a footway for people to go; I was met by the priſoner and another man, they had each a ſtick; I did not know them before, and one of them who is the priſoner at the bar, demanded my money, or my life; I had no thought of any bad men; they turned round me ſhort, and he ſaid, I muſt have your money, or your life; this is one of the ſticks. *(Produces a ſhort thick piece of ſtick like a hop pole.)* I told them I was a poor hard working man and did not know how to get a bit of bread, and begged of them to let me go about my buſineſs; the other man that is abſent, took hold of my pocket on the outſide, and ſaid, you have money, do not ſtand heſitating; and they ſaid, we will have your money or your life; I told them, I owed money to the baker at the ſhop, and I did not know how to get a morſel of bread if I did not go home and pay it; but they would have my money, and I took out a ſhilling and gave it to the other man, and the other man took that, and then they ſaid, that ſhould not do, they would have more; then this priſoner at the bar had another ſhilling.

Did you give it to him?——He took it out of my hand; they heard ſomebody coming, and they ran off as faſt as they could, and I heard the watch cry ten, and I ran after them as faſt as I could, and cried out murder, ſtop thief! and the priſoner was taken; I did not ſee him taken; he was taken about five hundred yards off; John Gadſden took him; I ſaw him in cuſtody in about ſix or ſeven minutes after he was taken; they ſent for me; I went to the houſe where the priſoner was, and the witneſs Stent then aſked me, if I ſhould know the man, there were a great many people in the room, and I ſaid, the priſoner was the man that robbed me; and when the priſoner was going to the Juſtice, in about five minutes after, he confeſſed the whole, and where he dropped the ſhilling, and every thing.

Did you give him to underſtand it would be better for him if he told any thing?——Yes, I did.

*Court.* Then, gentlemen, you can hear nothing of that; what ſort of a night was it?——It was a ſtar-light night; I did not ſee any moon.

How long were they with you?——As much as five minutes.

Did you take any obſervation of the mens perſons and countenance when they robbed you?——Yes, I did, particularly.

Did you know his face?——If there had been ten thouſand, I ſhould have known him amongſt them all.

Did you know his face?—Yes, I knew his face and his dreſs; he was much in the ſame dreſs as he is in now, and an old hat with a hole in the top.

You take upon you to ſay that is one of them?——That is the man, he cannot deny it.

Was you alarmed or frightened?—I was very much frightened at the ſticks, as they ſaid they would have my money or my life.

In this fright and alarm that you was in, did you take ſuch ſerious notice of this man's face, that you can ſwear poſitively to him?—Yes.

*Priſoner.* Can you ſwear poſitively to me?—I can; I was offered bribery by the ſerjeant.

WILLIAM STENT *ſworn*.

I am a ſhoemaker; on Saturday the 19th of Auguſt about ten, I had juſt done work, and I heard the cry of murder, ſtop thief; I was in my own houſe; I live within about two hundred yards where the robbery was committed; I went to my door and I ſaw the priſoner running with another man; I purſued them, and had like to have overtaken them at about fifty yards; but the priſoner turned round with a bludgeon that he had, which is in Court, and made a blow at me; he miſſed me; I followed him again, and juſt by the turnpike, I hallooed out, ſtop thief, and Gadſden was ſtanding juſt by his door; he keeps a cook's ſhop, and is a ſtone-ſawyer; Gadſden ſtopped him; I laid hold of him; I was cloſe to him; I ſaw him throw away the ſtick about twenty yards before he came to the turnpike; the other man ran up towards Hyde-park-corner; I could not run after them both; my houſe is at Pimlico; he took to the left, and this to the right; the other made his eſcape; we took the priſoner to the Shakeſpear's-head, Pimlico; after we had taken him into the public houſe, in a few minutes ſomebody told the proſecutor he was there, and when he came in there were twenty or thirty people; it was a houſe where there are pay tables of bakers and carpenters, and I aſked the proſecutor if he had not been robbed, and he ſaid, yes; I aſked him, if he ſhould know the man amongſt us all, as there were ſo many of us together; and he pitched upon the priſoner at the bar.

Was the priſoner at all pointed out to him?——

him?——No, he was ſitting down the ſame as any gentleman here, and nobody pointed the priſoner out to him.

Was there any hint or intimation given him that he was the man?——Not to my knowledge, for I did it to know whether he knew it was the man.

Who picked up this ſtick that was thrown away by the priſoner?——The watchman, and he brought it to the public houſe ſometime after the priſoner came there, but I cannot ſay how long; I ſaw the priſoner throw it away.

### JOHN GADSDEN *ſworn.*

On Saturday the 19th of Auguſt, about ten, I heard a great noiſe of ſtop thief, ſtop thief, cloſe to the turnpike at Pimlico; I live within two hundred yards of the gate; I ſaw the priſoner juſt before me on the full run; he was in a light coloured coat, the ſame as he has on now; I caught the priſoner on the left hand of his collar, and laid hold of his wriſt, and took him to the Shakeſpear's-head, a public houſe; Stent was cloſe to him, in the twinkling of an eye; I ſat down in the box with the priſoner; the watchman was in the houſe; I would not give him to them, and the proſecutor came to the corner of the box and ſat in the box; and ſaid, that is the man that demanded my money or my life; he might have been three minutes in the houſe, and I was ſet down by the priſoner holding his collar; the priſoner anſwered directly, I own I am guilty, I had a concern in the robbery.

Was not there ſomething ſaid, to encourage the man, or induce him?——No, I heard nothing of that kind; the priſoner ſaid, I own I had a hand in the robbery, and had got part of the money; the public houſe was full; there might be twenty or thirty; they were all men; I did not ſee any women in the houſe that night.

Had you the man by the collar or the wriſt when the proſecutor came in?—Yes, I had.

*Court.* That was hint enough?—I might take him about four hundred yards off.

*Court to Stent.* You know this ſpot where this robery was committed?——Yes, there was a lone houſe, and the proſecutor told me it was juſt by that lone houſe; the priſoner was running beyond my door; he was got but a very little way before I took him; there was no other perſon but him, and a man that was with him.

Did you ſee any body running but this man?——Nobody at all, they were both before me, and when we came to the corner of the ſtreet, there the priſoner told me he threw the ſhilling away, and the other man turned towards Hyde-park.

### EDWARD WILLIAMS *ſworn.*

I am a watchman in the ſtreet, juſt by where the robbery was committed; I heard murder, ſtop thief called; I attempted to ſtop one, but he got off; he made a blow at me; I ſaw the priſoner and another; the other got off; the priſoner took down the road; he was lighter of foot, and I had a great coat on, and could not run ſo faſt as he did; I ſaw him in cuſtody in five or ſix minutes at a public houſe; the other man was in black; the proſecutor and I were making our way to the public houſe; I met with him; he came out of the lane and gave the alarm to me, and I ſprung my rattle; I went in with the proſecutor to the public houſe; as ſoon as he came into the place, he ſaid, I will take my oath that is the man, and he pointed to the man that is now at the bar; he directly went up to the box, and pointed at the table; Stent had him by the collar.

### Another WATCHMAN *ſworn.*

I am a watchman, the next watch to this; I heard the cry very plain; I did not ſee any thing of the two men running; I did not get to where the cry was till he had turned another ſtreet.

### PRISONER's DEFENCE.

On the 19th of Auguſt, it was on a Saturday, I was going to Kenſington, to ſee an acquaintance; I found it was too late; I returned; I could not get through the Park; I went to Pimlico, and heard an out-cry; I ran to ſee what was the matter, and they ran after me, and made a catch at me; I had a ſtick in my hand, ſwinging backward and forward; I did not attempt to ſtrike any body; I ran to the turnpike gate; ſays they, this is the thief; they kept me at the public houſe till the proſecutor and publican came, then they ſaid to him, we have got the man, he then ſaid, that is him; then they got me into a room, and made me acknowledge that I was the thief, and I was obliged to ſay ſomething, or elſe I thought I ſhould have been murdered; then they took me up to Mount-ſtreet watch-houſe, and there they kept me till Monday morning; I have no witneſſes because I was by myſelf.

## JOHN TRUSS *ſworn.*

I do not know the priſoner; only that night I heard the cry of ſtop thief, I ran out of doors to ſee what was the matter, and I went to the public houſe, and Mr. Stent went into a public houſe called the Shakeſpeare's head; he was ſet down at the corner, and ſaid to the proſecutor, are you the man that was robbed, and he ſaid, yes; then Stent ſaid, d——n you that is the man, pointing to the priſoner; the proſecutor ſaid, yes.

*Court.* Let Stent ſtand forward.

*Truſs.* From that, this gentleman Stent took and examined him, there was nothing upon him, not a ſtick; from thence he was taken into the parlour; I went into the parlour.

Did the proſecutor go in?——Yes, and there after they had ſet down a few minutes the proſecutor ſaid, that if the man would confeſs he would forgive him; if he would give him the two ſhillings, and give the watchmen ſomething to drink, he would let him go about his buſineſs; upon that, after a few minutes, the priſoner ſaid, he was the man that did the robbery; then I went with him to the watch-houſe, and there they told him that the man that was concerned with him was to be found at Weſtminſter; I went with the proſecutor and the priſoner, to look for the other man; and I ſaid to the proſecutor before he went in, now you had better go along with Wall, and ſee if you can ſee the other man that robbed you; he ſaid he would; there was a man a drinking, and he immediately challenged a young man that was there eating his ſupper, and he ſaid he would ſwear to him.

Do you know who that was?—No, but it was a different man from the priſoner; he ſwore down blank to him, that that was the man that robbed him;

What he was poſitive about it, was he?——He was very poſitive about it, ſtrictly poſitive.

What did you ſay?——I ſaid I thought it was a pity, without he was really poſitive in his own mind, to go to ſwear to the man; and Mr. Stent ſaid the ſame, that he did not believe he was the man; and that he thought it was wrong of him; but he ſtood to it for ſometime, till ſuch time as the landlord and landlady ſtood up, and ſaid they could prove that that man had but juſt left work, not above a quarter of an hour; and they could ſend for his maſter, and prove him to be a very ſober, honeſt young fellow; upon that he ſaid, he believed he was the man, and went off from it, and went into the other houſes in Weſtminſter.

When was it that the proſecutor fixed on the priſoner?—When Mr. Stent ſaid d——n me, that is the man that robbed you.

*Court to Stent.* This young man ſays that the priſoner was taken into the parlour?—He was taken into the tap room firſt, and when the proſecutor ſaid he was the man, he was taken into the parlour, and ſat down.

Did the proſecutor ſay, that if the man would confeſs and give him two ſhillings, he would forgive him?——He did not ſay any thing about confeſſing; but he ſaid, if he had his two ſhillings again, he did not want to hurt him.

Let me underſtand you clearly; did any

thing paſs from the proſecutor, either in the tap room, or in the parlour, that implied he was doubtful that he was the man?——He pitched upon him, the moment he came into the tap room at firſt; I aſked the priſoner if he had any money, he ſaid no.

This man ſwears that in your preſence, and hearing, the proſecutor wanted to induce this man to confeſs?——I told the proſecutor, ſays I, if there is another confederate with him; for he told me himſelf, that the other man brought him into the premunire; that the other man took his part, that he ſhould have been beat; he told me he took lodgings at the Three Tuns, in the Broad way, and paid a ſhilling a week for his lodging.

*Court to Truſs.* What are you?——A hair dreſſer.

REYNARD ROBSON *ſworn.*

I am a taylor; I was at the Shakeſpear's-head; I remember the priſoner being brought in, I believe it wanted about a quarter of ten.

Do you remember when Bellinger came in?——I do; the priſoner had been in about five minutes I fancy, or not ſo long; Mr. Stent aſked the proſecutor whether the priſoner was the man that robbed him, and he ſaid he could ſwear *blank* to him; the priſoner was ſitting in a box in the tap room.

How came the proſecutor to ſee the priſoner firſt?——The proſecutor came into the houſe where the priſoner was; and this Mr. Stent ſhewed the priſoner to the proſecutor; he aſked the proſecutor if he was the man that was robbed; there was ſeveral people in the room; they made room for the proſecutor; the proſecutor ſaid he was the man that was robbed; ſays Stent, d——n you, this is the man that robbed you, pointing to the priſoner; or you are the man that robbed him, or ſomething to that purpoſe; the priſoner was then taken into the parlour; and I heard the proſecutor ſay, he would freely forgive him, if he would pay him the two ſhillings he had been robbed of, and pay the expences of the people that were there; the proſecutor ſaid, he did not want to hurt him, if he would give the two ſhillings back, and treat the watchman, and diſcharge the people.

**NOT GUILTY.**

*Tried by the ſecond Middleſex Jury before Mr. Juſtice* GOULD.

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738. **HENRY JAVE STAKER** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Richardſon, about the hour of two in the night, on the 15th of Auguſt, and burglariouſly ſtealing therein, one iron gun, mounted in wood, value 10s. ſix ſilver tea ſpoons, value 12s. a pair of ſilver tea tongs, value 6s. two ſilk handkerchiefs, value 1s. two cotton ditto, value 1s. a pair of thread ſtockings, value 2s. four guineas, value 4l. 4s. and nine halfpence, his property; and one guinea and two ſhillings in monies numbered, the property of Mary Griffin, widow, in the dwelling houſe of the ſaid John Richardſon.

*(The caſe opened by Mr. Garrow.)*

MARY GRIFFIN *ſworn.*

I live in Winchmore-hill, at Middleſex; I live with Mr. John Richardſon; he is a farmer; on the night of the 15th of Auguſt, I went to bed between eight and nine, with all the doors and windows faſt; about two o'clock, I heard a rumbling againſt the wall; I ſlept in the one pair of ſtairs; my maſter's room is even with it; the ſaſh window was puſhed up; that window was faſt when I went to bed; there was a hitcher down at top, between the two ſaſhes; the next thing I obſerved, was the firſt man that came in, was in a white waiſtcoat, that I call Henry Jave Staker; the priſoner is the man; he had a flannel waiſtcoat, with ſleeves; he ſat down on the ſide of the bed; two men came in at the ſame window as faſt as poſſible; the priſoner ſat all the while by my bedſide.

What did he do?——He took my pockets that were underneath my head.

What was in your pockets?—Nothing but my ſpectacles, one guinea, and two ſhillings, wrapped up in a paper; he took the guinea and the two ſhillings, and left the ſpectacles; when he had taken the money, he ſat down again by my bedſide; I heard the other men, and ſaw them go out of my room, and into my maſter's room.

Had you any light at this time?—When they had done with my maſter, one of them came back and ſaid, where is the tinder box? the priſoner never moved from my bedſide; he never went to my maſter's room; I told him the tinder box was on the chimney place below; then one of them went down and ſtruck a light; the priſoner ſtaid with me; I was never left; then the man brought a light into my room; the man was not diſguiſed at all; he was dreſſed in a white flannel waiſtcoat, with ſleeves; the other man went away with his light; the priſoner ſtill ſtaid with me; I never was left; they came back to my room, and brought the light, and this man ſaid we have done; and they came round to my bed's feet, and they all went away together; they went down ſtairs, and let themſelves out at the front door; I take it altogether, firſt and laſt, I had the opportunity of obſerving this man ſeven or eight minutes; I took particular notice of him; my eye was never off him; and there was a great ſaſh thrown up, that was never down; it was ſtar-light, but no moon.

Look round at the priſoner, and tell my Lord and the Jury, whether you are ſure that is the man?——I am ſure of it; I have no doubt of it; I had ſo much clear ſight by the light of the candle, that I could not miſtake; I deſcribed the man next morning to my maſter; I told him he was black complexion man, broadiſh face, and thickiſh body; I deſcribed his dreſs the next morning to my maſter; I ſaw the priſoner again at Mr. Wilmott's Office; the houſe was broke open on Wedneſday, the 16th; I came to town on a Tueſday, to Mr. Wilmott's office, a fortnight after, and ſaw him, and knew him directly; he was ſitting with the two other men that were taken with him; there were ſeveral other people in the room; nobody pointed him out to me; I picked him out from the reſt; he had a blue coat on, and a ſtriped waiſtcoat; I knew the face of him, and deſired Mr. Wilmott to ſtrip him into his flannel waiſtcoat, with ſleeves.

Did you know him then?——Yes, that was the very ſame dreſs he had on when he came and ſat by my bedſide, I am quite ſure of it.

Had you then, or have you now, any doubt of his perſon; is that the gentleman?——He is.

*Court.* During this time, did he ſay any thing to you?—Only one word, he bid me lay ſtill, I ſcreamed.

You were abed at the time?—Yes.

Did you jump out of bed at that alarm?——I was going to ſit up, but they puſhed me down.

Did he permit you to turn and look about?——Yes, he never confined my head at all.

This was a ſtar-light night you ſay?—Yes.

Was it a tolerable clear night?—Yes.

Could you ſee any thing by that light?—Not perfectly without a candle.

Suppoſe the candle had not been brought, could you have ſworn to him without that light?——No, I would not.

Did you ever look at his face?——I could not keep my eye off from him; he never offered any violence.

Did he ſay nothing to you?——He only ſaid when I ſcreamed, do not ſcream, for there is more at the ladder foot.

I only give you this caution, that you are aware that this man's life may reſt upon your evidence; after that, look at the man, and ſee if you are ſure?—Very ſure, I have no doubt about it.

Was there any thing in the courſe of that night, that can prove it to you what time this happened?——As nigh as I can gueſs, about two, becauſe my maſter got a light and went to look, and it wanted ten minutes of three; that was twenty minutes after the priſoner left my bed-ſide.

JOHN RICHARDSON *ſworn*.

I am a farmer at Winchmore-hill; I went to bed between eight and nine; the doors and windows were all faſt when I went to bed.

What time were you alarmed?——About two.

What was the firſt thing you heard or ſaw?——The firſt thing I heard, was a noiſe and rumbling of ſome ſort; then I heard the woman halloo out; there was nobody elſe in the houſe; we ſleep in two rooms on the ſame floor; I got out of bed with intent to lock my door; two men ruſhed into it before I could get it locked; then I made for the bed again, and one of them tumbled atop of me, and I had a ſcuffle with him, and the other ſtruck me twice on the head with a ſtick; then they tied my legs and hands; they tied me with one of their garters, and a piece of packthread; one of them ſaid, let us get a light from below ſtairs; they took ſix ſilver tea ſpoons; one pair of ſilver tea tongs; a pair of ſtockings; a ſilk handkerchief, and a gown; they went out at the front door; and they left me tied as I thought, but then I dare not ſtir; they left this ſtick under the bed of Mrs. Griffin; as ſoon as they were gone, I got up.

What time was that?——When I got a light, it was almoſt three; it was more than half paſt two when they went away.

Did you find any thing at the window of the woman's chamber?——A ladder; it came from Enfield; it is a mile, or rather better to Wynchmore-hill; only two men came into my room.

Did Mrs. Griffin deſcribe to you, who had been in her room?——One, ſhe ſaid, ſat by her all the time; ſhe gave me a particular deſcription of him; I went to Enfield laſt Sunday morning; it was ten days after the robbery.

Who did you find at Enfield?——I was drinking at a publick houſe with another man, and I ſaw the priſoner and another man talking in the ſtreet; he was then dreſſed in a little flannel waiſtcoat with ſleeves, a white one; he was talking to a ſhoemaker; in conſequence of that, I came up to London to Mr. Wilmott's, and got a warrant on ſuſpicion; I went down with the officers, and took him into cuſtody laſt Monday at Enfield; he had the ſame dreſs on; he put on a coat I believe, before he came out of Enfield; I brought him to Mr. Wilmott's office; ſhe came on the Tueſday morning, and ſaw him in that dreſs; there were about a ſcore in the room; ſhe picked him out, and ſhe ſaid ſhe would ſwear to him.

*Court.* How long was you undoing your arms and legs?——Oh, Sir, I preſently undid them, in the manner they tied them.

ARCHIBALD BATCHELOR *ſworn*.

I lodge and board with Mr. Oliver; I am in no buſineſs; I aſſiſt him in his buſineſs; he married Mr. Richardſon's ſiſter; I firſt heard of his being robbed, on the morning of the 16th; he came there before it was light, between two and three, and near upon three; I got up and went with him to his houſe; I found a ladder leaning againſt the bed room window; he ſaid he had been robbed; he did not know what he had loſt; he mentioned ſomething about ſome guns, but how many I cannot recollect.

Was any body with him?——There was Joe Barnett, a neighbour, with him; and he ſaid he loſt a gun; then I went to his houſe, and ſaw a ladder up againſt the window; the poor woman was trembling, frightened out of her ſenſes almoſt, that was Griffin; ſhe was up ſitting in the kitchen.

What account did the houſekeeper give?——She ſaid there were three men came into the room to her, and one ſtaid in the room with her all the while; the others went through the apartment.

*Court to Batchelor.* How long have you known Mr. Richardſon?——Ever ſince fifty-nine; he was born there; his father was a reputable farmer there; and he now lives in a houſe of his own; I have known Mrs. Griffin about a twelvemonth; ſhe is a ſenſible ſober good ſort of a woman; ſhe has been in that pariſh a great many years I believe, but I did not know her there.

JAMES SHAKESHAFT *ſworn.*

The proſecutor Mr. Richardſon applied to Mr. Wilmot's office.

Did he get a warrant?—Yes, I apprehended the priſoner laſt Monday in a flannel jacket, with ſleeves to it; I brought him up to London, him and two more; the woman attended; he was not pointed out; they ſtood at the bar; he was dreſſed in a blue coat; I ſaw him borrow a blue coat; the woman ſaw him in that dreſs.

Was he pointed out to her?—He was not; ſhe ſaid that is the man that robbed my maſter's houſe, but he was not in a coat, he was in a white waiſtcoat; then he pulled off his clothes, and ſtood in the white waiſtcoat; and the woman ſaid, that ſhe was ſtill poſitive that he was the man, and remarked, that he had a round hat cocked up on the ſides, and his hat correſponded, with that he was committed; I am conſtable of the pariſh.

*Mr. Sheridan, Priſoner's Counſel.* If this man is convicted, do your expect any reward?——Certainly, Sir, what the Recorder allows me, I certainly ſhall expect.

Do you know how much that money is?——There is forty pounds; there were three more, and the proſecutor.

Then there are five of you?—Yes.

When you found him with a hat, this hat was a round hat, turned up on each ſide?——Yes, I have ſeen many ſuch.

How many?—I dare ſay I have ſeen hundreds, and I have ſeen people in white waiſtcoats.

Is it not a common dreſs for labouring and working men to wear?——Yes.

*Court to Proſecutor.* Did the man that tied you, continue with you?—One ſtood with me, but I do not know which.

*Court to Mrs. Griffin.* Before you went to town, did you know what coat the man had on at Enfield?——No, Sir.

Had you ſeen nobody that had ſeen the priſoner before he went to town; had you been told he borrowed a coat?—Yes, ſince I came to town, I did not hear before I came there.

Did you hear he had borrowed a coat before you had looked at him?—Yes, before I ſwore to him; I cannot tell who told me; they were talking about it?—

How many men came into the room with light to you?—One, only one.

Then during the whole of this time, did you ſee only two men?—When they firſt came in I ſaw three, but afterwards only two.

Was the light that was brought to you at two different times, brought by the ſame perſon, or by two different perſons?——By one perſon only.

Did you ſee enough of that man to be able to ſwear to him?—No, I could not; it was only one man; it was the ſame man that brought the light both times; my maſter came into my room as ſoon as he was gone; and he went and called this man; he brought Arnold home with him.

Did he bring any body elſe?—No.

Recollect yourſelf, are you ſure he brought nobody in the houſe that morning but Arnold?—Not all at once; he brought this Mr. Oliver, then Mr. Arnold; and he looked up and down the houſe to ſee if there was any body in the houſe; then he aſked me if I could ſtay by myſelf, and I ſtaid by myſelf till he went to Mr. Oliver's, and after that, Mr. Batchelor came up with him.

Did Mr. Oliver come?——No, not then; they found me in the houſe up by the fire place in the kitchen.

*Mr. Sheridan.* What time in the morning

ing was it when theſe people came into the houſe?——A little after two, as near as I can gueſs; it was ſtar-light.

Did they bring a light when they came in firſt?——No.

How did you know it was three?——I ſaw them, one ſtood with me.

Did they all three come back again?—Not in my room, one came back to call the man that ſtood with me.

What ſort of light was brought in?——A pretty large candle.

How old are you?——Threeſcore and three.

Do you uſe ſpectacles?—Yes.

Was not you afraid?—Yes, I was, that made me look more at him.

When you had your ſight at the beſt, did you never find that when a light came ſuddenly upon you it confuſed you?——Yes.

### JOHN ARMSTRONG *ſworn.*

I went down to Enfield to apprehend this man; I ſaw this woman's information taken before the Juſtice; he was in a white waiſtcoat with white ſleeves.

*Mr. Sheridan.* You expect part of the reward?——I do.

*To Mrs. Griffin.* You ſaid, a while ago, that you did hear when you came into the office, that he borrowed a blue coat?——Yes.

### PRISONER's DEFENCE.

I have witneſſes to prove where I was at the time.

*Mr. Sheridan.* My Lord, we are very willing that our witneſſes be examined ſeparate.

### SARAH MORRIS *ſworn.*

I am a married woman, and mother of eleven children.

What is your huſband?——A maſter ſawyer; he has a houſe of his own; I live on Enfield-chace ſide.

How near do you live to the houſe of the priſoner?——About two yards off.

What is the priſoner?——He is a labouring man.

Do you remember a circumſtance of any body calling his wife up?—Yes, the night of the robbery being committed, about ten, on the 16th of Auguſt, between the Tueſday and the Wedneſday, I heard the wife of the priſoner called up; the woman came to call the wife up, for ſhe had a child unknowingly to me; I ſat upright in my bed; I ſaw two women go by; one was the wife of the priſoner; I ſaid to my huſband, I wondered if any thing was the matter with my neighbour; I have a clock in my houſe and I know to five minutes the time; it was about half after two when the woman went by; I went to the door, and aſked Staker, the priſoner, what was the matter; he was in his bed, and he ſaid, his wife was called up to the woman, that her child was ill; his wife nurſes children.

Did you know that ſhe uſually nurſed that woman's children?——Yes, Sir, the woman that ſhe was called up to, her name is Elizabeth Arnold; when I aſked him what was the matter, and returning to bed my clock ſtruck three; I heard of the robbery the next day. I have known the priſoner twenty years and more; he was bred and born not farther than I can throw a halfpenny ball; he was an honeſt labouring hard working man.

*Mr. Garrow.* Do you know who he worked for on the 16th of Auguſt?——He was as at work pulling down a building that one Humſton did live at; it is not half a mile.

Did you ſee his wife carry his dinner to him that day?——He comes home regularly to breakfaſt and dinner every day; I ſaw him come home to dinner.

What makes you ſure it was Tueſday night?——The child being ill; I knew the child was dangerouſly ill in the day time.

How old is the child?——Nine or ten months; it ſuckles, but the woman had been out at the harveſt, and over heated her milk, and we thought the child was going to have the meaſles.

Have you ſeen the child?——The mother of the child came to call my children to go to gleaning with her children, but ſhe could not go becauſe her child was ill;

I did not know the ſpeech of the woman till I aſked what was the matter; I went to bed at half after ten without a light; the priſoner anſwered me as he lay in bed, I ſaid Mr. Staker, is any thing the matter with your family? he ſaid no, Betty Arnold has called my wife; I frequently get up to enquire after his wife, and have gone in.

How often in the month of Auguſt had you gone in?—Several times in the month of Auguſt; ſhe has been a woman that has lain in with two children, and a poor weakly woman ſhe was, and I have ſeveral times aſſiſted her; I cannot tell how many times I have gone in; which was the firſt night of the month I cannot tell.

The ſecond night?——I cannot tell.

The third night?——I cannot tell; I was there the Sunday night before the 16th to ſpeak to my neighbour.

What part of the houſe did the priſoner ſleep in?——In the room next to the *houſe place*.

What ſort of a night was it?—Very fine night.

A rare moon-light night, the harveſt moon, was not it?——It was not moon-light.

Had they any lanthorn?——I did not perceive any; it was not light enough to ſee the clock; I ſaw the priſoner come in before with a flannel waiſtcoat and a pair of linen breeches; I have ſeven living children; I have five at home with me; not young children; I heard of this robbery on Wedneſday night by my huſband, who came home from 'ſquire Clayton's.

Did you never mention it to the priſoner?——No, Sir, I thought he might hear of it; I ſaw the priſoner every day.

How far do you live from Enfield town?——Half a mile.

How far from Winchmore-hill?—Two miles.

Did you hear of any body miſſing a ladder that night?——No, not from Enfield.

ELIZABETH ARNOLD *ſworn.*

I am a married woman; my huſband is a day labourer; I live on Endfield Chace ſide, near Holly-buſh, not far from the laſt witneſs, about the length of this room; Mrs. Morris attended my children, and Mrs. Staker alſo; I always called her on any occaſion that required aſſiſtance; if ſhe gave ſuck, ſhe ſuckled them, if not as a dry nuſe; ſhe's counted ſkilful in children.

Was your child ſick at any time and when?—It was ſick, very bad, on Tueſday night the 16th day of laſt month.

What time of the day?——Between the hours of ten and three in the morning; I went to call her up to come and aſſiſt me a little, and her huſband was in bed; he got up and unlocked the door and let me in.

What ſort of a night was it?——It was quite a lightiſh night; it was not dark.

Was it moon-light?——I cannot ſay rightly whether the moon ſhone bright; ſhe went with me, and ſtaid till ſix in the morning; I know Mrs. Morris's houſe, they can ſee one another and ſpeak to one another in their houſes; I have known the priſoner ſeven, eight, or nine years; I never knew any harm of him; I lived with Mr. Shadbold's brother; I was married, and ſince that time, I have lived in that ſpot of ground, the priſoner bore a univerſal good character; he was a daily hard working man.

*Mr. Garrow.* Mrs. Morris is very ſkilful about children?——Yes, Mrs. Morris is the firſt, and Mrs. Staker is the ſecond; they occaſionally attend my children; it is a nurſe child, and does not ſuckle; I generally put my children to Mrs. Staker, becauſe ſhe can give ſuck, and Mrs. Morris cannot; my child was ill the 16th of Auguſt; I am ſure of the day; I cannot read or write, but I made my ſon put it down; Mrs. Morris muſt hear what paſt; I ſcreamed out, and Mrs. Staker ſpoke loud; I cannot tell when it was that I heard that Mr. Richardſon's houſe was broke open.

RICHARD HUBBARD *ſworn.*

I am no buſineſs at preſent; I live on the intereſt of my money, at Hollybuſh; I am a brother of Mr. Hubbard the banker's, he died the 6th of April laſt; I am a houſekeeper,

keeper, and have two eſtates in Weſtmoreland; I have known the priſoner ever ſince I came to the place, which is about three years and two months; I have employed him ſeveral ſcores of days; I liked him well; I never heard any body ever ſuſpect any thing of him; I keep cows, and have ten acres of ground, and I employ him as an aſſiſtant; he never was abſent from the place that I know of; he bore a very good character.

*The priſoner called three more witneſſes who had known him a great many years and gave him an excellent character.*

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

*Mr. Sheriff Watſon to Priſoner.* I have long thought you an honeſt man, go home to your family, your character will not ſuffer any imputation from this trial.

*Mr. Sheriff Watſon* then ſent the priſoner a donation, which was followed by many of the audience, and the priſoner returned his thanks for a collection of ſome pounds, and was inſtantly diſcharged.

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739. **WILLIAM DUCKETT** was indicted for feloniouſly ſtealing, on the 26th day of Auguſt, twenty pounds weight of lead, value 2s. belonging to George Maltus, and affixed to a certain empty houſe of his, againſt the ſtatute.

Some lead was removed from the outſide of the building, and put into the inſide of ſome other buildings, and the priſoner was taken up in thoſe buildings as diſorderly, with one ſhoe and buckle, and a ſhoe and buckle found in the proſecutor's premiſes, which correſponded with it.

*The priſoner called two witneſſes to his character.*

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

740. **JOSEPH ARCHIBALD SIMPSON** otherwiſe **MORLEY** was indicted for feloniouſly ſtealing, on the 15th day of July laſt, ſix pounds weight of printing types, value 2s. and four copper plates, value 1s. and one hundred meſſage cards, value 2s. the property of William Spiers.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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742. **RICHARD BACHELLOR** was indicted for feloniouſly ſtealing, on the 10th day of Auguſt laſt, thirty-four guineas, value 35l. 14s. the property of Nicholas Welch, in the dwelling houſe of John Garwood.

*The caſe opened by Mr. Garrow, as follows.*

May it pleaſe your Lordſhip, and you the Gentlemen of the Jury, this indictment charges the gentleman at the bar with a capital offence; and when you ſee ſuch a priſoner, ſtanding in ſuch a ſituation, I have no doubt but you expect that there is ſomething peculiar in his caſe; and if you do form at this moment ſuch an expectation, with reſpect to this caſe, I do aſſure you, you will not be diſappointed; for it will call for your moſt ſerious and careful determination; you have juſt tried and convicted a man* upon a conſtructive felony, a felony committed by a ſtretch of ingenuity: Gentlemen, the preſent caſe is a clear and plain felony, about which the law is clearly underſtood, committed however by a ſtretch of ingenuity not very different from the other; for the other was the ſtale practice of ring dropping, and this is the ſtale ſtory of playing at A. B. C. Gentlemen, you will have no queſtion at all to try in the reſult of this buſineſs, but whether the priſoner now at the bar is the perſon that committed the robbery imputed to him by the indictment; for that the Felony has been committed, and that it has been committed under the circumſtances I ſhall ſtate to you, will be beyond all poſſible queſtion, and the only queſtion for your determination will be who committed it. Gentlemen, the proſecutor of this indictment is a Mr. Nicholas Welch, who was a Major during the troubles in America, in the continental army; he has been for ſometime in this country in a very reduced ſtate of health, and (like many more, who had conſiderable merit in that unfortunate diſpute), in reduced circumſtances alſo: he had occaſion during his reſidence here to ſollicit at the Treaſury (where things you know cannot be finiſhed in an hour) ſome relief for his loſſes in the courſe of the ſervice; I mention this becauſe it will ſhew you in all probability the manner in which he became known to the priſoner at the bar, and the manner in which the firſt ſcheme for cheating him, or in other words for robbing him of his money, probably originated: the priſoner, (of whom I know nothing but this that he) had occaſion to attend at the Treaſury likewiſe, not as an American refugee; my learned friend, Mr. Silveſter, who is counſel for him, will ſtate his buſineſs there to you, if it ſhould be neceſſary; however he had occaſion to attend there, and I only mention it to ſhew that it furniſhed him with an opportunity of knowing who attended there, what their expectations were, and how ſoon they were likely to leave the country, together with every other circumſtance which it became neceſſary for a man of ingenuity who meant to defraud, to be acquainted with: Major Welch, after a conſiderable attendance got an order from the Treaſury for ſome money, I do not know the amount of it, but I have no doubt but he in the warmth of his heart communicated his good ſucceſs to all his fellow ſufferers: Gentlemen on the day this tranſaction happened, the Major had been purchaſing, or rather bargaining for ſome things for his family, who live in the Bahama iſlands (and the Major by this proſecution has loſt his paſſage) and he was going to his lodgings, when he was addreſſed by the priſoner at the bar; the priſoner I believe called him by his name, and aſked him how he did, the Major replied he was pretty well, and ſaid to the priſoner, I have ſeen you ſomewhere; very likely, ſays the priſoner, how is General Cunningham and Major Cunningham? theſe two laſt, I ſhould inform you gentlemen, were alſo officers in the continental army, and lodged in the ſame houſe with the proſecutor Major Welch, and as they alſo attended at the Treaſury, it was not very wonderful that he ſhould know ſomething about them alſo: Major Welch replied that General and Major Cunningham were very well; to which the priſoner ſaid, if you will juſt ſtep with me to the public houſe, and drink a glaſs of ſomething, I will go home with you and call on the General, for I know him, he was in America with Lord Cornwallis, and I remember ſeeing him there; the Major ſimply enough went to the public houſe, the priſoner called for ſomething to drink, they had not been there long before a third perſon came in, they ſtaid there a ſhort time, and this third perſon produced ſome papers, and as the Major thought it was ſomething of gambling, he retired and the priſoner followed him, and they went to the houſe where Major Welch and alſo General and Major Cunningham lodged; and juſt as they came to the door, the General and the Major were going out; ſays the priſoner to Major Welch, I will not diſturb them now, they are going to take their evening's walk, I will take another opportunity to pay my compliments to them; upon which Major Welch and the priſoner walked into the houſe, and the other Major and the General walked out; the proſecutor and the priſoner did not ſtay long I believe within; but however, they ſtaid long enough for this fooliſh American Major to furniſh his pocket with thirty-four guineas out of his cheſt, to pay for the things he had bargained for in Holborn;

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* John Watſon, a ring dropper, ſee Part I. of this Seſſion.

and which he was going home to fetch; when he was met by the priſoner; when they came out to go into Holborn, ſays the priſoner you are not well, Sir, you had better have a coach; no, ſays the Major, I am not very well; upon which the priſoner inſtantly called a coach, and they got in, and the priſoner ordered the coachman to drive to the Bell in Holborn, and the priſoner paid the coach, and they went into a little room at the Bell, and there the priſoner called for ſome more liquor, and in a ſhort time came in a third gentleman; the Major is not ſure whether it is the ſame third man that came in at the other houſe; but ſhortly after this, the priſoner and the other gentleman began playing at A. B. C. Gentlemen, this ſort of game called A. B. C. is ſhortly this, one party marks a letter under a pot or bowl, or ſomething they are drinking out of, that is covered, and you are to gueſs; the poor gentleman, the priſoner, he loſt all his money, had but very few good gueſſes; upon which, he went out, ſtaid a few minutes, and came back again, and then loſt all that; then he applied to his new friend, the Major, to lend him a little, and he lent him thirty-two guineas, out of thirty four, that was ſoon gone, and he applied again; the Major had only two left, he took them, and held them in his hand looking at them; they were his two laſt guineas; ſays he, theſe are all I have got, no, I cannot ſpare theſe; upon which the priſoner at the bar (which makes this a capital offence, as my Lord will tell you) ſnatched theſe two guineas from him, ſwept the other into his hands that lay on the table, and he and the other man ran away: Major Welch immediately ſaid, he had been robbed, and wanted ſomebody to aſſiſt to purſue them; the Major knew nothing of this town as we do, for you ſeldom get much aſſiſtance in thoſe houſes to which the ſharper himſelf conducts you; however, in ſhort, Major Welch ſaw no more of this man at the bar for a conſiderable time, four or five days, but when he did ſee him, he ſaw him under theſe peculiar circumſtances; he had not compleated all his buſineſs at the Treaſury, and he was attending there again, and he ſaw him ſitting in an outer room; he will tell you upon his oath, that he inſtantly recognized him, he ſpoke to him, and charged him with the robbery, but the priſoner was very angry at the charge, and they went before Sir Sampſon Wright, where the Major poſitively perſiſted in making it. Gentlemen, as far as the Major's poſitive teſtimony can go, there can be no doubt of the guilt of the priſoner, as far as human recollection can go, whatever may be his character or appearance otherwiſe; and I ſhall alſo call to you General and Major Cunningham, and they will tell you whether they know the priſoner again, and it ſeems they took ſome notice, because one ſaid to the other, I wonder who Welch has got with him. Gentlemen, if it ſhould appear to you on the evidence that I have ſtated this caſe too ſtrongly; if I have ſtated to you one fact, or half a fact that cannot be proved to your ſatisfaction by witneſſes, you will not take any thing for proof merely becauſe I have ſtated it; but you will try this man as you do all others, by the evidence and not by any thing that we ſay to you; if you find him guilty, you will pronounce him ſo; if you have any doubt about his guilt, you will acquit him.

*Mr. Silveſter, Priſoner's Counſel.* The indictment is for ſtealing thirty-four guineas.

*Mr. Garrow.* There may ariſe a queſtion on that, but there is clearly forty ſhillings ſtolen.

Major NICHOLAS WELCH *ſworn.*

What is your profeſſion?——I am a private gentlemen; I was a Major in the North Carolina regiment; I have been in England ſince laſt January; I have been ſoliciting in the Treaſury for three or four months, that occaſioned me to attend there very frequently; I uſed to attend in the outer hall, which is the ſame hall where

I ſaw the priſoner; General Cunningham is likewiſe an American General; he and the Major had likewiſe buſineſs at the Treaſury, and uſed to attend frequently there alſo, almoſt day by day; I had received three hundred and four pounds from the Treaſury, and I lodge at No. 4, Clerkenwell Cloſe; General and Major Cunningham lodge in the ſame houſe.

How lately before the 10th of Auguſt, had you received any of that money?—— I really cannot recollect the day, it was about a fortnight before I was preparing to leave this country; my family lives in the Bahama iſlands, in New Providence.

How ſoon was you to go?——In a few days.

Had you taken your paſſage?——I had, in the ſhip Lightening.

What happened to you on the 10th of Auguſt?——I had been out bargaining for ſome clothes and things for the uſe of my family, as well as I can recollect, it was about ſix o'clock; I was returning to my own lodgings, and I met with this gentleman, he called himſelf Mr. Miles at that time.

What day of the week was it?—It was Thurſday, the 10th of Auguſt, I met him juſt at the corner of Mutton-lane, adjoining to Hatton-ſtreet; Sir, ſays he, I think I have had the pleaſure of ſeeing your face ſomewhere; I ſaid perhaps you might; the next thing he ſaid was, how is General Cunningham, and Major Cunningham; I told him they were very well; ſays he, I have had the pleaſure of dining with General Cunningham in New York; ſays he, he was with Lord Cornwallis in America; I told him he was; ſays he, will you take a walk ſomewhere, and drink a glaſs of ſomething or another to a public houſe; I told him that I was very ſickly, and I did not wiſh to drink any thing; but he ſays to me, if you will go and drink a glaſs of ſomething, I will go with you to ſee Major Cunningham; by his being acquainted with General Cunningham, he over perſuaded me to ſtep over with him to a publick houſe, oppoſite to Hatton-ſtreet; it was along Hatton-wall; I do not know the name of the houſe; there were coaches ſtood in the yard; there we had ſixpenny-worth, or a ſhilling's-worth of rum and water; while we were drinking that, a ſtranger came in, and pulled out ſome papers, which ſeemed as if he had ſome intention to game, but I did not pay the leaſt attention to what their game was.

Did they converſe together?——Yes, they did; then we walked away.

*Court.* Explain what you mean by it ſeeming like gaming?—There was money produced from their pockets at the table.

Are you ſure as to the fact, whether they had any money there beſides the paper?—Yes, they had.

What ſort of money was it, that was produced?——It was gold.

Was it produced by one or both of them?——By both I believe, but I am not ſure; I am ſure it was gold.

Why did it appear to you, that there was gambling going forward?—I really looked upon it, that they might have been acquainted for any thing I knew.

Was any thing ſaid by either of them, that induced you to ſuppoſe they might have been gambling?—No, Sir, but by their actions, pulling out papers and gold.

Do you mean by papers, bank notes? —They did ſo appear to me, but I did not take one of them in my hand; it appeared to be bank notes.

Then when you ſaid paper, you meant bank notes?—Yes, Sir, it appeared ſo to me.

Did any thing paſs in converſation, that induced you to think they were gambling?—Nothing that I heard.

*Mr. Garrow.* How long did you continue in converſation after the third came in?—A few minutes.

How long might you be there together?——About ten or fifteen minutes.

Who went with you?—Mr. Bachellor; I aſked him his name at that time, and he told me it was Miles; his being acquainted with General Cunningham made me aſk his name, to tell the General that I had ſeen an acquaintance of his.

Who paid for the liquor?——Why I really think he did.

You did not?—No, I did not; we went to my lodgings, No. 4, Clerkenwell Cloſe; he went to ſee General Cunningham; when we came there, juſt as we came to the door, the General and the Major were going to take their evening's walk; we met them right upon the ſtep of the door.

Did the priſoner ſpeak to his old friend the General?—No, he ſpoke to me, ſays he, as long as they are going to take their evening's walk, I will not interrupt them; they went out, and we two went in together; I went into the room to get a little money to pay for ſome things I had prized in Holborn; the priſoner went in with me; I took the money out of my cheſt; the priſoner ſaw me; it was in a purſe; I have the purſe in my pocket now.

*Court.* Did you tell the priſoner what ſum of money you was going to take with you?——No.

You told the priſoner you was going to take ſome money?——Yes, to pay for ſomething I had priced; I took thirty-two guineas in one purſe, and I had two guineas in a leather bag; the purſe with the thirty-two guineas was in my cheſt.

*Court.* Did the priſoner ſee you take this money out of the cheſt?—Yes, he did.

Did you count the money?——No, it was in the purſe.

Then if I underſtand you, the priſoner ſaw you take the purſe up, and put it in your pocket?——Yes, he did.

*Mr. Garrow.* How long might you continue in the room?——But a few minutes; we went out, I was in a bad ſtate of health, I could not walk, upon which the priſoner ſaid, let us call a coach, there is a ſtand of coaches on the green; and he called a coach, and we both got into the coach; the priſoner told the coachman to drive to the old Bell, in Holborn; there we got out; I was going into Holborn to pay for the goods; the priſoner paid the coachman; then the priſoner aſked me to walk in, and drink a glaſs of ſomething with him; we went into a little room on the ground floor; it was a little room acroſs a little court.

What ſide of the gateway?—It was the right ſide of the gateway; he called for ſixpenny-worth, or a ſhilling's-worth of rum and water, I do not know which; while we were drinking that, and after we had been in the room a few minutes, in came this ſame man that was with us at the firſt houſe, or another.

*Court.* Can you ſay it was the ſame man or not?——I cannot be poſitive.

*Mr. Garrow.* What do you think?—I rather think it was; when he came in, the two gentlemen got to gaming; they had chalk, and a mug, or a quart pot.

Who had the chalk?——I really cannot ſay which, it was in his pocket; they made A B C, under a pot; it was not the thing that we had our drink in; I am ſure it was a pot, about a quart pot.

*Court.* How did it come there; was it ſent for by either of them?——I really do not know; they took the pot, and they ſet upon a particular letter.

Who made the letter?——I am not poſitive which of them made the letter.

What letters were made?—A B C.

Where were theſe letters made in chalk?——They were on the table; then they pulled out their money, and were gaming; and they put the pot on one or other of the letters; and the other party was to gueſs what letter it was, if he gueſſed right, he was to win ſo many guineas; if he gueſſed wrong, then he loſt.

How many letters had they on the table at one time?—All three.

Were they to gueſs as to the whole three, or one at a time?——One at a time.

If I underſtand you right, they were to ſhift the pot from one letter to another, and if they gueſſed the right letter that was under the pot, they won?——He that put the pot down was not to look till he gueſſed.

Was he to turn his back?——He was to turn his head away on one ſide, and not to look till he had gueſſed.

*Mr. Garrow.* Did the ſame man always keep the cuſtody of the pot; or did they alternately change the pot and gueſs?——The priſoner was always on the loſing hand; there was ſix or ſeven guineas at a time ſtaked; then they doubled their ſtakes; he ſtill continued loſing.

*Court.* Did you ſee money paſs between them, when they loſt?—Yes, their money conſtantly lay on the table.

As the betts were made and loſt, did you ſee the money conſtantly paid?—Yes, it was always paid.

Did you always ſee the priſoner pay the money to the other?—Yes, Sir, he moved it from his heap, to the heap of the other.

How long might they go on at this rate?——It was but a ſhort time.

How long?——I do not think it was above eight or ten minutes.

Did they double their ſtakes every time they played?——I cannot ſay that, but I am poſitive that they doubled them towards the laſt; the priſoner, as I obſerved, was always on the loſing hand; he loſt all the money he apparently had about him, and he went out of the houſe for two or three minutes; when he returned, he produced guineas in plenty, twenty or thirty, or more; when he came in this time, he loſt that at two or three gueſſes, at the letters again; he then aſked me to lend him ſome; I lent him the thirty-two guineas at twice or three times, as he aſked me; that was all that was in that purſe; he loſt that, and ſays he to me, you have ſome more money; then I took out this little leather bag out of my pocket, and I told him I had but two guineas in it.

Did you take it out of the bag?——I took it out of the bag, to convince him that I had no more; he ſnatched it out of my hand.

Did you lend it him?—No, I refuſed it; ſays I, Sir, this is all I have, and I cannot ſpare it; he ſnatched it out of my hand; ſays he, this will do; there lay all the money on the table, that they were both gambling for; then he ſwept all the money off the table into his hand, and put it into his pocket; I am ſure it was the priſoner that did it, and they both made to the door together; they went out to the door; I ſtepped to the door as quick as I could; I met with the landlord at the door; his name is Garwood; I aſked him which way thoſe men went; he ſaid, he ſaw no men; that was inſtantly after they went out; I told him I was robbed; I never ſtirred any more after him that day; it was very late.

*Court.* How late was it?—I really cannot recollect, it might have been ſeven, or half after.

How long do you think you was in the company of the priſoner?—I dare ſay, firſt and laſt, it was an hour and a half.

Had you an opportunity during that time of obſerving his countenance and perſon?—I had certainly; and riding in the coach, and going to General Cunningham's together, and in the houſe where I was robbed.

How ſoon afterwards did you ſee him?—I gave information next day at Bow-ſtreet.

How ſoon afterwards did you ſee the priſoner?—I ſearched after him on the Friday, and the Saturday; and the Monday following I had occaſion to be at the Treaſury to ſee my agent; I was juſt going off there, I ſaw the priſoner.

In what circumſtances, and where did you ſee the priſoner on that day?——I ſaw him in Whitehall, in the Treaſury office, in one of the outer rooms; I ſtepped away to him; I immediately knew him as ſoon as I ſaw him; I ſpoke to him, Sir, ſays I, I have ſeen your face before; I am acquainted with you now.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

## The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

## E. HODGSON,

PROFESSOR OF SHORT-HAND;

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# THE WHOLE
# PROCEEDINGS
# UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

## *Continuation of the Trial of Richard Bachellor.*

Alluding to what he ſaid to you?—— Yes, and he got into a paſſion, and talked very high; ſays he, I do not know you, nor any thing about you, Sir; he ſeemed to ſpeak very loud.

Are you ſure now that at the time when he ſo talked big and high, you had ſaid no more to him, than what you have ſtated?—Yes, Sir, I am, I called him on one ſide, and I mentioned it to him, and aſked him if he would be ſo kind to give me my money again, and I would ſay no more about it: he then told me he had ſome buſineſs at the Treaſury with Mr. Roſe; but I will not wait, ſays he, I will go to the Juſtice's with you immediately.

Did you go together to Bow-ſtreet?---Yes, Sir, to Sir Sampſon Wright's; I informed Sir Sampſon how the matter ſtood, and he took bail for his appearance on the Wedneſday following, at eleven o'clock; we met there; then the priſoner came, and then he was bailed to take his trial here.

Be ſo good to look at him, and tell us upon the oath you have taken, whether you have any doubt that that is the man that got your money?---Not any at all.

Have you ever entertained any doubt?--Not at all, I am poſitive of it.

*Mr. Silveſter, priſoner's counſel.* When you came to the Treaſury, you went up to Mr. Bachellor, and told him that you knew him, and you took him on one ſide, and told him, if he would return the money, you would ſay no more about it; he told you that would not do for him, he was in the employment of government, and he had ſome buſineſs with Mr. Roſe; I believe he was pretty riotous, and inſiſted that you ſhould go to the Juſtice's?---He was very willing to go.

Did not he inſiſt on your going to the Juſtices?--He ſaid he would quit the buſineſs with Mr. Roſe, and go to the Juſtice's.

Did not he inſiſt on going?--He ſeemed very willing to go.

Did not he take you by the collar, and deſire his friends to aſſiſt in taking you to the Juſtice's?---No, Sir, he did not.

Who went to the Juſtice's, you and he quietly?---There were two other gentlemen went along with him, and two more of my acquaintance followed behind.

He did not tell you that his reputation was at ſtake, and he inſiſted on going before the Juſtice, to clear that character up?---No, Sir, he did not mention any ſuch thing to me.

Give me an anſwer, Mr. Major.—— He ſaid, I will let my buſineſs alone, I will drop my buſineſs with Mr. Roſe, and will go to the Juſtice's with you.

Why you know it was his offer, not yours; you would have dropped it?---No, my dear Sir.

Do not call me dear Sir, for I hate the expreſſion.---I would not have dropped it, we got to high words, then he ſaid, I will quit the buſineſs I have with Mr. Roſe, and we will go to the Juſtice's.

You told the ſtory exact?---Yes.

Do you mean accurately to ſay, that that man was bailed?---He was bailed.

I do not mean to entrap you, now I will caution you.---He was bailed to meet on the Wedneſday following.

*Court.* What was done that time?---There were gentlemen that came and bailed him before Sir Sampſon Wright, and told me that we muſt meet on the Wedneſday following.

Who were thoſe gentlemen?---I was not acquainted with them.

*Mr. Silveſter.* You perfectly underſtand what I mean by being bailed, I mean perſons giving ſecurity for his appearance: do you mean he gave ſecurity for his appearance on the Wedneſday following? I think I cannot put it plainer.---Sir Sampſon Wright ſaid he is bailed, you had better meet on the Wedneſday following, and you will both conſider of it; and he was bailed till the Wedneſday following.

*Court.* After this was any ſecurity given by the priſoner; or did you meet in conſequence of this?---The priſoner gave ſecurity.

- Do you mean to ſwear that?------Sir Sampſon Wright told me that; for Sir Sampſon aſked if they were ſufficient for his appearance.

*Mr. Silveſter.* Did not Sir Sampſon Wright tell you, Mr. Welch, this man is going to have employment under government; his reputation is at ſtake, take care what you ſay?---Yes, yes, Sir Sampſon did ſay ſo.

Did you hear anybody examined that day?--No, Sir, I did not; it reſted ſingly upon me at that time.

Did you afterwards call in any body elſe?---I did.

When was that?---It was the Wedneſday following.

Who attended for you on the Wedneſday?---General Cunningham.

Who elſe?---There was none elſe that was acquainted with me; Major Cunningham was not acquainted with me.

Who elſe attended?---Nobody elſe on my behalf.

Do you mean to ſay that now?---Yes, I do.

Did you produce any body elſe after?--No, Sir, I did not.

Did Sir Sampſon Wright ſend for any body elſe?---Sir Sampſon ſent for the waiter, at the Old Bell, in Holborn.

Who went for him?---I went for him on the Monday.

Was the waiter examined on the Monday?---Yes, Sir, he was.

Then how came you to tell this gentleman, that it reſted on your evidence ſingly?----I mean my acquaintance that were on my ſide.

What buſineſs might you be before you was in the army?---I was a gentleman always, I had a fortune.

Was you any buſineſs?---No. I meant on my ſide of the queſtion, I did not mean of the priſoner; I went for the waiter on the Monday he was examined.

What did he ſay?

*Mr. Garrow.* I object to what he ſaid.

*Major Welch.* Sir Sampſon aſked me if I knew of any body, and I ſaid the waiter; he ſent me for him.

How came you then but a few minutes ago to tell theſe gentlemen there, that there was nobody examined on Monday, on your part?—I fetched the waiter, and produced him as a witneſs to prove whether he knew him or not.

How could you tell theſe gentlemen, that there was nobody examined on your part on Monday?—I underſtood or meant by it, that there was none of my friends or acquaintance examined at that time.

How came you, but two minutes ago,

to ſay there was no man examined on your part?—Becauſe there was none of my acquaintance; this waiter was a ſtranger to me, Sir Sampſon Wright ſent for him, and I went for him.

You are ſure it was about ſix, I think you ſay?—Yes, Sir, as near as I can tell, or between ſix and ſeven, I am not poſitive, I had no watch.

Had you ever ſeen that man before in all your life?—Yes, I have, I think.

You did not know where Mr. Miles lived?—I did not aſk his name when I ſaw him in the Treaſury-office, but I did when I met him.

How came you to lend him thirty-two guineas?—Upon account of his being acquainted with General Cunningham, and dining with him at New York, and his being a particular acquaintance with Lord Cornwallis in America.

It is very odd you did not introduce your good friend Mr. Miles to General Cunningham?—I thought he was better acquainted with him than I was.

*Mr. Garrow.* You did not reckon the waiter a witneſs on your part?—No.

That was what you meant, when you ſaid there was no witneſs on your part?—Yes: I did not fetch him of my own head, the Juſtice told me: I had ſeen the priſoner at the Treaſury before he accoſted me in Mutton-lane.

Are you ſure of that?—I am poſitive of it.

## Gen. ROB. CUNNINGHAM *ſworn.*

I commanded the militia as General; I bore that rank in the provincial army.

How long have you been acquainted with Major Welch?—In the year 1779: we have both been ſome time in England, and had buſineſs at the Treaſury, and lodged at the ſame houſe. On Thurſday the 10th of Auguſt, about five in the evening, I met them at the door, as I was going to take a walk with my couſin Major Cunningham.

Who did you meet?—Major Welch and another man; Major Welch turned about, and ſpoke ſome words, the ſtranger ſpoke nothing; I caſt my eyes ſteadily on the ſtranger, I ſaw ſomething luſty and brave in the man, which drew my attention, and after we went out of the door, I ſaid to Major Cunningham, what good-looking man is that with Major Welch? and we took our walk, and returned in the evening; I ſaw Major Welch that evening, and on the Wedneſday following, I waited on Sir Sampſon Wright.

Did you ſee any body at Sir Sampſon's that you believed to have been at your quarters?—Yes, Sir, I ſaw the priſoner; he was not pointed out, but I caſt my eye round, and ſaid to my couſin, that is the man that was at our quarters.

Will you be ſo good as to look at the priſoner, and tell us now whether you have a recollection of his perſon?—Why certainly he has all the appearance that that man had that paſſed into my quarters; but the time was ſo ſhort, I think I muſt reflect on myſelf, if I ſhould ſo far fix it, to ground a charge improperly againſt a man; but he has certainly all the appearance that that man had.

Then I am to underſtand that you do not ſwear poſitively that he is the perſon?—I do not.

Do you believe it?—In my own mind I certainly do; one man cannot appear to me ſo like another as that perſon does; he had a hat in his hand, I did not ſee whether it was a round or a cocked hat; I did not ſee him more than two or three ſeconds; the Magiſtrate to the beſt of my recollection did not ſwear me, but I gave the ſame evidence as I give to you.

You was not bound over?—I was not.

*Court.* You ſay it was near five?—Yes; I cannot ſay whether it was half an hour before, or half an hour after.

*Mr. Garrow.* Where is your relation the major?—He is at home ſick, he does not know the priſoner.

## JOHN GARWOOD *ſworn.*

I keep the Bell, in Holborn; I remember Major Welch's being at my houſe the 10th of Auguſt.

Do you remember his coming out to you?—He did not come out to me.

Do you remember his complaining he was robbed?——He ſaid he had loſt ſome money.

Was that room a part of your dwelling houſe?—It is.

Your name is John Garwood?—Yes.

*Court.* What was it that Major Welch ſaid?—He aſked me where thoſe two men were; I told him I did not know; he told me then that he had loſt four and thirty guineas.

What were the words that he told you?——That he had loſt four and thirty guineas: I ſaid to him, Sir, if you had made the leaſt reſiſtance in the world, there was people enough in the yard would have aſſiſted you.

Is this room, where Major Welch was, a part of your houſe.

Yes, it is in the yard, where paſſengers go in, it is a part of the dwelling houſe on one ſide of the yard.

*Mr. Silveſter.* You told him there were ſeveral people would have aſſiſted him?—Yes, there were enough to aſſiſt him, there are nine or ten coaches go from my houſe; I did not ſerve the people with liquors, I came out of the cellar fetching up ſome liquors, and I ſaw him in the parlour, and he called me in.

*Mr. Silveſter.* Can you recollect the hour?—As near as I can gueſs, it was near five, or thereabouts, more or leſs.

*Mr. Gurrow.* Are you ſure it was not ſix?——No; it was on Thurſday.

THOMAS BURTENWOOD *ſworn.*

Do you remember Major Welch being at your houſe?——Yes.

Who was with him?——A luſtyiſh gentleman came in with him; the gentleman called for a ſhilling's-worth of rum and water; when I took it in, there was a third, he paid me for it, and I came about my buſineſs: I ſaw no more of them till they went out; they came out into the yard and parted.

Who came out and parted?——The laſt man and Mr. Welch.

Where was your maſter at that time?—In the oppoſite room.

They ſhook hands and parted, did they?——Yes, in the yard.

Who was this luſtyiſh gentleman?——They call him by the name of Horne.

You know him, do you?——I have ſeen him before.

Does he frequent the Bell?——No, Sir, not often: the other gentleman's name is Wright.

Have you ſeen him often there?—No, Sir, I cannot ſay I have.

Have you ſeen them there together?—I have.

What did you ſee on the table when they were all gone?—Nothing at all.

Any chalks?—No, Sir, there were no chalks.

Who paid the reckoning?—That third perſon, I told you.

You do not upon theſe occaſions truſt?—We do as we pleaſe.

What became of the third gentleman?——I do not know, I did not ſee him go at all: Major Welch ſpoke to my maſter; in the courſe of five minutes, Major Welch returned to the room, after he had parted with that gentleman, then he turned about, and came to the door, and as he was ſtanding at the door of the room, he beckoned him over.

You was examined in Bow-ſtreet?——I was.

Did they take your examination in writing?——Sir Sampſon took the whole of it down.

*Mr. Silveſter.* You are the waiter?—I am.

You know the two men who were with Major Welch?——Yes.

Now upon the oath you have taken, was that gentleman, Mr. Bachellor, one?——He was not.

*Jury.* Look at the gentleman.——I have looked, and I am ready to take my oath that is not the gentleman, nor he never was in our houſe before, nor I never ſaw the gentleman till he ſent for me about this affair at Bow-ſtreet.

*Mr. Garrow.* He is not at all like Horne perhaps?—Not at all in perſon, nor like the other man.

*Mr. Silveſter.* What o'clock was it?—To the beſt of my remembrance it muſt be about five.

## PRISONER's DEFENCE.

I am ſorry to take up the attention of the Court a ſingle ſecond longer than is neceſſary; but being placed at this bar in the ſituation I now ſtand, charged with a fact I am not guilty of, I hope I ſhall have the indulgence of the Court and the Jury, and I have not the leaſt doubt but I ſhall receive that juſtice which I ſhall be found to deſerve. I ſhall be much obliged to your Lordſhip to order me a little wine and water, I am very faint.

*Mr. Sylveſter.* If you are faint, the Court will order you a chair.

*(A chair ordered for the priſoner.)*

——— BEAUFOY, Eſq; *ſworn.*

The priſoner was with me from about half after four till five, on Thurſday, the 10th of Auguſt; I am clear in my recollection of the day, becauſe it was the day for the election of directors for the newly incorporated ſociety for directing the fiſheries: being myſelf a director of the ſociety, and having taken in parliament an active part in the buſineſs of the fiſheries, I arrived in town about eleven on that morning, Mr. Bachelor called upon me on buſineſs of a public nature: I told him, I could not attend to him at that time, as I was preparing to go out, but I ſhould be glad to ſee him at half after four; I was detained by the ſociety till a quarter before four, I returned to my own houſe about four, and went to dinner, and I had nearly finiſhed my dinner when Mr. Bachellor came; there was a gentleman with me at the time, who was ſecretary to the ſociety, his evidence and the evidence of my ſervant, will, I ſhould ſuppoſe, corroborate my own.

*Jury.* We do not put the gentleman on his defence, we are all ſatisfied.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

*Mr. Sheriff Watſon.* The Jury have given their verdict now, and I think it is but a juſtice due to the priſoner, to ſay, that Mr. Sheriff Sanderſon, who knew him well, has taken the pains to write to me on the occaſion, and he informs me that he has known him long, and many years to have been a Brewer, and has dealt with him to a conſiderable amount, and that though he had the misfortune to fail, he failed with reputation, and had Mr. Sheriff Sanderſon been in town, he would have appeared in his behalf.

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743. THOMAS COLES was indicted for feloniouſly ſtealing, on the 26th of July laſt, ſix ounces weight of green tea, value 2s. the property of the Eaſt India Company.

——— LEE *ſworn.*

On Tueſday, about four o'clock, looking round the warehouſe to ſee if all was right, I ſaw a cheſt that I was ſuſpicious would be plundered, I ſet ſome of the officers to watch it.

JAMES BARKER *ſworn.*

I am a labourer belonging to the India Company; I was ordered to attend by one Mr. Barley, to watch the warehouſe where the cheſt of tea was placed: about a quarter before three, the priſoner came whiſtling in, he paſſed me twice, the third time he came to the cheſt, it was piled three high, there was another ſtood by the ſide of it, the top cheſt was open, and the third time he put his hand and took out ſome tea; the cheſt that ſtood by the ſide he put his foot on, to reach the tea from the upper cheſt, he put it in his coat pocket, looſe as he took it, after he had done that he put the lid down again very carefully, and walked about three yards, and then I collared him, and he ſaid, for God Almighty's mighty's ſake, let me go! I ſhall loſe my bread: and ſo ſhall I, ſays I, if I let you go: I took him down to the compting-houſe, and there he was ſearched by Mr. Howell, and the tea taken from him, it was hyſon tea, I ſaw him with his hand to his pocket, to throw out the tea, and I prevented him.

*Mr. Garrow, priſoner's counſel.* Mr. Barker, was you here laſt ſeſſion?—No.

Did not you know the priſoner?---I did not at that time.

Now, Mr. Barker, did not your rubber down prevent your going out Crutched-friars way?—No, I never was refuſed going out that way.

The firſt time the priſoner came into the warehouſe, he came in whiſtling?---He did.

Did he ſee you?---No, he did not, nor would you neither, if you had been there.

Where was you hid?---I was behind ſix cheſts.

What was the value of this great quantity of tea?---Two ſhillings, weighing ſix ounces and a half.

You are quite ſure it was worth two ſhillings?---It was ſo valued.

*Court.* Did you know the priſoner's perſon?---I did not know him, but he told me he was an exciſe locker, and that it would be his ruin if I ſtopped him.

You ſay he had nothing to do with you?---He had not; we muſt have leave from the elders, and the priſoner is a rubber down, and we cannot go out without firſt going to be rubbed down.

EDWARD HOWELL *ſworn.*

I am a king's-officer belonging to the Eaſt India Company, I was ſent for to come to the compting-houſe.

Who was there?----Drinkworth and Barker, and the priſoner: I ſearched Thomas Coles, and I found ſome tea looſe in his pocket.

Was it green tea?---Yes, my Lord, and it weighs ſix ounces and a half.

*(The tea produced.)*

Do you know the priſoner?---Yes.

What is he?---An aſſiſting locker.

By whom are they appointed?---By the commiſſioners; he had been aſſiſtant locker for a fortnight or three weeks.

*Court.* If any tea is found looſe upon the cheſt, what do you do with it?---Let it remain upon the cheſt, and acquaint the elders of it.

*Mr. Garrow.* You ſay, you lockers have nothing to do with the looſe teas, but to acquaint the elders?---We have not.

Now, Sir, you ſay he was a young locker, in courſe he had a right to take that tea to the elders?---He might do ſo, but Mr. Barker ſtopped him upon the ſpot.

ROBERT DRINKWORTH *ſworn.*

I am conſtable, I apprehended the priſoner with ſix ounces of tea in his pocket.

PRISONER's DEFENCE.

It was ſome looſe tea, which I thought it my duty to ſcrape up, and carry to the elder.

*The priſoner called five witneſſes, who gave him a very good character.*

GUILTY, 10*d.*

*Privately whipped.*

*Tried by the London Jury before Mr.* ROSE.

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744. MARY DAVIS was indicted for feloniouſly ſtealing, on the 7th day of Auguſt, two quart pewter pots, value 2s. the property of John Hopkins.

The priſoner was taken with the pots under her cloak.

GUILTY.

*Privately whipped and impriſoned ſix months in the houſe of correction.*

*Tried by the London Jury before Mr.* ROSE.

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745. EDWARD HALL was indicted for feloniouſly ſtealing, on the 1ſt day of

Auguſt, one book, bound in red leather, value 1s. the property of Edward Eacott.

WILLIAM EACOTT *ſworn.*

I live in Bridgwater-ſquare. On the 1ſt of Auguſt, I loſt a book bound with red leather, I was going from London-bridge to Coal-harbour, I was going to ſee the men ſtart, I was informed my pocket was picked by the priſoner; I laid hold of him, and took the book from him, as he was putting it in his ſide pocket.

*(The book produced and depoſed to.)*

GEORGE BROWN *ſworn.*

I am a journeyman carpenter and joiner, I ſaw the priſoner take the book out of the proſecutor's pocket.

PRISONER's DEFENCE.

I was coming along, and picked up the book.

*Brown.* I ſaw him take the book out of Mr. Eacott's pocket.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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746. THOMAS HARWOOD was indicted for feloniouſly ſtealing, on the 26th day of July, three linen gowns, value 15s. one ſtuff ditto, value 4s. three ſhifts, value 6s. and three aprons, value 3s. the property of Pamela Clarke.

PAMELA CLARKE *ſworn.*

On a Wedneſday in laſt month, I was ſtanding at the back of the Exchange, between eleven and twelve; I was going in the country with my miſtreſs, and the box was on the ground alongſide of me, and ſoon after I ſet down the box, the priſoner took my direction, and ſaid he would ſhew me the coach, and ſaid this man will take care of your box; he aſked me where I was going; I told him in the country; Oh! ſays he, I know where you are going, I know you very well; and he took my direction, and ran away with it; I ran after him, and laid hold of him, and he ſhook the paper at me firſt, and then threw it at me; and the other man ran away with the box; the priſoner wanted me to let him go; and he would ſhew me the man that had the box, but I would not let him go: I never ſaw my box till yeſterday.

Where did you ſee it?----At my maſter's: the box contained four gowns, three ſhifts, and four aprons.

Are they all in the box now?---No, they took half of them out.

What did you do with this man when you had hold of him?---I gave him up to the conſtable.

*Mr. Peatt, priſoner's counſel.* What did you go to the gaol for?---I went to the Compter with the Jew conſtable, they offered me forty-five ſhillings, but I would not take it.

*Court.* Who offered it?--The priſoner.

DANIEL DANIEL *ſworn.*

On the 26th of July, between eleven and twelve, a number of people was crying ſtop thief; among the reſt was the priſoner at the head of them; I laid hold of him; he aſked me for what; I then inſtantly perceived this black woman; ſhe was alſo calling ſtop thief; I then aſked her who ſhe belonged to, ſhe ſaid to Mr. Aquillard; the priſoner made ſeveral attempts to get away, I told him I could not let him go; the priſoner ſaid he knew nothing of the man that took the box: in the interim, Mr. Turnbull came paſt, and he aſſiſted in taking the priſoner. The priſoner had an apron on with the reſemblance of a ticket porter, with a brown coat and white buttons: I ſhould have truſted to him. I took the priſoner to the Compter; the woman was very much frightened, nobody could make ſenſe of what ſhe ſaid.

WALTER TURNBULL *ſworn.*

On the 26th of July laſt, I ſaw ſeveral people running, and this black woman laid hold of the priſoner, he ſeemed to ſtruggle; ſeeing the black woman very much alarmed,

alarmed; I told her to take him to the compter, and I would pay the expence of the proſecution; the priſoner was very angry with me, and ſaid, he would thraſh me; the priſoner was taken before my Lord Mayor, and committed; he then attempted to make a blow at me.

## JOHN HALL *ſworn.*

I ſtood by the black woman, and the priſoner; they were talking; I ſaw her ſet down the box, and the priſoner and another man came up; the priſoner brought the direction to me from the black woman and deſired me to read it; I told him, I could not, I did not chuſe it; I did not ſee the box taken away; I ſaw no more,

## DAVID LEVY *ſworn.*

I was at the Compter when the priſoner was brought in; he told me, if I could leave him an hour, or half an hour in the Compter, he did not know but he might get a perſon to bring the box back again, and he ſaid before the Lord Mayor, that he heard the box was brought home, and ſent to the gentleman's houſe; but the box was not ſent home, and the priſoner was committed; I ſaw the black woman at Guildhall, and ſhe ſaid, ſhe had been to the Compter, and they would not let her ſee the priſoner, and I went with her to the Compter, and ſhe ſaid to the priſoner, you promiſed me forty-five ſhillings.

Who brought you here as a witneſs?—Mr. Daniel and Mr. Turnbull left word at my houſe, that I muſt be here on the trial, and they left directions at the Poultry-compter.

*Court.* How could he promiſe her forty-five ſhillings, he had never ſeen her before?——I cannot ſay any thing about that; ſhe ſaid to the priſoner, you are to give me forty-five ſhillings.

But you ſaid juſt now he had promiſed her forty-five ſhillings?——She ſaid, you have promiſed me forty-five ſhillings, upon my word and oath, aſk the woman herſelf, if ſhe has a mind to ſay ſo.

*Pamela.* I deny it.

*Levy.* It is truth:

## ISAAC AQUILARD *ſworn.*

The priſoner is a ſervant of mine; I know nothing of the robbery; this Levy and a few more of his comrades ſaid, if I would give ſumething to the woman, and endeavour to ſoften the evidence.

*Levy.* I never ſpoke a word to you.

*Court to Aquilard.* Relate what this man ſaid?——I went to my butcher's to order ſome beef, and this man was there, and a parcel of Jew people, and he came round, and ſaid, if you will take the trunk, he ſaid, if you will give us ſomething for our trouble and make it up; I ſaid, I cannot ſay any thing about it, and the trunk was ſent to my houſe the next day; the Jew conſtable aſked me if I would take the trunk and give the woman ſomething to make it up.

*Levy.* As I ſtand here upon my oath, I never offered to the gentleman; there was a wedding in Duke's-place, at the butcher's; I was employed as conſtable; the gentleman came and ordered ſome meat; ſays he, have you found any thing of the box? ſays I, no; ſays he, if I could but get the box, I would not hurt any body.

Did not you ſay what Mr. Acquilard has ſaid?——I did not ſay thing at all about ſending the box, for I did not know any more than he what was done with the box.

*Court to Proſecutor.* Was any body elſe that you know preſent at the time?——There was the butcher's man I believe that I believe brought the trunk.

*Court.* If there was a ſecond witneſs that is preſent, I ſhall order this man to take his trial for perjury?——If I was to be hung up now directly, it is falſe what the gentleman has ſaid; I ſhall ſpeak the truth, ſo help me God.

*Court.* Who brought this man here as a witneſs.

*Turnbull.* When there was an examination yeſterday before the Grand Jury we found this conſtable was not with us on the back of the bill, and this gentleman wiſhed to have him, as he knew ſomething about the box.

## PRISONER's DEFENCE.

Gentlemen, this woman came to me the firſt time; I was waſhing myſelf, and the turnkey ſays to me, there is a black woman enquiring for a priſoner; ſhe went away, and came back with Levy; ſhe ſaid to me, if you will give me forty-five ſhillings, the money my maſter lent me to buy my clothes, I will not trouble myſelf about you, or elſe I will hang you; I never exchanged two words with the conſtable.

*Court to Levy.* Upon your oath, who took the trunk to Mr. Acquilard's?——Upon my oath, I do not know; I do not know the butcher's boy.

*Daniel.* The conſtable told me he knew the priſoner very well.

*Court to Levy.* Who was the man that was with the priſoner?——I cannot tell you.

Upon your oath, do not you know the man that took the trunk?—No, my Lord, I do not, if I did I ſhould have told; I never wronged nobody of a farthing.

*The priſoner called one witneſs, but his counſel declined examining him.*

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* RECORDER.

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747. SAMUEL GREENOUGH and GEORGE BENTLEY were indicted for feloniouſly aſſaulting John Judſon, in a certain field and open place, near the king's highway on the 11th of July laſt, and putting him in corporal fear and danger of his life, and feloniouſly ſtealing from his perſon and againſt his will, a ſilver watch, value 4l. a ſilk watch ſtring, value 12d. a ſteel key, value 1d. a pair of ſilver ſhoe buckles, value 10s. a pair of ſilver knee buckles, value 2s. one half guinea, value 10s. 6d. and two ſhillings and ſixpence in monies numbered, his property.

JOHN JUDSON *ſworn.*

I was robbed on Tueſday the 11th of July laſt, at half paſt nine in the evening; going from Bethnal-green to Mile-end; nobody was with me; going into the field I ſaw two men; I immediately turned round and ſaw another come from the oppoſite ſide of the way, a labouring man I ſuppoſed him to be; one of them appeared drunk; he turned his head round, and ſaid, *you are done, Sir, you are done*; I immediately turned round, and ſaid to this man that I ſuppoſed to be a labouring man, that man has drank more than he has bled to-day, he ſaid, yes, Sir, he has; I went on and heard a hallooing from each end of the field, I turned round, and ſaw a man, about twenty yards behind me; I thought I was very ſafe; I walked on till I entered the ſecond field, and I had got about halfway of the field; I ſaw three men enter the field, meeting me; I had no apprehenſion of fear or danger; I heard them converſing together; they were talking about the hour of the night; when I came cloſe to them I was laid hold of by one of theſe three men that met me, who immediately made uſe of the word *now if you ſpeak a word you will be a dead man*; in the confuſion I was in, I cannot charge myſelf with what I ſaid, but I am ſure I ſaid ſomething, and I immediately received a blow in my mouth, and whether I was ſhoved down I cannot ſay, but I fell down immediately on my back; my watch was immediately taken from me, my money was aſked for, and I gave it; the labouring man came up which ſtartled the three men, and they left me in an inſtant, but turning ſhort round, and only ſeeing one man, they told me *to paſs* by and take no notice; he ran away very faſt, and they returned to me again; one of them which was the man that held the cutlaſs, ſaid, is his buckles ſilver? I do not know whether any body anſwered, but immediately one of them took my ſhoe buckles out, and then my knee buckles, which were ſilver; they ſaid I ſhould meet two more of their companions, and I had the preſence of mind to aſk them what I ſhould ſay, for they had got my all, and they told me to wiſh them a good night, and they would let me paſs; I got up and went to Stepney, and got four or five men armed, with lanthorns and candle, and went in queſt of them till near one in the morning, but found nothing of them.

What ſort of a night was it?——A very fine moon-light night; I believe it was full moon.

Did you ſee any of theſe men ſo as to know them again?——Yes, the ſhorteſt of the priſoners, Greenough, was the man that held the cutlaſs.

Are you ſure of that?——Poſitive, very poſitive; I will give you a reaſon; one of them ſays, b——t him, he ſees us, he will betray us, cut off his head; in giving them the money, I dropt the half guinea, and one of them ſays, the b—g—r is dropping the money, cut off his head; from that time I ſhoved up my hat, and I never took my eye from Greenough; he had a very bright cutlaſs in his hand.

Were your eyes fixed on the cutlaſs or the man?——On both; he did not offer to ſtrike me with it.

Can you undertake to ſay poſitively that he was one of the men?——Yes, poſitively.

Do you know any thing of the other priſoner?——I have my doubts about the other.

How ſoon after were they taken up?—I believe it was near a month; I gave information on the Friday following at Mr. Juſtice Wilmott's office; none of my property was ever found.

Can you undertake to ſwear to a man that you never ſaw before, and ſeeing him in the hurry of this tranſaction to ſwear to him at a month's diſtance?——My Lord, I can; I deſcribed him the very man he appears at the bar; I alſo deſcribed him at Juſtice Wilmott's office; before he was brought to the bar, I deſcribed him.

### JAMES SHAKESHAFT *ſworn.*

The priſoners were brought up as diſorderly on Tueſday the 8th of Auguſt; they were ſearched; and Bentley's lodgings, but nothing was found.

*James Harper and John Armſtrong* aſſiſted in the apprehenſion, but found nothing.

*Court to Proſecutor.* I do not underſtand that you have any knowledge of the perſon of Bentley?——No, my Lord; there is one Brown who was admitted as an evidence by Alderman Le Meſurier.

### WILLIAM BROWN *ſworn.*

*Court.* Do you know the perſon of the proſecutor, Mr. Judſon?—I know him by ſight.

Look round and ſee if you ſee him?——That is the gentleman; I ſaw him the night he was robbed in Globe-lane fields, between nine and ten; we were coming down the fields and we met this gentleman.

Who was in company with you?——Samuel Greenough and William Thompſon; we ſtopt the gentleman and held him by the collar.

Who laid hold of him?——I did, and pleaſe you.

What did you ſay to him?—William Thompſon and I told him to *demand* his money, or ſome ſuch a word.

What elſe did you ſay?—I ſaid no more; he made an uproar, and did not conſent to give it; Thompſon ſaid ſome word; he made an uproar, and I happened to have a ſtick in my hand, and I hit him with the ſtick, and Thompſon ſhoved him down; then Mr. Thompſon took his watch out of his pocket; then he took his ſhoe buckles out of his ſhoes, and I took one of his knee buckles, and he gave Thompſon his money; after that Mr. Greenough ſaid to him, as you go you will ſee two more of our comrades; and ſays the gentleman, what ſhall I ſay to them? ſays Greenough, tell them how you have been uſed, and they will not do any thing to you, but let you paſs.

What weapons had you?——Greenough had a cutlaſs, and I had a ſtick; a man came up while we were robbing him, and Greenough ſaid, if he made any diſturbance, he would cut his head off; he did not meddle with him; the man went on about his buſineſs; that was juſt as we were taking the buckles from him.

When was you taken up?——The day before yeſterday.

What became of the watch?—That was ſold in Petticoat-lane.

Who to?—To one Mrs. Levi in Frying-pan-alley, Petticoat-lane, and the ſhoe buckles, the knee buckles were pawned by Greenough or Thompſon.

Did you tell that before the Magiſtrate when you was examined?——Yes.

Did the Magiſtrate ſend to enquire after the watch or buckles?

*Armſtrong.* My Lord, they are ſuch ſort of people, they never will bring a thing to light; they go into the *ſmouch pot*; I ſpoke to her before this youth was taken up, but ſhe ſaid, ſhe knew nothing about it.

*Court to Judſon.* Have you any recollection of the perſon of Brown?——No, I have not.

*Priſoner Greenough.* I have nothing to ſay.

Have you any witneſſes?—No.

*Court.* How came Bentley to be brought here.

*Mr. Garrow.* I am counſel for him, but every body has ſaid, he was not one of them, and I have witneſſes to prove him a moſt irreproachable character.

*Court.* Let me ſee the informations that have been taken in this caſe.

*(Handed up.)*

*Court to Proſecutor.* Have you always given the ſame account of this matter that you have done to-day?——I believe nearly ſo.

Recollect yourſelf?——I do not know that I varied a word.

Have you never ſaid that Bentley was one?——I think he was the perſon, I ſaid, I had my doubts about him.

Then your certainty with reſpect to Greenough ariſes from the information of Brown?——No, my Lord, becauſe I poſitively ſwore to him.

*Court, (reads the information.)* "Says, "he was ſtopped and robbed in the fields "by three men, and that Samuel Greenough and George Bentley the priſoners "now under examination were two of the "three men that robbed him, and that the "ſaid George Bentley ſeized him by the "collar, and ſaid, now one word and you "are a dead man, and he immediately received a blow, and he was knocked "down, but by which of them he does not "know; ſays, that the priſoner Bentley "ſaid to the other priſoner the b—g—r "looks at us, cut off his head."

*Court to Jury.* Gentlemen, I take notice of this before you give your verdict, to ſhew how extremely uncertain the evidence of the proſecutor is; there before the Magiſtrate, fixing it on Greenough and Bentley, and now coming into Court and upon the evidence of the accomplice changing his account, and fixing it on Greenough only, this changes the degree of his certainty, with reſpect to Greenough.

*The Jury conferred a minute, and gave a verdict*

BOTH NOT GUILTY.

*Court to Proſecutor.* I cannot fulfil my duty, without reprehending very much your conduct in this tranſaction; if this man Brown had not been taken up two or three days ago, before the trial of theſe priſoners, you might raſhly have taken away the life of a man that you now believe to be innocent, that is Bentley; you therefore were very raſh in poſitively charging a man againſt whom you cannot now ſupport that charge, and that raſhneſs has been the means of diſcrediting your evidence, with reſpect to the other priſoner, of whoſe guilt there is not much reaſon to doubt.

*Tried by the ſecond Middleſex Jury before* Mr. RECORDER.

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748. ANTHONY LEAR otherwiſe SEAR was indicted for that he, on the 22d

day of Auguſt laſt, feloniouſly did aſſault Ann Collins, ſpinſter, and her the ſaid Ann againſt her will, feloniouſly did raviſh and carnally know.——

The Jury not believing the evidence of the proſecutrix, and it appearing from the depoſition of a ſurgeon who examined her, that ſhe had the venereal diſorder at the time ſhe alledged the fact to have been committed, the priſoner was

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* RECORDER.

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749. ELIZABETH REEVES was indicted for feloniouſly ſtealing, a piece of cloth, value 10s. the property of ——— Fieldſend, privily in his ſhop.

NOT GUILTY.

*Tried by the London Jury before Mr.* ROSE.

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750. GEORGE WARWICK was indicted for feloniouſly ſtealing, on the 14th day of Auguſt, one linen bag, value 12d. one ſaddle, value 15s. two bridles, value 12s. the property of John Norman.

The priſoner was taken directly with the property upon him.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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751. ANN HUGHES was indicted for feloniouſly ſtealing, on the 30th day of Auguſt, one piece of muſlin, containing eight yards, value 30s. the property of Joſeph Railton and William Woollett, privily in their ſhop.

WILLIAM WOOLLETT *ſworn.*

I am a linen draper; my partner's name is Joſeph Railton; I live at Holborn-bridge; I was up ſtairs at tea, about a quarter after ſix; I left only one perſon in the ſhop; when I came down ſtairs I found the priſoner in the ſhop; I will ſwear to the woman; my apprentice and ſhopman came down about three minutes before me; I found Benjamin Jones endeavouring to ſell her ſome muſlin for an apron; I paſſed by them, and came into the compting-houſe; there was a piece of plain muſlin on the counter; I underſtood they could not find any thing fine enough; Benjamin Jones and Edward Lewis were there together, they were endeavouring to perſuade her to have a fine ell-wide muſlin, and to make it the contrary way; the priſoner ſaid, ſhe would endeavour to make that do; we had a very fine piece of ell-wide muſlin; we could not find it; my ſervant came to me into the compting-houſe, and aſked me if I had ſeen the muſlin that day, I told him I had; I examined the wrapper in which it ſhould have been, which was the wrapper I opened, it was not there; I examined ſeveral other wrappers; I then accuſed the priſoner immediately with the theft; ſhe moved about a yard and a quarter from the muſlin; ſhe ſtepped to the counter, took up three pieces of muſlin from the wrapper, gave them a ſhake, and pulled the other from under her left arm; I examined the wrapper particularly, and am ſure it was not there; ſhe had a black cloak on, and the other three pieces fell on the floor with the piece that had been miſſing.

Was the ſituation of her body in ſuch a direction that you could ſee the piece fall from under her arm?——Yes, I can ſwear to that; I ſaw it with my own eyes; I am very ſure it did not fall from the counter; ſhe was very dextrous in taking it from under her cloak.

In the dropping of it, did ſhe employ one hand or two?——She took it from under her left arm; I think ſhe pulled it with her right hand.

Do you ſpeak with certainty as to that fact?——Yes, I believe I can; I believe ſhe threw it down with her right hand; ſhe was charged with the conſtable; I took the piece up immediately. (*Produced.*)

There are eleven yards of it; I did not know the quantity when I was at Guildhall, I thought it had been eight yards; there is my private mark, which is E. H. five quarter; it is a very particular fine one; we had never another of the ſame quality; that was the reaſon it was ſo particularly enquired afrer.

*Mr. Garrow, Priſoner's Counſel.* This was the fineſt piece you had in your ſhop?——Yes.

The priſoner called your attention to it and that of the ſhopman's, by being diſſatisfied with the fineneſs of all the others?—Yes.

What ſort of a cloak had ſhe on?——I cannot tell the length.

Cannot you diſtinguiſh a long cloak from a ſhort one?—It was a middling ſized cloak.

Do you recollect the terms in which you accuſed her of having robbed you?——I told her, I believed ſhe had got a piece of our muſlin, on which ſhe came to the wrapper.

What did ſhe ſay when ſhe took up the other pieces?——I cannot ſay.

Do remember her ſaying, I dare ſay, Sir, if you examine accurately you will find it?——She did ſay ſomething to that purpoſe; ſhe took them up in a very confuſed manner.

She had not at that time gone out of your ſhop at all?——No.

Was there any ſtranger in the ſhop?——No, none at all; there were more than thirty different pieces of muſlin in the wrapper; I looked them over very minutely, I ſuppoſe we were five minutes looking them over, two or three of us; ſhe wiſhed to go very much.

What family has that woman beſides that infant that is at her breaſt?——She ſaid, ſhe had four children.

BENJAMIN JONES *ſworn.*

I live with Meſſrs. Railton and Woollett; the priſoner came into our ſhop at about quarter paſt ſix, and aſked for a yard of yard and half wide muſlin; I aſked her to walk in, and I would ſhew her ſome.

When ſhe came in was the other ſervant in the ſhop?——No.

Before the other ſervant came into the ſhop, was there any of the property about the counter or looſe any where?——Only that wrapper which I took down to ſhew her; I ſhewed her a piece which ſhe did not think fine enough; the other man was not then come down; I ſhewed her another piece; ſhe thought it was too thin, ſhe ſaid, ſhe wanted it to work; I ſhewed her another piece, and the other man came down into the ſhop, and ſhe ſaid, ſhe did not like the price.

Was your back turned to this woman at any time while ſhe was in the ſhop?—No.

Is your fellow ſhopman here?——No, he is not; I had no converſation with the other man; he ſtood by; he aſked her whether an ell-wide muſlin would do, and he would ſhew her one; and we looked for it in the wrapper and could not find it; it was a particular fine piece; I took out the pieces, one by one, and it was not in the wrapper, and the proſecutor looked there too; I am very ſure I examined the wrapper before I examined the reſt; I never left the woman by herſelf near the counter; ſhe was a yard and an half from the counter during the time we were looking for the muſlin; at firſt when ſhe came into the ſhop ſhe was cloſe to the counter; as we could not find the muſlin, we called our maſter out of the compting-houſe; he ſaid, he ſaw it juſt before he went up to tea, in the wrapper which I opened firſt; the priſoner then ſaid, you have no muſlin that will do for me; and the proſecutor ſaid, no, but he miſſed a piece of muſlin, and rather ſuſpected ſhe had got it; ſhe ſaid, how can you think I have it, when the young man has not given me an opportunity of going near the wrapper? then ſhe immediately ſtept up to the counter, and laid hold of three pieces of muſlin out of that wrapper with her right hand; ſhe immediately ſhook them, and ſaid, I dare ſay we can find them, and ſhe dropped them down, and immediately I ſaw the muſlin drop from under her left arm.

Did ſhe appear to you to lay hold of the muſlins that were under her left arm at all?——She put her right hand acroſs her breaſt very quick, and took the muſlin from under her left arm.

Are you ſatisfied you ſaw it fall from under her left arm?——I am ſure I ſaw it; I went for a conſtable.

*Mr. Garrow.* From the time this woman came into your ſhop, to the time this was miſſing, did any other cuſtomer come in?—No.

*Priſoner.* I leave it to my counſel; what they have ſaid, they have ſworn wrong.

*The priſoner called three witneſſes who gave her a good character.*

NOT GUILTY.

*Tried by the London Jury before Mr.* ROSE.

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752. MARTHA Wife of THOMAS BAKER was indicted for feloniouſly aſſaulting William Pretty, on the King's highway, on the 2d day of Auguſt laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, a ſilver watch, value 40s. a watch key, value 1d. and a ſeal, value 2s. his property.

WILLIAM PRETTY *ſworn.*

On Wedneſday the 22d of Auguſt, I had ſome buſineſs at the Bull's-Head, Weſt Smithfield, myſelf and three others; going along Long-lane, we met the priſoner; ſhe ſaid ſhe was very much diſtreſſed and ill; the priſoner followed us to the Bull-head, and in the tap-room ſhe ſolicited me very much to give her ſomething to drink, and I gave her two penny-worth of rum; ſhe ſaid ſhe could drink nothing but rum; my company left me, and ſaid nothing to me; on my return home, I found the priſoner followed me, and in Jewin-ſtreet, ſhe mended her pace; when I came to the end of Nettleton-court; two men ruſhed ſuddenly upon me, and huſtled me into the court; I found I was attacked; I run to the further end of the court, and there the priſoner had a cloak on; which ſhe put up to my face, and ſnatched my watch from my pocket.

*Court.* Were the men there at the time?—They were in the dark part of the paſſage, and I went to the end of the court.

Did you feel your watch go?—I did my Lord.

What ſort of a watch was it?—A ſilver watch, with a ſilk ribbon, with a cornelian ſeal mounted in gold; I made a catch at her, and was immediately attacked by the men, and they beat me from my hips to my head; in the dark entry, there was a ladder, which I got under, and with much difficulty I got up, and ſaw the patrol, and cried ſtop that woman, ſhe has robbed me of my watch; and he immediately ſtopped her.

Did you loſe ſight of the woman at all?——I did for a minute.

Now the woman that robbed you, was the ſame woman you ſaw at the Bull's-head?——Yes, my Lord.

When you was puſhed in the court, where was the woman?——Behind me.

Was it a light night?—No, it was a very dark night, but I could ſee the ſilver caſe of my watch as ſhe drew it out of my pocket; I could ſee her gown perfectly clear, the ſame as ſhe had on when at the Bull-head; it was a dark cotton, and a dark ground.

What ſort of a cloak?—I think a black ſilk cloak.

Do you believe it to be the ſame woman that you ſaw before?—I am certain of it.

*Jury.* Did ſhe ſpeak to you when you was in the court?——No, they immediately committed their depredations.

*Priſoner.* Was not the proſecutor in liquor?——I was very ſober.

Did not you acknowledge yourſelf in liquor before the Lord Mayor?——No.

WILLIAM DURESS *ſworn.*

I am a patrol of Alderſgate-ward; on the 2d of Auguſt, at paſt two, I heard the cry of ſtop thief, at the end of Nettleton-court; the priſoner came running out of the court; I laid hold of her by the arm, and the proſecutor ſaid he was robbed of a ſilver watch, and a ſilk ribbon, and cornelian ſeal; he was very much cut in the face, juſt under one eye, and acroſs his chin; I took the priſoner to the watch-houſe, and took the watch out of her pocket, which the proſecutor claimed: the priſoner ſaid ſhe did not know what was the matter.

*Priſoner.* I beg to aſk the patrol if the proſecutor was not very much in liquor?——I believe him not to be perfectly ſober; but I believe him to be perfectly capable of knowing what he did.

WILLIAM HUTCHESSON *ſworn.*

The officer of the night took charge of the priſoner at the watch-houſe; the proſecutor deſcribed the watch there, which was found on the priſoner, before he ſaw it.

*Court to Proſecutor.* What are you?—A maſter goldſmith; I have lived in Bartholomew-cloſe and thereabouts, this thirty years.

Do you know whether there is any reward in this caſe?——As I do hope to be ſaved I do not.

PRISONER's DEFENCE.

I met the proſecutor; he aſked me to drink a glaſs of rum, and and going down Alderſgate-ſtreet, he met ſeveral men and women, and he took his watch out of his pocket, and gave me a ſhilling and his watch, and bid me take care of it, and when the patrol came up, I was frightened and gave him the watch.

*Proſecutor.* It is falſe; I had no intimacy with her, as ſhe would inſinuate.

*The priſoner called four witneſſes who gave her a good character.*

*Priſoner.* Pleaſe to aſk the proſecutor if he has not been a conſtable?——I have been twenty-one years conſtable of the Royal-Exchange, appointed by the Honourable Grecian Committee

*Court.* And do not you know there was a reward;——I do not; *I have never been concerned with any thing but forgeries and picking of pockets.*

GUILTY *of ſtealing, but not violently.*

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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753 WILLIAM HENNING was indicted for feloniouſly ſtealing on the 6th day of June laſt, forty pounds weight of ſugar, value 10s. and one ladle, value 6d. the property of John Hawes.

JOHN HAWES *ſworn.*

The priſoner at the bar was my ſervant; on Sunday the 6th of June, I was gone to bed; it was about eleven, I heard the bell ring; I looked out of window, and aſked who was there, and the priſoner ſaid it was him; I told him to call the next morning, and I would talk to him, for he ſhould not come in that night; about half after twelve, my bell rung again, and I looked out of window, and the watchman deſired me to come down; and then I ſaw the priſoner with a lump and a half of ſugar.

How do you know it was yours?—By the mark and number, that were upon it; I aſked him how he came by it, he ſaid he kicked his foot againſt it in the ſtreet.

What became of the ſugar after?——It was taken to the watch-houſe.

*Mr. Garrow, priſoner's counſel.* I am deſired to aſk you Sir, whether it had not occurred to you before this to have ſome converſation with the priſoner, about an intercourſe between ſome of your ſervants, male and female?——No.

Have you a nephew?——Yes; the priſoner ſaid to me there were ſuch things going on in my houſe, that he thought it was a ſhame.

Do you recollect whether he deſcended rather more to particulars, and deſcribed that there were intercourſes between the men and the maids, that were not very fit?——He ſaid there were.

Do you recollect his adding to it, that he was reluctant to ſtate to you who the parties were, becauſe he knew the men would be revenged of him on ſome occaſion?——He did.

I put all theſe queſtions to you with all the expectation that your anſwers warrant?——You ſhall have an anſwer.

Did you take any ſteps to enquire about it?——I did not, becauſe I did not believe it; I rather think ſince, he ſaid ſo to cloak his deſign.

*Court.* That is your ſuſpicion, Mr. Hawes; we take the ſubſtantive facts: In what way was this ſugar kept; was it in your mill; and if ſo, how was that mill guarded from the ſtreet?—It is in a room over the mill; far from the ſtreet; the priſoner ſaid, he ſtumbled over the ſugar, and was going to take care of it for me; but he was taking it a different way; there is no way of getting at the room where thoſe ſugars were kept but by coming over the gate; I have two dogs and no man upon earth dare venture but one of the family, and any of them may come at any time; it is not very difficult to get over the gates, except the dogs; the doors were locked over night, but every man knows where to find the keys.

Then any of your men, if they had been ſo diſpoſed, could have got into thoſe rooms?——They could; a ladder was ſet to go into my hay-loft over the ſtable; whoever took the ſugar muſt have gone out of the window through the hay-loft.

### JOHN LEE *ſworn.*

I heard Mr. Hawes at the back gate; I came to the place where the noiſe was, and I ſaw a man at a diſtance moving on ſlowly with ſomething on his back; he did not let me come up to him till the patrol ſtopped him; while I was ringing at the proſecutor's bell, the priſoner threw a piece of ſugar out of his pocket; he pulled another piece out of his pocket and threw down; then I ſearched him and found the lumps in his pocket.

### PETER WILLETT *ſworn.*

I am a patrol; about a quarter after twelve, I heard a great noiſe, and ſaw the priſoner coming round the corner of Swan-ſtreet; I ſtopped him; he had the bag on his ſhoulder, and a ladder; I ſaid, what have you here? he ſaid, nothing; he aſked me to drink, and he wanted to ſhuffle by me.

*John Hawkins* the watchman, aſſiſted to take him.

(*The ſugar produced and depoſed to.*)

### PRISONER's DEFENCE.

I came home at eleven to my maſter's houſe, and rang at the gate; he anſwered me himſelf from the inſide; I went to the door of his dwelling-houſe, thinking he might let me in; I waited there a quarter of an hour, and then I went to a public houſe, called for a pint of beer, paid for it, and drank it; I ſaid, ſome of the men may be locked out as well as me, and I went again to the houſe, and ſpied this ſack laying down; I took hold of it, and the ladder fell, and I took it up and went down Swan-ſtreet; I was going home to my wife, and the patrol took me; ſome of his men had thrown this out, and they were all Germans.

*Mr. Garrow, to Proſecutor.* How long had this man worked with you?——Fourteen months; I thought him an honeſt man.

*The priſoner called four witneſſes, who gave him a good character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* RECORDER.

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754. SAMUEL DRING was indicted for that he, on the 8th day of Auguſt, five pieces of falſe and counterfeit ſilver milled money and coin, made and counterfeited to the likeneſs of a ſhilling, not cut in pieces, unlawfully and feloniouſly

did pay and put off to one Lewis Abrahams, at a lower rate than the ſame did import, viz. for three ſhillings and threepence ;

And MICHAEL ROACH was indicted for that he, on the ſame day, unlawfully and feloniouſly did aid, abet, counſel and procure him the ſaid Samuel Dring to do and commit the felony aforeſaid :

*Another count*, For the like offence, only varying the manner of laying the charge.

(*The caſe opened by Mr. Silveſter.*)

LEWIS ABRAHAMS *ſworn.*

(*Produces five ſhillings.*)

How much did you give for them ?——I gave him three ſhillings and ſixpence, and I told him to give me the worth of that, and he gave me five bad ſhillings and three pennyworth of halfpence back again. On the 4th of Auguſt, I went to Dring's houſe in Little Drury-lane, he was not at home; I went again the 7th, and ſaw him; he came down in his ſhirt ſleeves, and we appointed to meet at a houſe in the city, oppoſite Bow-church, at five in the afternoon, and he was to bring ſome counterfeit ſhillings with him ; I was there at half paſt four ; I told him, I would buy ſome and help him to a cuſtomer for more ; I waited a little while, and ſaw Dring come out of the public houſe ; ſays I, have you got the money with you ? no, ſays he, I have none now, I will bring it to-morrow morning, and meet at the ſame public houſe ; the next morning he had not got it, but he ſaid, I muſt go with him to Beech-lane ; we went, and called at the George, a public houſe ; he told me to call for a pint of beer ; but I ſtopped at the door, and he went into a baker's ſhop oppoſite, and ſtopped two or three minutes.

Who lives at the baker's ſhop ?——I do not know ; then he came to me, and we went in and called for a pint of beer ; after a little while Roach came in, and ſaid, we muſt wait half an hour ; *they* were not ready yet ; he did not mention *what*, I told Dring I would go and tell the man not to be out of patience, to wait, and I would bring ſome of the money as ſoon as I could ; I went in ſearch of a conſtable, and I met with Mr. Newman, near Cripplegate, and appointed him to wait at the White Horſe, and I would bring a man to him that was putting off ſome bad ſilver ; I went back to Dring's, and ſat there an hour and an half, and then Roach came in again, and ſaid, they were not ready yet, we muſt wait ; Dring anſwered then never mind waiting a little while, for Roach will pay the reckoning, to detain us ſo long as he does ; after Dring ſaid, he would pay the reckoning, I ſaid to Dring they are a long while finiſhing ſuch a few as that there ; ſays Dring they are finiſhing ſome more for ſomebody elſe at the ſame time ; when it wanted about ten minutes to three, I ſaid to Dring, they keep us a long while, ſays I, if he does not come preſently, I will go to a place in Cloth-fair ; I can have ſome there, and ſoon after Roach came in, ſays he, I am ready for you now ; Dring and I got up from the bench, and Roach paid the reckoning, and we all three went out of the public houſe together ; we then turned towards Redcroſs-ſtreet, and they deſired me to wait there for two or three minutes ; I ſaw them go into a baker's ſhop, the ſame that Dring and Roach went into ; they ſtopped about five minutes ; they came towards me ; then Dring ſaid to Roach, let me have the money ; Roach ſaid, he could not give it out of his hands, becauſe he had been cheated ſeveral times ; Dring ſays to him, then let me have half a-piece ; I do not know what they meant by that ; Roach then gave him a paper ; I did not ſee what was in it when he gave it him ; Dring and I walked two or three yards on, and he opened the paper ; it contained fifteen counterfeit ſhillings ; I ſaid to Dring, I had but three ſhillings and ſixpence about me ; let me have as much as that money comes to ; I then gave him the three ſhillings and ſixpence, and he gave me five counterfeit ſhillings and three penny-worth of halfpence ; as ſoon as they came into the houſe the officers took them.

*Mr. Garrow, Priſoner's Counſel.* Was not Mrs. Moſes in company with you?——I do not know who you mean, there was no woman in company with me.

Upon your oath, do not you know who I mean?——No, I do not, I know a great many Mrs. Moſes's.

Do not you know that I mean the woman who was a witneſs here laſt ſeſſion?—There was no woman.

Is this the firſt time we have ſeen you this ſeſſion?——You know beſt.

Is it I ſay?—You have the moſt right to know.

Had you no Chriſtian or Jew by?—No, Sir.

How many times have you appeared here and the Juries found verdicts againſt your evidence directly?——You know beſt; I will tell you the reaſon; the priſoners employed people to ſwear. I get nothing by what I do.

You will not ſwear that; do you mean to ſwear that you do this without fee or reward, and for the good of your country?——Yes, I do ſwear that.

*Court.* Do you mean that you are to get nothing for this?——I ſuppoſe I ſhall be allowed my expences.

By whom?——By the Court I ſuppoſe.

Suppoſe the Court ſhould not, who are to allow you your expences?—I do not know rightly.

Take care what you ſwear, for though you may not give a true account, thoſe that employ you will?——I am employed by nobody.

You ſwear that?——I am employed by nobody.

Nobody knew before-hand of your doing this?—No, my Lord.

Nobody promiſed to give you any thing for it, or to pay you any expences?——No, my Lord, I had no promiſes from any body.

Nothing at all?——No; my expences I expect, that is all.

Did you proſecute Cole for nothing?—The gentleman paid me my expences.

What did he pay you?—He allowed me a crown a day, but I did not know he would pay me any thing.

Do not you expect five ſhillings a day from the Solicitor of the mint on this proſecution?——I do not know, Sir, if he pleaſes to give it me.

Do you expect it, Sir?——I do expect it after the trial is over.

You did not know what a piece was?—No, I did not know what he meant by it.

That you ſwear poſitively?—Yes.

Then upon the former trial you did not ſwear what a piece meant?——I do not know; I cannot ſay whether I did or no.

Do you believe you did not?——I cannot tell.

Since you have been tranſported how often have you been examined as a witneſs?

*Mr. Silveſter.* I object to that?——I ſhall not anſwer without my Lord tells me ſo.

*Court.* I ſhall not tell him to anſwer it, till you prove he has been tranſported.

### JOHN NEWMAN *ſworn.*

On the 8th of Auguſt, about twelve at noon, I was coming down Fore-ſtreet, and going towards Guildhall; I ſaw Abrahams and another Jew before me to my knowledge, I never ſaw Abrahams before; he came to me, and met me at the White Horſe, and Abrahams and Dring came in; Abrahams aſked Dring, what he would have to drink; Abrahams nodded to me, and I thought Dring had ſomething in his hand; I aſked him what it was; he ſaid what is that to you? ſays I, what is it? ſays he, I do not know, I picked it up at the door: it was theſe ten bad ſhillings. In about five minutes came Roach and another man in the paſſage, and they ſeeing ſome people ſtanding at the door, turned back; I ſearched Roach, and in his left hand waiſtcoat pocket I found five ſhillings and ſome good ſilver; in his breeches pocket I found two; and this five ſhillings I took out of Abrahams' breeches pocket; Mr. Sargeſſon who was by, ſaid, ſearch him as well as the others.

*Mr. Garrow.* Did Abrahams tell you to ſearch him?——No.

*To Abrahams.* Are the five ſhillings that were taken out of your pocket, the ſame you had of the priſoner?——Yes.

*Newman.* I believe there might be three pence halfpenny or a groat.

——SARGESSON *ſworn.*

After Mr. Newman had ſearched Roach, I thought he ſhifted, and had more, and ſearching round the waiſtband of his breeches, exactly behind, I found theſe, thirty of them.

*(Produced.)*

REUBEN FLETCHER *ſworn.*

I am one of the moniers of the Mint; I have examined theſe ſhillings, they are all bad.

*(Handed to the Jury.)*

PRISONER ROACH'S DEFENCE.

On Friday evening the 8th of Auguſt, with another man in company, I picked up a blue handkerchief, and he cried halves; we went into the Pied-horſe, near Moorfields; I gave him two papers and took two; then I came home to ſell them to Mr. Cox, the refiner; I never converſed with the man.

PRISONER DRING'S DEFENCE.

A perſon ſaw me pick them up at the door.

*The priſoner Roach called five witneſſes to his character.*

SAMUEL DRING,
MICHAEL ROACH, } GUILTY.

*Each fined 1s. and impriſoned twelve months in Newgate.*

*Tried by the London Jury before Mr.* RECORDER.

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755. JAMES GRACE was indicted for that he, on the 30th day of July laſt, 645 pieces of counterfeited money, made to the likeneſs and ſimilitude of a halfpenny, not melted down and cut in pieces, did ſell, pay, and put off to one Charles Sadler, at a leſs price than their denomination did import, to wit for twenty ſhillings.

*A ſecond Count,* For a like offence, only varying the manner of laying the charge.

*(The caſe opened by Mr. Silveſter.)*

CHARLES SADLER *ſworn.*

I went to Beech-lane with the priſoner, on the 30th of July; Mr. Powis went with us, and the priſoner went out to get ſome half-pence, and he came back and ſaid they will be ready preſently; then he went again, and came back, and ſaid Mr. Johnſon does not like the looks of your face, and he will not let you have the half-pence; then I gave half a guinea and nine ſhillings and ſix-pence to Powis, and bid him go and fetch the halfpence; I was to have twenty-ſeven ſhillings in return.

Did Powis give that money to the priſoner?——Yes, I ſaw him give it; the priſoner went into a back room, and brought the halfpence tied up in my handkerchief and gave them to me; I gave them to Mr. Powis; we paid our reckoning and came away, and the priſoner came along with us over Moorfields; then that Mr. Johnſon, that he ſaid made the halfpence, went by us in Moorfields, and the priſoner ſaid Mr. Johnſon was worth three hundred pounds a year, and then the priſoner run away, and I thought he was gone to give information againſt us for buying the halfpence, and I carried the halfpence to the headborough; there was twenty-ſix ſhillings and ten-pence halfpenny; all that I did this for, was to get the priſoner away; it was fixed on purpoſe by the inhabitants, becauſe he owned to me he robbed a veſſel of one hundred and ſeventy pounds, and my back door lays at ſtake.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Day

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 30th of AUGUST, 1786, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
## UPON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

### *Continuation of the Trial of James Grace.*

——POWIS *ſworn.*

Went with the laſt witneſs, and depoſed to the ſame effect, and that the priſoner told him he had coined halfpence before, and one might get a guinea a day by it, and leave off at twelve o'clock.

*(The conſtable produced the halfpence.)*

——FRANKLIN *ſworn.*

They are all bad.

PRISONER's DEFENCE.

The proſecutor aſked me to go with him, and I went and aſked for the halfpence as Powis bid me, and brought them to him; on the Monday morning, the proſecutor came on board the ſhip, and aſked me if I would have ſome eels for breakfaſt, and I went to his houſe, and there was the officer; ſays he, that is the eels and the parſley, and I am the butter, and I will butter you as well as any body can in the world. I am a lumper on board a ſhip; he has done it, becauſe I have no friends.

GUILTY.

*Fined* 1s. *and to be impriſoned twelve months in Newgate.*

*Tried by the London Jury before Mr.* RECORDER.

756. WILLIAM STONE and JOHN NEALE were indicted for that they, not having the fear of God before their eyes, but by being moved and ſeduced by the inſtigation of the devil, on the 24th day of July laſt, in and upon one John Harriſon, in the peace of God and our Lord the King then and there being, did make an aſſault, and that he the ſaid William Stone, with both his hands and feet, did divers times feloniouſly, wilfully, and of his malice afore-thought, ſtrike, beat, caſt, and throw him to the ground, and ſo laying on the ground, in and upon the head, ſtomach, back, belly, and ſides of him, the ſaid John Harriſon, did beat, ſtrike, and kick; giving him as well by caſting him to the ground, as by ſuch ſtriking, beating and kicking him when on the ground, as aforeſaid, divers mortal bruiſes, of which he, till the 1ſt of Auguſt, did languiſh, and languiſhing did live; on which ſaid 1ſt day of Auguſt, the ſaid John Harriſon, of the ſeveral mortal bruiſes aforeſaid, died; and that he the aforeſaid John Neale, feloniouſly, wilfully, and of his malice aforethought, was preſent, aiding, helping, abetting, comforting, and aſſiſting him, the ſaid William Stone, the murder aforeſaid to do and

commit, and ſo the Jurors ſay, that him they did kill and murder.

The ſaid William Stone and John Neale were alſo charged on the Coroner's Inquiſition, with feloniouſly killing and ſlaying the ſaid John Harriſon.

### WILLIAM WESTGARTH *ſworn.*

*Court.* Relate what you know reſpecting the death of this unfortunate man?—On the 24th of July, I called at Somerſet-houſe to ſee John Harriſon, a ſtone-maſon; I found him at the White-horſe, and he took me to Somerſet-houſe, about half paſt one, and as we were going along, ſome of the workmen aſked him if he had any money; he ſaid he had as much as any of them; I heard a quarrelling, and took him away, and he went in again, and there was fighting, and I ſaw the deceaſed with his noſe all bloody; we went over to the Coach and Horſes; they ſaid they would meet me there; we went to the Coach and Horſes, and ſeveral of the workmen came, and then they would not make it up; the deceaſed was one of the workmen, he was a ſtone-maſon; the workmen were to return the money to Harriſon, which they had got of him at two different times; that was the grievance; the priſoners were both there, but they had nothing to do with that diſpute; after this, ſeveral words happened with Harriſon and the priſoner William Stone; they all agreed to fight about ſome old quarrel, that I was not privy to.

Who began the diſpute, do you recollect?——The priſoner Stone; they had fought once before in the buildings, but I cannot recollect what Stone ſaid; they agreed to fight, and both ſtripped.

Did they fight?——Yes, and the priſoner Stone ſtruck the deceaſed, when he lay upon the ground, with his fiſt; the deceaſed ſaid he would fight no more; and the priſoner Stone ſtruck him ſeveral times after he ſaid he would fight no more.

Did any body elſe ſtrike him at that time?——No, not that I ſaw, nor took any part in this quarrel; he came over and I wiped his face, it was very bloody, he had a very bad face; I never ſaw the other priſoner ſtrike him at all, I ſaw nothing further.

### ROBERT HASTINGS *ſworn.*

I keep the Coach and Horſes, in the Strand; I was not in doors when they began to quarrel; I came in and ſaw the deceaſed and Stone quarrelling and going to fight; I believe Stone had his coat off, but I did not ſee the other ſtripped; I ſaw Stone and the deceaſed make blows at one another; I did not ſee which ſtruck firſt, and Stone ſaid I am not able to fight him, I have but one arm to fight him with, I fought him ſix or ſeven weeks ago; and the others parted them.

Then by your account it was Stone that gave out firſt?—To the beſt of my knowledge it was.

Did you ſee Stone ſtrike the other when he was down?——No.

Did they either of them appear hurt in the battle?——I did not perceive they were; I did not ſee any unfair blows ſtruck; I wanted to get them out of my houſe; I did not take much notice.

*Mr. Silveſter. Priſoner's Counſel.* Was Weſtgarth in liquor?——Very much.

Was Harriſon?——Very much.

Was Stone?——He did not appear to be ſo.

### CHARLES MAIR *ſworn.*

At half paſt three, Harriſon and me and Weſtgarth went to the Coach and Horſes, to wait for the joiners; when they came over about four, and Weſtgarth propoſed to them to return the deceaſed eighteen pence, and he would make up the quarrel, which they refuſed; they ſaid they would ſhake hands and make it up, but they would not return the money.

Who ſaid this?——Neale ſaid there ſhould be no money returned, but if they would drink a pot of beer and make it up; and Stone and they all ſaid ſo; from that the quarrel began.

Who began the quarrel?—I cannot ſay who began firſt, after quarrelling ſome time Stone and Harriſon began to fight.

Was there any agreement to fight?——Not that I heard.

Did they ſtrip to fight?——Stone came over in his ſhirt ſleeves, I ſaw no ſtripping; after fighting ſome time, Stone ſtruck Harriſon when he was down, and there were no more blows ſtruck after that blow, to my remembrance; they were then parted.

Did you hear either of them ſay they would fight no more?——No.

Was the witneſs Weſtgarth in liquor or ſober?——I cannot rightly ſay; Harriſon was much in liquor; Weſtgarth not ſo much; he was not drunk; he had been drinking.

Was Weſtgarth ſober?——I think he was.

Did either of them appear to be much hurt by this fighting?—I cannot ſay, becauſe Harriſon had been much beat and bruiſed before he began to fight with Stone; he had been beat in the building; he had been fighting before with one Walters, not with the priſoners.

### JOSEPH MONTAGUE *ſworn.*

I ſaw nothing of the quarrel; I was up in the buildings; about three I went in at Somerſet-houſe, and I ſaw the joiner ſtripping to fight with the deceaſed, and he ſtruck him ſeveral blows on the ſtaircaſe; the deceaſed bled conſiderably.

Whereabouts did the joiner ſtrike the deceaſed?——About the head and face, Harriſon's lip was cut, and his face bloody; he was bruiſed in his face that was with another man, neither of the priſoners.

### JOHN GILLIAM *ſworn.*

I was at the Coach and Horſes the 24th of July; I went in about half after five; I heard they had been fighting; I went into the room; they appeared to have been bleeding, and Harriſon had a ſwelled lip; I ſtaid a little while, and ſome words aroſe between Harriſon and Stone, and they agreed to fight, and they did fight in the room.

Do you recollect who began the words?——No, I do not, in a few minutes they were parted.

Did either of them appear to be much hurt?—Harriſon appeared to be hurt the moſt; his lip was much ſwelled, and his noſe bled a great deal.

He appeared to be bruiſed before that?——Yes; after that Mr. Neale and the deceaſed had ſome words and they fought.

Which of them began that diſpute?——I do not recollect; they were both agreeable to go to fighting, it was agreed to fight in the court.

Did they?——They did go out into the court; I ſtopped in the houſe ſix or ſeven minutes; I would not go out; I went out then; they were fighting; I left them fighting; I ſaw no particulars; I was fourteen feet from them; I ſaw no more, and who began the quarrel I cannot tell.

### JOSEPH RUTHERFORD *ſworn.*

I live in the court; when I firſt went up, the noiſe brought me out; I ſaw two men fighting; Neale and the deceaſed; Harriſon appeared to have been down; he ſtaggered, and bled at the noſe; his lip was thick; he appeared to be fuddled, or badly beat, or both; the priſoner Neale and he, as far as I can remember, cloſed together, and fell down, and I think Harriſon was undermoſt; the priſoner then turned, and was on his hands and knees, and ſeemed bleeding much; I know Neale; I knew the other by ſight; it was not Stone; they wiſhed the man to get up again; and aſked him if he would fight any more.

What did he ſay?——I think he ſaid, yes; I ſaid, he ſhould not; I thought he was fuddled, and would be killed; I wiſhed to take him away, but the other people ſaid, he ſhould not; I do not remember hearing either of the priſoners open their mouths; I took him up, and was taking him to the pump to waſh him, and he fell down, but whether he was ſtruck down or puſhed down, or tripped up, I cannot ſay, but he fell from me, I cannot ſpeak with certainty by whom; it was behind me, he fell down; I believe they aſked him if he would fight any more, and I think he ſaid, yes; I cannot ſpeak with any preciſion afterwards; my wife hearing there were ſome words between the other joiner and me, ſhe endeavoured to get me away, and I endeavoured to puſh her away, and I aſked them what they would do with the man, as I underſtood they had been beating him before.

### GEORGE PAULIN *ſworn.*

I live in the court, I ſaw them coming into the court, and the deceaſed ſeemed to be very much beaten, or very much in liquor, or both; as he came into the court, he was either puſhed down or fell down; I did not ſee diſtinctly; I ſaw Neale and Harriſon come into the court ſtripped to fight.

Did they fight?——They did; the deceaſed ſeemed very incapable of fighting, either by being very much beat, or by being in liquor; I ſaw a great number of unfair blows ſtruck by Neale, ſtriking him when he was down, and coming behind, before he was ready to fight.

Are you ſure you ſaw him ſtrike him when he was down?——I am ſure I did; I was at a one pair of ſtairs window all the time; I had been exceeding ill for three or four days, and I aſked my wife to let me go down, but ſhe locked the door for fear I ſhould get into any trouble; I could not bear to ſee the foul play; I ſaw the man after, he had many blows; Mr. Rutherford went to attempt to take him away, but he could not; I ſaw one of the joiners or carpenters ſtrike at Mr Rutherford; but he did not ſtrike him, and his wife came and got him away; then the deceaſed came up the court, holding his hands before his eyes, and Mr. Neale came behind, and ſtruck him, and knocked him down in the court with a very violent blow; he had a very violent fall backwards with his head to the ground; I ſaid to my wife, the man's ſcull is fractured, let me go down, but ſhe would not; the others ſaid, Mr. Neale, you ſeemed more to blame than him.

Who were the others?—I know none of their names.

Was any blow ſtruck after this blow?—I do not think there was; the man got up and went to the bottom of the court, and reſted his head, and bled for ten minutes before any body came to him; the deceaſed fell with his face to the ground by that blow; there were ſeveral women that ſaw the ſame, and ſaid, it was a ſhameful ſight as ever they ſaw.

*Mr. Silveſter.* Are you a bit of a boxer yourſelf?——I do not know; I do not like fighting; it is rather too hard work; but if I am too much impoſed upon, I do not like that.

### JOHN GADD *ſworn.*

I am an apothecary; I ſaw the deceaſed on the Friday following this affray; I was called to him on the Wedneſday firſt; I did not ſee in what ſtate he was on the Wedneſday; I underſtood he was under the care of ſome young man, ſome ſea ſurgeon; on the Friday I was called to him, and attended him to his death.

What ſtate did you find him in on the Friday?—He was in a very violent delirium and fever; a very ſtrong delirium.

Did you examine whether he had any wounds or bruiſes, or what that fever had been occaſioned by?——The next day I had his head ſhaved in order to apply a bliſter to his head; that was on the Saturday; I examined his head, and there was a ſlight wound on the back of his head, but there appeared no conſiderable bruiſe, but one near his eye; there was ſome blackneſs, extravaſation, but of little conſequence; the wound did not appear to me to be dangerous; for my own ſatisfaction as well as for that of the deceaſed's friends, I called in a ſurgeon of eminence, Mr. Minors the father was called in, who examined his head with me; I was rather of his opinion before; that ſtrengthened my opinion.

What was the opinion you formed of that man's caſe?——My opinion is very doubtful, as to the cauſe of his death.

Are you of opinion that the fever and the delirium were occaſioned by the wounds and bruiſes he received?—That is doubtfull to me; I cannot ſay.

Have you any clue to lead you to any other cauſe of the fever?——Only what I underſtood, from the friends of the deceaſed.

Did you examine whether there were any other conſiderable bruiſes about his perſon?——I did not.

The man was not in a ſtate himſelf to give you an account of his complaints?—Not at all, from the time I ſaw him he was very delirious, and continued ſo.

When did he die?——On the Monday following, I think.

Have you a real doubt in your mind what that fever was occaſioned by?——There is a probability it might be occaſioned from intoxication, from paſſion, from anger; or it might be from the falls he received; it is very doubtful to me.

*Mr. Juſtice Gould.* I take the caſe to be that the cauſe of the death muſt be proved and drawn from a variety of circumſtances; the Court are to form their judgment from the evidence they have heard, and if they are of opinion that the death aroſe from the ill uſage given by that priſoner at the bar, certainly the fact is proved; the fact is to be proved from the reſult of all the evidence, duly weighed and adjudged upon by the Jury, the Jury are to judge for themſelves; ſuppoſe a ſurgeon was to ſay, where it was manifeſtly clear that the injury was the occaſion of the death, that he was of opinion it was not; is that to blind the Jury? they are not to be hood-winked or blinded; though not perſons of profeſſional ſkill, they are endued with common ſenſe; therefore if they, on the whole of the evidence, are of opinion that the death aroſe from the priſoner, there is the proof of the fact; the charge in the indictment is certainly murder, but as to the mode of proving it, there is no certain rule laid down in that caſe any more than in any other; it ariſes from the whole of the evidence, upon which the Jury are to exerciſe their judgment.

*Mr. Recorder.* I am very happy to have the opinion and aſſiſtance of one of the moſt able and experienced judges of the law in England; I have no doubt that that fact or any other, may be collected, either from poſitive teſtimony, or any other evidence; for inſtance, if a man is knocked down, his ſcull fractured, and his brains coming out at the time, I want no ſurgeon in ſuch a caſe.

*Jury.* We wiſh to have Mr. Minors here.

*Mr. Juſtice Gould.* Surgeons are called only to aſſiſt your judgment, they are not the people to determine this or any other caſe; you are to exerciſe your own judgment.

*(Mr. Minors ſent for.)*

### DAVID BERRY *ſworn.*

I knew the deceaſed Harriſon; I was very intimate with him.

Did you know him on the 24th of July?——I lodged in the next room to him; he was as well as ever I knew him to be; he appeared to me to be in perfect health before that day.

Did you happen to ſee him at all, in the morning of the 26th of July?——No, Sir, I did not, he went to work at ſix o'clock, but the day before, he was in good health, I did not ſee him that evening, but I ſaw him the next morning.

In what condition was he the next morning?——Moſt dreadfully bruiſed and cut.

Where did he principally appear to be bruiſed?——In his face and head; on the Friday morning following he was taken with a delirium, between two and three in the morning; it was on the Tueſday morning I ſaw him; I ſaw him once or twice after, but not to aſk him any queſtions.

Did he from the Tueſday morning keep his bed?——Yes Sir, he was never out of the room to my knowledge, from the time he came home, till he was carried out.

When did he die?——On the Monday evening following.

When you ſaw him firſt on the Tueſday morning, were ſeveral bruiſes viſible then?

——Several, particularly about his body; I had an opportunity of ſeeing his ſtomach, when his ſhirt was open, and he was very cruelly bruiſed.

Did the bruiſes that were viſible about his head and face, diſappear before his death?——No, Sir, they looked worſe and worſe, he looked abundantly worſe when he was dead than before; I was preſent when Mr. Gadd was there; I called Mr. Gadd; I was preſent when his head was ſhaved; it appeared to me that his wounds were the cauſe of his death.

I want to aſk you the facts that you ſaw; Mr. Gadd tells us that he ſaw only one wound upon the head, and one bruiſe on his face; was the appearance the ſame to you?——There was one wound when the head was ſhaved, that was not viſible to me before, on the back of the head; I think there was a bruiſe under one of his ears, and one of his eyes.

Were there any other bruiſes viſible?——His lip was cut very much.

*Court to Mr. Gadd.* In the examination of his head, you ſpoke only of one wound?——There was a wound on the back part of the head, and a contuſion on the temple near the eye; I do not recollect ſeeing any more wounds; I did not examine the body at all; his head was not opened in my preſence.

*Court.* From that blow, though the outward wound might not be mortal, may not a violent blow produce a concuſſion of the brain?—Yes.

Is not the back part of the head, a likely place to produce that?——Yes.

Does not a concuſſion of the brain frequently remain for a conſiderable time after the blow happened, without any dangerous ſymptoms?—Yes.

Then is not the firſt ſymptom, that of a ſtrong delirium?—There are generally ſome lethargic diſpoſition, by the preſſure on the brain; he appeared to be ſenſible on the Wedneſday.

In caſe of a concuſſion of the brain, would he be likely to be free from thoſe ſymptoms, from the Monday to the Friday?——From the blow I have heard deſcribed, I ſhould hardly think it poſſible.

Was there any lethargic ſymptoms on the Friday?—He was ſo exceedingly delirious, there was no forming a judgment.

*Court to Mr. Berry.* Do you know whether the deceaſed ſlept much from the blow till his death?—He did not appear to ſleep ſound, he appeared as if he were aſleep, but at the ſame time he could liſten to every thing that was ſaid, though not ſenſible to give an anſwer to the queſtions that were aſked him.

CARRIER VICKERY *ſworn.*

I am a ſurgeon; I was called in to examine the body of this man, after his death.

Did you make that examination?—I did.

Relate in what ſtate you found the body?—I was called in on a Friday, he died on a Monday.

*Court to Mr. Wilſon.* When was the day of examination?——On Wedneſday the 2d of Auguſt, the ſurgeon was called in then.

*Mr. Vickery.* I do not recollect the day.

In what ſtate did you find the body of the deceaſed then?——I found ſeveral bruiſes on the back part of the head, and one wound quite through the ſcalp of the ſcull.

Was it a large wound?——Not very large.

Did you obſerve any other bruiſes about him?——There were ſome on his neck and back.

Any on his face?——I do not recollect that.

Did you obſerve or examine his breaſt or ſtomach?—There were none; the wounds and bruiſes were on his head.

Did you examine and ſearch for any fracture of the ſcull?——There was no fracture.

Did you make a compleat examination of the ſcull?—No.

Why not?——I cannot aſſign any particular reaſon why I did not.

Is not it neceſſary in order to aſcertain whether there had been an inward concuſſion of the brain that occaſioned the death, to open the ſcull that would aſcertain the fact?——Not always; it may.

Then from the exterior and ſuperficial examination that you made could you collect the cauſe of the man's death?—From having heard the previous ſymptoms——

*Mr. Silveſter.* You muſt ſpeak from the appearance?——From the appearance of the head, and my own obſervation, I ſhould have thought it very probable that the man died of thoſe blows, had I not heard of one ſymptom.

But not certain, none of them that you could pronounce mortal?—Certainly not; oh, no! ſurely not.

In addition to the inſpection, the man having taken to his bed from the morning he received theſe bruiſes, and being ſeized with a ſtrong delirium early on the Friday morning, joining theſe ſymptoms in addition to your inſpection, what opinion ſhould you have formed, as a medical man?——The very ſame opinion I had at firſt; that they were conjunctively a very probable cauſe of his death.

*Mr. Silveſter.* You ſaid ſomething of one ſymptom?——If I had not heard any one of the previous ſymptoms, from the inſpections merely I ſhould have thought they were the cauſe of his death; I heard that he was delirious; I never ſaw him alive; I knew nothing more than what I heard from the man that keeps the houſe; my opinion is not altered by any ſymptoms I have heard, but rather confirmed.

*Mr. Silveſter.* This caſe differs from that; in the diſpute between Stone and the deceaſed, it does not appear that Neale was there; how then can he be aiding and aſſiſting, if the Jury are of opinion that Neale gave the blows and not Stone; they appear to be in evidence two compleat ſeparate and diſtinct tranſactions: then the queſtion is, whether the blows and wounds charged to be given by Stone in this indictment can be transferred to Neale; or whether the blows given by Neale, Stone not being preſent, occaſioned the death.

*(Mr. Minors ſent for, and ſent word he could not come; an order of the Court and an officer ſent for him.)*

WILLIAM PEARCE *ſworn.*

I know the two priſoners; they are carpenters; they work at the building at Somerſet-houſe; I was at the Coach and Horſes; I went there at four o'clock, and while me and my partner were there, Harriſon and they came in; the diſpute was concerning a wager; they were ſettling it, and a gentleman's ſervant ſeemed to come to mitigate it; there were ſome few words, and the gentleman's ſervant offered to fight any man for twenty guineas, and to give him five, and to Stone he ſaid, he would tie one hand behind him.

What paſſed with Harriſon?——Harriſon called them a parcel of thieves; and through that a ſcuffle enſued between him and Stone; they had two or three falls, and Harriſon kept Stone down by the hair of the head till he was releaſed; then they got up again, then they were down again, till the matter was ſettled, and they left off fighting, then they ſat down and drank together.

Which of them had the worſt of it that time?—I cannot certainly ſay.

Did you ſee what happened between Neale and Harriſon after?—Yes.

How long was that after the quarrel between Stone and Harriſon?——About ten minutes or a quarter of an hour.

Was the quarrel between Stone and Harriſon all completely over?—Yes, and they had drank together; then the gentleman's ſervant offered to fight, and Neale and Harriſon fought a little while in the room, then they went out in the court; Harriſon the deceaſed and this gentleman's ſervant ſaid they would fight any man in the room.

Did the ſervant appear to have been drinking?——Yes.

Did you ſee Neale and the deceaſed fight when they went out ?—Yes.

The deceaſed was pretty ſeverely beaten by Neale, was not he ?—No, I wiſhed them not to fight; Neale was not able to ſtand againſt ſuch a man as Harriſon was.

Was not Harriſon in liquor ?——They were all in liquor; Neale was in liquor; Neale was *obligated* to fight him, or elſe he would have licked him.

Mind what you ſay ?—My account is authentic, and the real truth; Neale did not wiſh to fight him; he would fight after the gentleman's ſervant had offered twenty guineas to fight; they ſaid they would fight in another room.

Do you mean to ſay that Neale did not beat Harriſon very much when they fought without ?—No, Sir, he did not beat him, what was hurt was through falls.

Did not Neale ſtrike him ?—Undoubtedly, when they were fighting; he would have fought again; he never ſtruck him to hurt him; I do not think he did; his hurt was through falling.

Who gave him thoſe falls ?——Neale and he in ſcuffling fell down together, and he held down Neale by the hair of his head, and apparently would have ſmothered him; the blood guſhed out of Harriſon's face; that was through the falls I look upon it; when they fell there was no knowing which would fall to the ground firſt.

Which had the better of the fight ?—Harriſon was too ſtrong for Neale by much; if it had not been for the tumbling, and nobody knew which would fall firſt.

SAMUEL WILLET *ſworn*.

I ſaw this tranſaction; I came in with Mr. Price, and they all came in to ſettle the matter together; I am a joiner and carpenter; ſo is Price; then the gentleman there he began to talk about fighting and challenged every man in the room, and he gave great aggravations to all the company of the oppoſite party, and then the deceaſed ſaid, he would fight any man in the room; then the deceaſed Harriſon got up and inſulted this William Stone, and called them a parcel of thieves, and called him a b-g-r; they had ſome bad falls once againſt the chimney piece; Stone had a very bad arm before; they ſat down and was very ſociable for a ſmall ſpace of time; then the deceaſed got up with great aggravations to Neale; then they went into the court; I went with Neale; he aſked me to come and pick him up; I ſaid, I would.

Which was the ſtouteſt man of the two ?——The deceaſed I ſuppoſe was able to fight two ſuch as Neale, a very powerful man; they had ſeveral falls in the court; I do not know there was a blow given that was the occaſion of his death; the deceaſed ſhewed very foul play; the fouleſt play that could be; they ſtruggled together; the worſt fall was at laſt, and I did not know which would come to the ground firſt, till Harriſon ſlipped undermoſt; they were hanging together; here is a perſon preſent that laid Harriſon down to take his breath, and he jumped up and put himſelf into a poſition to fight, and then he received one blow more, and that was all.

*Court*. Harriſon had had two falls before he fought with Neale ?——I did not ſee him fight.

Was not he very much in liquor ?——I believe each party was in liquor.

Was Neale in liquor ?——I believe he was.

Are you ſure of that ?——I believe I am.

Are you ſure ?—I am.

Was not Harriſon in liquor ?——He was; he would not let the people alone; there was a perſon preſent that trod on his toes and ſpit in his face to fight, and he would not fight; I only juſt went out along with Neale; I did not meddle with any body, but came up when he was down; he was an entire ſtranger to me; I never was in his company before in my life, nor the other party neither; I work for Mr. Lewington oppoſite Somerſet houſe.

THOMAS KNOWLES *ſworn*.

I work at Somerſet-houſe, for a perſon

of the name of Neale, with the priſoner; I remember Harriſon coming up to the ſhop window were I was at work, in one of the rooms, and oppoſed Stone, the priſoner, and me likewiſe, at the window, and wanted each of us to come out into the ſquare at Somerſet-houſe to fight; from there he came into the ſhop where I was at work, and he offered to put down five ſhillings to fight me for whatever I choſe, or Stone either; or any man my maſter had he would fight; he came into the ſhop and he went up to Stone who is my partner, and he ſhook his fiſt in his face; Stone ſaid he was not able to fight him, he had a bad ſhoulder, he could not even get his arm up to his head, nor could not mortice a door, or any thing of the kind; nor had ſtrength enough to lift a mallet or chiſſel; from there he went and fought with one Waters; I did not ſee any thing of it, till he came down and ſtood on the landing place; I ſaw he had been fighting; then I went out of the ſhop, and John Neale followed me, and ſaid you have got it; with that he up with his fiſt, Stone miſſed it as he was turning round to go into the ſhop again; the deceaſed ſtruck John Neale, between the ſhoulders, which drew a place in the neck of him, which I ſaw afterwards, there was a place as big as a ſhilling, that the ſkin and blood came from, and the inſtant after my maſter came out and ſpoke to Harriſon on the landing-place, and deſired him to walk off; he would fight with any of us that was in the room, he did not care which it was; I went immediately to get me a pint of beer, as we generally do, we were all coming away, and this footman wanted to fight any body, and the deceaſed likewiſe; the footman came up to me, and challenged to fight me for a guinea, or what I choſe; I thought he would have ſtruck me ſeveral times; then the deceaſed came up to me, and caught hold of me and ſpit in my face; I cannot ſay what he did to Stone; I did not ſee the beginning of it, I told him ſeveral times if he was ſober, I would fight with him.

What is the character of Stone, is he a quiet peaceable man?——I never ſaw any otherwiſe; he and Neale are both quiet peaceable men; they never gave me an angry word, nor I never ſaw them abuſe any perſon in the place.

### JOHN EARLE *ſworn.*

I am a plumber; I remember Harriſon coming there and quarrelling with all the workmen, I was leaning facing Mr. Neale's ſhop, it was twenty-five minutes paſt one, and the deceaſed and a livery ſervant came in, and he challenged Knowles and me to fight; I thought he ſeemed to be in liquor, and aſked me to go out, I did not ſee the fight after; I have known Stone three years, and Neale two years; they are quiet peaceable men as ever I ſaw, I never heard any other.

### THOMAS TUBB *ſworn.*

I am a painter; I have known the priſoners about twelve or fourteen months; I worked with the priſoners, they are very quiet, ſober, induſtrious men as ever I heard; I was preſent when Harriſon came up into a room where Waters was at work, and ſome words aroſe.

Which fought the quarrel, did the workmen, or did the deceaſed?—The deceaſed, moſt undoubtedly; I was not preſent afterwards, at the fighting.

### WILLIAM GORNEY *ſworn.*

I am a carpenter; I ſaw Harriſon come into the buildings.

Which ſeemed to ſeek the quarrel, the deceaſed, or theſe two men;——The deceaſed undoubtedly; I was preſent at the fight; I ſaw him go alongſide of Stone's bench, and offer to fight him; I went over to the Coach and Horſes, and there they had ſome few words, and there was a gentleman's ſervant appeared to me to be with the deceaſed, and Harriſon called Stone a dirty b——r, and a ſcuffle inſued, but which ſtruck firſt I cannot ſay; in the ſcuffle Stone and Harriſon were both down; Harriſon got hold of Stone's hair; I ſaw Stone and Harriſon ſhake hands; Harriſon offered to ſtrike Neale, and I ſtepped between them, and he tore my ſhirt; they went out to fight.

Which ſought the quarrel?—Harriſon.

*Court.* After they went out to fight, I believe Harriſon was pretty much beat?—I did not ſee Neale ſtrike Harriſon when he was down, nor when he was going to the pump to waſh himſelf.

GEO. THO. WARREN *ſworn.*

I have known the priſoners nine months, they are very quiet, ſober men.

JOHN HAZLE *ſworn.*

I heard the noiſe of the quarrel; I went in as another perſon would; I know none of the parties; I ſaw the deceaſed fighting with Neale; Neale happened to get the deceaſed undermoſt, and that cut his head; I fancy the blows that I ſaw were of no great conſequence; I laid the deceaſed at length, and put his arms at length and perſuaded him to give it up; he got up and put himſelf in a poſture to fight again, but he reeled and could not; the deceaſed was the moſt powerful man of the two; the deceaſed and the young man, fell both together; it was not what we call a clear fall, for the deceaſed fell on his back.

*Mr. Iſaac Minors.* My Lord, I am extremely ſorry I could not attend your Lordſhip at the time you ſent; it was impoſſible for me to come, for I was engaged in a conſultation, which might have taken me up an hour, or two, or three.

*Court.* If you had ſent an anſwer that you was engaged, and would come as ſoon as you could, that would have been ſatisfactory.

*Mr. Minors.* If I had known any thing of this, I would have been prepared.

ISAAC MINORS *ſworn.*

Was you called in to this poor man that died?—I was called in to a man by the apothecary; who he was I know not; his head was ſhaved at the time that I went.

Did you examine his head and face?—I examined his head, the reſult of that examination was, there was a ſlight wound on his head, and the man was in a putrid fever; the man had no injury, that I thought would be of any conſequence for ſurgery, and therefore he was more a ſubject of phyſical aſſiſtance; what might be the cauſe of it, I know not; I believe I told Mr. Gad the ſame; it is your buſineſs, it is none of mine.

Your opinion then was, that the man was in a putrid fever?——Yes.

Would blows, bruiſes or external hurts, be likely to occaſion a putrid fever?——We cannot ſay the cauſe of putrid fevers, and finding this man had the delirium in conſequence of a putrid fever, it was impoſſible to form a judgment whether the blows were the cauſe or not; I could form no other judgment, than that there was no injury done to the head, there was no fracture.

*Court.* The hurts were not of a nature that were in themſelves mortal, but whether they did or did not occaſion the fever, you cannot tell?——No.

GEORGE NEALE *ſworn.*

About three, I heard a noiſe in the buildings; I went in where my men were at work, I heard a noiſe up ſtairs; I went up ſtairs, and Harriſon was leaning over the hand rail, bleeding; ſays I, young man what buſineſs have you here; he looked up at me, ſays he, I have buſineſs here, and I will fight the beſt man you have; it was after Waters had been fighting with him; ſays I you are in liquor, and the footman ſent for ſome beer, from the Coach and Horſes, and they drank together, and went away; at four they went over to the Coach and Horſes; I was not there.

What character does this young man bear; A ſober, quiet man, I never knew my nephew have a word with any perſon; Stone is a quiet man as any I have, he has worked for me a good many years.

*The Jury retired for ſome time, and returned with a verdict,*

BOTH NOT GUILTY.

*Not Guilty on the Coroners Inquiſition.*

*Tried by the firſt Middleſex Jury before* Mr. RECORDER.

757. ELEANOR

737. ELEANOR DAILEY was indicted for feloniouſly receiving on the 22d day of July laſt, twenty-four yards of callico, value 4l. the property of John Aſhby and John Philpot, knowing the ſame to have been ſtolen.

*(The caſe opened by Mr. Peatt.)*

JOHN PHILPOT *ſworn.*

My partners name is John Aſhby; on the 1ſt of June, I loſt a piece of callico out of my grounds.

*(The conviction of Boze Venner read, and examined by Mr. Garrow, Priſoner's Counſel.)*

Did you proſecute this indictment, againſt Boze Venner?——Yes.

For what offence?——For robbing my grounds of a piece of callico; I ſaw it ſince at Bow-ſtreet, about a month ago; I think this to be the ſame I loſt; becauſe there never was any but that one piece in that ſtate, it was unfiniſhed when it was taken; it was a pattern peculiar to myſelf, it was without blue or green in it, there was enough to make four gowns.

Was you preſent when this priſoner was examined in Bow-ſtreet?——Yes.

What did ſhe ſay there?

*Mr. Garrow.* Was ſhe ſworn?—She was.

I ſubmit we cannot hear what ſhe ſaid.

*Court.* I cannot receive in evidence any thing ſhe has ſaid on oath.

*Philpot.* Her examination was taken in writing, ſhe did not ſign it, ſhe denied it all; as ſhe was going in the coach, ſhe ſaid ſhe new Venner, and would tell the whole in Bow-ſtreet; ſhe ſaid the piece was brought to her in her own dwelling; I made her no promiſe, ſhe ſaid ſhe bought two pieces of him; I cannot ſay the ſum; I took out the pattern and ſhe ſaid that was it; what ſhe ſaid ſhe gave, was not above a third of the value.

*Mr. Garrow.* Do you remember any converſation about a perſon of the name of Fiddle?——Yes, ſhe was bound over to proſecute this woman; but we cannot find her; the priſoner ſaid ſhe did not know it to be ſtolen.

JACOB FREEMAN *ſworn.*

I am the officer; I apprehended this woman the 24th of July; no promiſes were made her that I know of; ſhe denied every thing before the Juſtice; I do not think ſhe confeſſed any thing in the coach.

*Mr. Garrow.* Are there any examinations returned?—No; when ſhe ſaid any thing about it, ſhe ſaid, ſhe did not know any thing was ſtolen.

SAMUEL CLARINEAUX *ſworn.*

I live with Mr. Matthews in the Minories; I took this gown in pawn from the priſoner, the 22d of July. *(Produced.)* I lent her twelve ſhillings; that is near the value; I never ſaw her wear this gown; I have taken clothes of her before; ſhe ſold apples.

*(Depoſed to.)*

*Priſoner.* If the counſel will call in my witneſſes, that is enough.

MARY GEARY *ſworn.*

I am the priſoner's daughter; Elizabeth Fiddle, otherwiſe Bet Thompſon, came in about ten days before Whitſuntide, and aſked me to buy a piece of cotton; I ſaid, I had not money; then ſhe ſaid, do buy it, it will make you a handſome gown; I ſaid, it was a very odd pattern; ſhe ſaid, ſhe had it from a man that ſmuggled it from an Eaſt India ſhip; my mother came; ſhe aſked my mother to buy it; I ſaid, do mother, buy it, and I will pay you in the courſe of a week; my mother ſaid, where did you get it? ſhe ſaid, ſhe had it from an Eaſt India ſhip; my mother offered her ſixteen ſhillings, I ſaid, ſeventeen ſhillings, ſhe gave her eighteen ſhillings, and a quartern of brandy; there was about nine yards and three quarters; there was a gown made out of it for the old woman's wear; that is this gown that was pawned; ſhe wore it publicly; one Mrs. Moore, a mantua-maker, made it; I thought it was a fair price.

How old are you?—I am twenty-ſour years of age; I live with my mother.

What is your buſineſs?—I make *men's ſmall clothes*; a woman was preſent at the time it was bought, ſhe came for a piece of ſattin to ſeat a pair of breeches; her name is Nan Coffee; I believe it was between one and two.

*Freeman.* My Lord, I wiſh to ſpeak; this woman poſitively ſwore at Bow-ſtreet, that ſhe ſold this piece that ſhe bought in Rag-fair.

*Court to Gearey.* Have you heard what Freeman has ſaid, what do you ſay?——Your Lordſhip, it is a lye; there were nine yards and three quarters; it would make two gowns, one was made, and the reſt was ſold in Roſemary-lane, for ten ſhillings; there were four yards and three quarters in the gown, and five yards were ſold.

*Court to Proſecutor.* What is the loweſt value of it, incomplete as it is?——It is worth four ſhillings a yard; thirty-ſix ſhillings.

ANN COFFEE *ſworn.*

I went to the priſoner's houſe to get a piece of ſattin, to ſeat a pair of breeches, and whilſt I was there, Bet Fiddle came in with a black ſilk handkerchief, and ſhe aſked the daughter to buy a remnant of cotton, and it happened to be callico; ſhe preſſed her to buy it, and ſays the daughter, where did you get it? ſays ſhe, I bought it of a fair hair'd man, from on board a ſhip; then the mother came in, and ſhe aſked her to buy it, and offered it her worth her money; ſays the old woman in anſwer, where did you get it? I have bought it, ſays ſhe, of a fair hair'd man that duffs on board a ſhip; it meaſured nine yards and three quarters, and ſhe aſked her, what ſhe aſked for it, and ſhe gave her eighteen ſhillings, and ſixpence was ſpent in a quartern of brandy; ſhe paid ſeven ſhillings and ſixpence in ſilver, and half a guinea; I did not drink a ſpoonful of brandy; I would not give above half a crown, or two ſhillings and four-pence a yard for it; I thought it a fair price as a ſmuggled remnant; I never ſaw her wear it but once; I do not know what became of the reſt; I think there might be four yards left, after ſhe had a gown made; one colour is red, and the other purple, and it is grounded with pepper and ſalt colour; I could tell it without ſeeing it; I am ſure that is the pattern, upon my oath, if I was never to be delivered of what I am carrying; I would have bought it myſelf if I had the money.

*The priſoner called ſeven other witneſſes who gave her a good character.*

**Not Guilty.**

*Tried by the London Jury before* Mr. Roſe.

# MISDEMEANORS,

## At an adjourned Seſſion held at GUILDHALL, on SATURDAY, the 7th of OCTOBER.

### JURY.

William Fountain
Henry Gilliam
Robert Chapman
John Tugwell
James Copious
Francis Pearſon
Roger Meeſon
James Delegal
James Danſon
James Ayres
Thomas Forſyth
Thomas Hudſon

758. JAMES M'GOWAN was indicted for wilful and corrupt perjury, on the trial of James Gaſtineaux, at the Seſſions-houſe in the Old Bailey.

*(The caſe opened by Mr. Knowlys.)*

*Thomas Shelton, Eſq.* Clerk of the Arraigns, produced the record of the conviction of James Gaſtineaux, which was read and examined by the Court.

ROBERT PARRY *ſworn.*

I believe you proſecuted Gaſtineaux at the May ſeſſion?—I did.

Look at that man, do you remember his being there?——I do.

Did you ſee him ſworn?—I did.

EDMUND HODGSON *ſworn.*

I produce the ſhort-hand notes on the trial of James Gaſtineaux.

*Court.* Were thoſe notes taken by yourſelf?——Yes, my Lord.

At the time?——Yes, and have been unaltered ever ſince.

*(The ſhort-hand writer read the notes on the trial as follows; See Seſſion Paper,* No. V. Part III.

« JAMES M'GOWAN *ſworn.*

I was in company with the priſoner when the proſecutor was carrying this brandy on his head, he was coming acroſs the ſtreet, the officer followed him in, he got as far as the bar, and he looked under his left hand and ſaw the officer, and he aſked him if he had a permit, he immediately anſwered, d—n your blood what is that to you? accordingly the officer ſaid, he would be ſatisfied before he would go out of the place; accordingly the man ſaid, did he know who he was; and the other told him he ſhould know before he went out; the man that had the cann on his head went towards the back door, that goes through; the officer immediately got with his back to the door, the man came towards the bar again; all this time he would not ſuffer the officer to look at it, and the officer ſtood over his head and reached out his rule, and taſted the brandy, and told him not to go out till he was ſatisfied; all this while he made oppoſition, and would not ſuffer the officer to examine; then when the proſecutor ſaid, have it he ſhould not, he would loſe his life firſt; the officer ſtood at the door, and was trying to keep him from going out; when he could not, he kept hold of the cann with his right hand, and wanted to drag him from the door; in conſequence of this the porter gave him a blow, and ſtruck the officer and brought him with his knee to the ground.

*Court.* Do you mean to ſwear that he ſtruck the officer?——Yes, I do mean to ſwear it; the officer fell down upon his knee, he recovered again, and the man ſtruck at him again; the man ſaid, if I cannot get it out from you, I will throw it a-top of you, and he took it and poured it over the exciſe officer, and it ran down in this manner, and he ſays to me, what are you about, cannot you aſſiſt me in my duty; I went and took the cann off the man's head, and ſaved about one half of the liquor; then immediately he told him he had fire arms about him, and he caught hold of him, and ſaid if he had not the liquor, he would uſe him as he pleaſed; the man made a blow at him, the priſoner ſtood by, and miſſed the blow, and the piſtol went off at that time.

Could not the priſoner if he had been determined to ſhoot at him, have hit him?——Yes.

Did Parry make uſe of abuſive language to the priſoner?—He did, he d——ned his blood, and ſaid he knew he was an impoſtor; he told him at firſt, if he had not a permit, he would ſeize it for the King; when he found he could do no more, he was determined to ſpill the liquor; when the liquor was all running over, it was not till then that he produced the piſtol; and even then, Parry aimed a blow at him again; he ſaid d——n you, if I cannot get it from you, I will throw it over you; he held it on his head, and fell tapping it upon his head.

*Mr. Silveſter.* Then he did not throw the cann down?——No.

Then he threw the liquor over his head and the cann?—He ſaid, he would keep the liquor on his head, but he kept the cann on his head, the cann was taken off by me, he did not throw it down at all."

*To Parry.* You are a ſervant to a brandy merchant?——Yes.

What is his name?——Richardſon and Stephenſon.

What paſſed at the time you met with Gaſtineaux?——I went to dinner about a quarter I believe it was before two, and when I came back Mr. Richardſon ordered me to take ſome brandy to Mr. Gurney's; when I got to Gurney's houſe, I ſaw two men come after me into the houſe; the priſoner is one, and Gaſtineaux was the other; I had not a permit with me, I juſt turned my eye round, and I heard ſomebody touch the cann with a ſtick, and the priſoner aſked me what I had; I told him what he had no buſineſs with; he ſaid he inſiſted on knowing what I had, I aſked him particularly whether he belonged to the Exciſe, and to ſhew his deputation, and he ſaid his name was in the Exciſe, and was well known there; when I inſiſted on ſeeing his deputation, Gaſtineaux ſaid he was an officer; I was in the houſe; I told him I did not care what he was, he inſiſted on having the liquors, and I told him I ſhould go home with the liquors again to my maſter's for a permit; I went up a paſſage in the houſe, with an intent to go home, and Gaſtineaux ran under my arm and ſtopped me, and brought me back again to the place where I ſtood firſt; I do not know what words paſſed particularly, but ſome words paſſed; I told him if he had a mind to ſeize the liquor on my head he might take it down, he wanted me to put it down; I told him I would not, Gaſtineaux clapped himſelf a ſecond time againſt the door, and got hold of my collar, and tore my jacket, and then he gave a puſh againſt me till the cann fell down flat to the floor.

Did the cann fall down?—The cann fell down.

You are quite ſure the cann fell down?——I am ſure of it.

Was the liquor ſpilt?—The liquor was ſpilled in the paſſage, ſome of it fell in my ſhoes, and ſome might fall on Gaſtineaux.

*Jury.* All of it?——No, I ſhould think not, becauſe it was in a five gallon cann.

Before this happened had you poured

any of the liquor over any perſon ?——No, I did not; I could not ſay the liquor did not go over him, the cann fell down by his puſhing between him and me, I had ſome of it over me, and he might have ſome of it; I did not pour the liquor wilfully over any perſon.

Did you by accident ?——I could not ſee the cann; it might, the cann being full the paſſage was narrow; I was looking at the brandy, and Gaſtineaux ſtood againſt the door, and at that time I heard ſomebody behind me cry out *mind*; I turned round, and as far as I can tell, I ſaw the piſtol within a few inches of my body; I never touched the piſtol; I dropped down on one ſide, and in that inſtant the piſtol went off, and wounded my fore finger of my right hand.

Deſcribe in what manner you dropped down ?——I turned round in the twinkling of an eye, and dropped on my left hand flat to the ground, and had this right hand up, and the piſtol went off, and wounded the hand that I held up.

Is what you have told us all that paſſed before the piſtol went off ?—It is.

Did you pour the brandy upon him ?—I did not.

Did you knock him to the ground ;——I did not.

Did you attempt to ſtrike him ?—I did not, I am ſure of it, and another thing that the priſoner ſaid, that I damned his blood, that is not true; I am not a man given to ſwearing.

*Court.* You ſwear poſitively that you neither ſtruck him, nor attempted to ſtrike him ?—I did not.

*Jury.* Nor had hold of his clothes, nor any thing of that kind ?——Not to my knowledge.

How many perſons were preſent ?—Several.

Did the piſtol hurt any body beſides yourſelf ?——It hurt one John Turner, it lodged in his ſide; I think he is gone to ſea.

It would have hit you, if you had not dropt down ?——Certainly Sir.

Did Gaſtineaux ſay any thing in the preſence of that man, after he had ſhot at you ?——I cannot ſay any thing to that.

You did not hear it ?—No Sir, becauſe I was not there, after I took him to the tap room, I went to my maſters.

*Court.* Are you ſure that nobody took the cann from your head ?——I am ſure of that, the cann fell quite to the ground.

Did Gaſtineaux fall down at all ?——No, Sir.

Are you ſure of that ?——I am ſure of it, not before the piſtol went off.

What made him fall down afterwards ?——I took hold of him, and he fell down, and begged of me not to kill him, or ſomething of that ſort.

Before the piſtol went off you made no attempt to ſtrike at Gaſtineaux ?—I did not.

Did you ſay any thing, when the cann fell down ?—I fancy I did ſay ſomething to this purpoſe, now you have done a fine job; I had my head down, looking at the brandy, and it was ſomething of thoſe words.

*Court to Priſoner.* Do you wiſh I ſhould aſk this witneſs any other queſtions ?—Yes Sir, one half of the liquor I ſaved and is in the Exciſe Office now, and if it fell off, it is very odd I ſhould.

*Court to Parry.* What ſort of a cann was this ?—A five gallon copper cann, narrow at top and broad at the bottom, as they have them at the diſtillers.

How high is it ?—About fifteen inches high, very broad at the bottom and narrow at the top.

Did it fall on the mouth or the bottom ?—I did not obſerve that.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 30th of AUGUST, 1786, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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### *Continuation of the Trial of James McGowan.*

JOHN WILLIAM MENCKE *ſworn.*

I ſaw part of this tranſaction at Mr. Gurney's houſe, on the 3d of May, as near as I can recollect, about half paſt two I came into Mr. Gurney's houſe; when I came in, I ſaw Gaſtineaux the Exciſe Officer, and this priſoner ſtanding before the bar, before the porter, with a five gallon cann on his head, which I was told had liquor in it, the Exciſe Officer ſaid, have you got a permit? he ſaid I have, but I have it not here; he went into the bar, when he had been a little while in the bar, the Exciſe Officer ſaid to the porter, there you may ſtand as long as you pleaſe; a little while after Parry ſaid I will go, you may follow me; the Exciſe Officer went after him, and ſaid you ſhall not go; and then I heard the falling of a cann; it certainly was the falling of a cann by the noiſe, I heard not an uncivil word ſpoken by the porter; I heard the cann fall with a conſiderable noiſe, I am ſure by the noiſe it muſt fall, it could not be ſet down by any perſon; when I came to the corner of the paſſage, looking round, I ſaw the Exciſe Officer hold a piſtol at the porter and fire it off, and by the poſition I ſtood in the ball muſt have paſſed within a foot of my body, and it went through the coat and grazed the ſide of a man that belonged to the India Warehouſe, his name is Jones, and it lodged in the ſide of Turner, Gurney's man; Turner ſaid immediately I have got it, he was immediately carried into the bar.

At the time you ſaw Parry, was he in the poſition of a man ſtriking him?——He was not; I could not ſee in the paſſage, becauſe I was in the bar, when I ran to the corner of the paſſage I ſaw him holding the piſtol in his hand.

Could you have ſeen Parry attempting to ſtrike him at the moment he fired the piſtol?——I certainly could; at the moment he fired the piſtol, there was no attempt to ſtrike him.

Immediately after this did you hear Gaſtineaux ſay any thing as to what he had done?—Yes, I went up to him, and I ſaid, you have ſhot a man, ſays he, I did not intend to ſhoot the man I have wounded, I intended to ſhoot the porter; he has often uſed me ill in the ſtreets; ſneered and laughed at me, and bid me defiance; the priſoner was preſent at the table in the tap room and heard it.

*Court.* After the cann fell, when you

went to the corner of the paſſage and looked round, what did you firſt ſee?——I firſt ſaw the exciſe officer cloſe to the porter, and holding ſomething to his ſide, which I did not know was a piſtol till I ſaw it go off.

### PAUL PERRY *ſworn.*

I was at Mr. Gurney's on the 3d of May; I came in juſt as the officer and the porter came in together; I happened to hear ſome words from the officer to the porter; I ſtood by them to liſten, by the porter, I mean Parry; the officer aſked the porter, what he had got there in his cann; he ſaid, it was not material to him; he ſaid, he would ſee, and he taſted it with his gauging rule, and he put the rule into the cann, and ſaid, it was brandy; well, ſays he, I ſhall ſeize it; very well, ſays Parry, if you will go with me to my maſter's, you may ſee the permit; words paſſed; they waited a little time; one ſaid, I inſiſt on having it, and the other refuſed taking it down, and ſaid, he ſhould not have it; then in a little time, the porter attempted to go out at the door, and told Gaſtineaux that he might go with him if he choſe, and Gaſtineaux made no reply, but ſlipped by him and put his back to the door; Parry deſired to have liberty to go out of the door; the other refuſed it; there was not a ſingle word paſſed by any perſon but themſelves; I ſaw them myſelf, I ſtood in the paſſage and had a fair ſight of them; then I ſaw the piſtol taken out and held in his hand, then ſomebody that ſtood by me ſaid he was going to fire.

Did any thing paſs before you ſaw the piſtol?——Only the porter deſiring to go out, and the other told him he ſhould not.

Was there nothing happened at all, I do not mean words?——Nothing at all, then the man ſtooped and ſpilled ſome of the liquor, the porter ſaw the piſtol and ſtooped down to ſave himſelf, then the liquor fell off at that time; whether Gaſtineaux had a hand in it or no, I cannot ſay; the door has no glaſs in it.

Did the cann fall off his head, or was it taken off his head?——I could not ſee that, the paſſage there has no light in it, at leaſt the ſhutter was up; I could not ſee whether it fell or whether Gaſtineaux put his hand on and took it; I heard a noiſe, a kind of a *bump*; it gave a rebound.

What paſſed when you ſaw the piſtol produced?——Nothing at all, but only he fired a piſtol as ſoon as ever he drew it; I ſaw the porter ſtooping, or otherwiſe he would have had it through the ſide of his head, and he ſhot his finger; there was a conſtable in the tap room, he called out, who fired this piſtol.

Did you ſee Parry ſtrike?—There was no ſtriking or any thing of the kind; if Parry had ſtruck I muſt have ſeen it; I mean to ſay upon my oath, he did not ſtrike him, nor attempt to ſtrike him.

Did you ſee Gaſtineaux come down on the ground with one knee?——I did not, I am confident if Parry had attempted to ſtrike him I muſt ſee it.

Did you hear Gaſtineaux ſay any thing afterwards in the hearing of this priſoner?—Not any thing material in the paſſage; M'Gowan was the neareſt to him; he was the only aſſiſtant he had.

What did you hear Gaſtineaux ſay in the tap room?——He ſaid, he fired the piſtol, he ſaid, he did not mean to wound or ſhoot any one that had been wounded, but the porter.

*Court to Parry.* I think you ſay that after the diſpute about going out, when the officer inſiſted he ſhould not go out, that you ſaw the officer take out a piſtol?——I did.

And, if I underſtand you right, you ſay, that nothing happened between them, except that diſpute before he took out the piſtol?——No, there was not.

Then you deſcribe it as if the liquor had been ſpilled, and the cann fallen or taken off when the porter ſtooped to avoid the piſtol?——I, appeared to to me.

Did you ſee the piſtol before the liquor was ſpilled?——I did; it appeared to me that the cann was on his head, when the piſtol was in Gaſtineaux's hands; I ſaw the piſtol before the cann was off his head.

You ſay you could not ſee whether the cann fell off, or whether Gaſtineaux took it off?——No, I could not, becauſe there was no light but the reflection from the fire.

Then there was but little light in the paſſage?——Very little light.

And it is owing to that I think you ſaid, that you could not diſtinctly ſay whether the cann fell or whether he took it off?——It was; there were people ſtood there, and one had a better opportunity one time than another.

How could you ſee whether Parry ſtruck Gaſtineaux or not?——Oh, it was light enough to ſee all that; the cann was on his head till the piſtol was taken out, then when it was held in this manner, Parry ſtooped down; I could ſee the cann on his head when he ſtooped, becauſe I was not four feet off, it was the moment he ſtooped that the piſtol went off, and then the cann muſt fall, and the liquor be ſpilled in the ſame moment.

Was M'Gowan between you and him?——No.

Where was he at that time?——He was in the tap-room, or by the bar which joins to the tap-room; for there were nobody in the paſſage but Gaſtineaux and Parry.

I think you ſaid he was near him, as the perſon aſſiſting him?—That was when he firſt began to talk, but in the paſſage there was nobody but Parry and Gaſtineaux: M'Gowan was near the bar, but I did not ſee him in the paſſage; Thomas Jones that was ſhot through the coat, and we ſtood ſide by ſide, he was ſhot through the coat and grazed his ſhirt.

Recollect yourſelf whether you are ſure that that was at the time the porter ſtooped to avoid the piſtol, or at any other ſtruggle?——I ſaw no other ſtruggle, and I ſaw the piſtol in his hand before the liquor was ſpilled.

You are ſure there were no blows ſtruck?——No Sir, nor nothing tending to it?—You ſaw the whole of the ſtruggle?——Yes, from the firſt word ſpeaking, I believe, to the time the piſtol was fired.

*Priſoner.* Was you there from the time that we came into the houſe?——I was.

Did you ſee the liquor ſpilled?—Yes.

Did you ſee whether any body took the cann off the porter's head?——I cannot ſay that, I cannot ſay I did ſee any body attempt it, I do not know whether they did or did not.

THOMAS JONES *ſworn.*

I was at Gurney's at this time drinking a pint of beer in the tap-room with two or three people, and after I had been there a little while, I heard ſome words at the bar; I went out to ſee what was the matter, and I ſaw a porter ſtand with a cann on his head; that was Robert Parry; two men were enquiring what he had on his head, and they deſired him to let them ſee, the priſoner was one of the men, and the other was the Exciſe-man; he dipped in the rule to ſee what it was, and I believe he ſaid it was brandy, there were more words; I returned into the tap-room again to my company, then I heard the porter ſay, good bye to you, or ſomething to that purpoſe, and he went out to the paſſage, and went to go out of the houſe, and went to pull the door open, and the Exciſeman got between him and the door, the porter could not get out, and the Exciſeman caught hold of his coat, and tore his coat, and gave him a *twink*, and with that ſtruggle the cann fell down; I am very poſitive the cann fell off his head, I am quite ſure nobody took it off.

Had you ſeen Parry pouring any of that liquor over Gaſtineaux before he took it off his head?—No, I did not, I muſt have ſeen it if it had, it fell off his head in that ſtruggle, the porter looked to the ground, and ſpoke ſomething I do not know what, it was then the piſtol went off, ſome perſon cried out, but I did not ſee the piſtol till I heard the report; the porter heard the perſon cry out, and he looked at the Exciſeman, I ſaw the porter drop down, the ball of the piſtol went through my coat.

Did Parry offer to ſtrike Gaſtineaux before this?——No, never, I muſt have ſeen him if any blow had been ſtruck, or if he had been brought with his knee to the ground; I do take upon myſelf to ſay, that he did not ſtrike him in the paſſage, nor before the piſtol went off, nor even attempted to ſtrike him.

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Did you hear Gaſtineaux ſay any thing afterwards in the preſence of the priſoner?——I heard him ſay in the tap room when they were both taken, that he was the perſon that fired the piſtol, and what he had done he could juſtify, or ſtand by, or ſomething to that purpoſe.

How long might it be after the cann fell to the ground before the piſtol went off?——Almoſt directly after, I ſuppoſe within a minute.

Did the cann fall down in the porter dropping to avoid the piſtol, or did it fall off before?——It fell off in the ſtruggle before, as I ſaid before, with that jerk.

Then it was off his head at the time he dropped down?——Yes.

How near were you?——I do not know exactly; within two yards.

Whereabouts was Paul Parry?——I cannot ſay; he was ſomewhere near me.

Had you light enough in the paſſage to [illegible]?——Yes, there was light enough to ſee any thing of the kind; it was in the middle of the day, about half paſt two in the afternoon.

*Jury.* You are poſitive you ſaw the cann fall from Parry's head?——Yes.

*Court.* What became of the piſtol ball?——I do not know, it lodged in the ſide of Mr. Gurney's boy; it was extracted; I ſaw it afterwards in Gurney's hand; it went through my coat.

*Court.* Where is Tanner?——He is gone abroad.

There was a witneſs, one John Winkett?——He is very ill at preſent.

*Court to Jones.* Was you preſent all the time that they were together?——Yes, except that time I returned to the tap room; when the porter ſaid, good bye, and was going out of the houſe, I came out of the tap room again, and continued preſent till it was over.

*Court to Priſoner.* Have you any thing to ſay in your own defence, or any witneſſes to call?

*Priſoner.* How near was I to him?——You was near the officer at the time of the ſtruggle in the paſſage.

Was it the caſk of vitriol that I had in my hand or was it the cann that fell?

*Court to Jones.* Did you ſee the priſoner have a caſk?——Yes, it was a little caſk; it was not that falling; I am poſitive it was the cann; the priſoner went out and took up the cann from the paſſage, and carried it into the tap room.

*Priſoner.* Every one that was there was againſt the exciſe officer, ſo that I have no witneſſes to call.

*Court.* Have you any body to your character?——I have ſent for them, but I do not know whether they are here or not, there was one John Bailie.

*The priſoner's witneſſes called but none anſwered.*

The priſoner then delivered in a written defence, which was read by the clerk of Arraigns, as follows.

" May it pleaſe your Lordſhip, your
" humble petitioner, James M'Gowan,
" begs the indulgence of this honourable
" Court, to attend to his ſituation, and
" hopes, as it is not in his power to pay a
" counſel, he ſhall not ſuffer on that ac-
" count: he offers to your conſideration
" all the particulars ſworn to by the wit-
" neſſes on the trial of James Gaſtineaux,
" and you will then be informed from their
" teſtimony of his particular ſituation as
" an aſſiſtant to an exciſe officer; ſhould

“ be found guilty, the prosecutor Parry cannot be prosecuted himself for obstructing the excise officer; notwithstanding he considers himself prejudged by the verdict against Gaſtineau, and his commitment on that trial; and although he has to lament that Mr. Fielding and Mr. Garrow were prevented from fully croſs-examining the witneſſes on that trial, and only one witneſs in part corroborates his teſtimony, yet he now ſolemnly aſſerts his innocence in this honourable Court; he is perfectly happy, relying on the verdict of the Jury, and had ſeveral witneſſes to his character; he thanks this Court for their indulgence, and ſhall as in duty bound ever pray: he begs leave further to add, that when he was committed he was decent and clean; but has been four months without any aſſiſtance but the gaol allowance, which has reduced him to the greateſt diſtreſs.”

GUILTY.

*Court to Priſoner.* You have been convicted on very clear and ſatisfactory evidence certainly, of a perjury which in its nature muſt have been wilful and corrupt; there is no doubt of it, and ariſing from a deſire that this man ſhould have eſcaped the hands of juſtice: the offence of perjury is one extremely dangerous in its nature, and cuts up all the bonds of ſociety by the roots; takes away the confidence between man and man, upon which the lives, liberties, and properties of all the ſubjects in the kingdom muſt depend; and it tends directly to obſtruct the courſe of juſtice, and deſtroy the due adminiſtration of the law; it has alſo this further miſchievous tendency, that when given in behalf of priſoners on their trial, it tends to deſtroy the ſanction of an oath, and the confidence that a Jury ought to pay to fair and honeſt witneſſes; for all theſe reaſons it is an offence extremely dangerous to ſociety and the public; therefore the ſentence of the Court is, that you be

*Tranſported for ſeven years.*

*Priſoner.* I hope you will take it into conſideration the long time I have been in priſon.

*Tried by the London Jury before Mr.* RECORDER.

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759. ELIZABETH M'CONWELL was indicted for wilful and corrupt perjury, on the trial of William White and Roger White, at the Old Bailey.

*(The caſe opened by Mr. Knowlys.)*

*William Wilſon, Eſq.* produced the record of the conviction of Roger White and William White.

DANIEL HUBBARD *ſworn.*

You was the proſecutor of William and Roger White, at the Old Bailey?——Yes.

Do you remember ſeeing that woman there?——Yes.

Did you ſee her ſworn?——Yes.

EDMUND HODGSON *ſworn.*

*Court.* Did you take the minutes of the evidence of that woman at the bar?——I took the evidence of Elizabeth M'Conwell on the trial of William White and Roger White, in ſhort hand; I do not know the woman.

Are thoſe the original notes?——They are.

Have they been unaltered ever ſince?——They have.

*The ſhort-hand writer then read the notes as follows.*

“ ELIZ. M'CONWELL *ſworn.*

I have known Mary White theſe ſeven or eight years; ſhe is the wife of Roger White.

Did you ſee Mrs. White at any time give

Evia shirt and watch, to the prisoner Roger White?——I work for a chemist; I got up soon in the morning on the 1ſt of February; I went up Oxford road; the ſhop was not open; I went into the Spotted-dog, and called for a pint of beer; during the time I ſet there Mr. and Mrs. White came in together; it was between ſix and ſeven in the morning; the Spotted-dog is the corner of Bird-ſtreet.

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You are ſure this was the 1ſt of February?——Yes; Roger White and Mary White came in together, between ſix and ſeven, and called for a pint of purl, when the purl was brought I ſaw Mrs. White give a watch to Mr. White.

Did ſhe give him any thing elſe?—I ſaw nothing but a ſhirt and a watch.

Did ſhe ſay any thing to him?——She told him to go out and pawn the watch and ſhirt for a friend of her's that lay ſick.

What did he ſay?—He went out in two minutes after with the ſhirt and the watch; he returned in a minute with the ſame things, and gave them to Mary White, and told her it was too late for him to ſtay; and ſhe ſaid, no; he muſt pawn the ſhirt and the watch, and bring the money and duplicate to her lodging; that it would look better for a man to pawn the ſhirt and the watch than a woman; ſhe went out and left Mr. White in the box, and he went out in a few minutes; and I know nothing more; they might be at the Spotted-dog about thirty minutes.

Who was preſent?——The boy and the landlady.

How long was he in the houſe before ſhe produced the ſhirt and the watch?——I know it was ten minutes after this when I left the houſe; and it was juſt a quarter of an hour after ſix when I went in.

MARY WHITE *ſworn.*

Where do you live?—In Great Windmill-ſtreet, the top of the Hay Market; in February laſt I lodged at the corner of Little Windmill-ſtreet, that is juſt at the corner of Great Windmill-ſtreet; I am the wife of Roger White who was tried; I have not lived upon good terms with him for nine years; I lived twenty years with him happy; I have nine children by him; I did not know laſt February where he lived, nor where he worked; I am quite ſure of that.

Do you know ſuch a place as the Spotted-dog in Oxford-road?——I never was in the houſe to my knowledge, and if any body would give me a thouſand pounds I could not find it out, to my knowledge, I never was in the Spotted-dog in my life.

Who did you firſt ſee on the morning of the firſt of February?—Mrs. Ann Sherman; ſhe was the firſt my landlord let in; he unchained, and undid the door; ſhe called upon me about ſeven, or a little after; before ſhe called upon me that day I had not been out, nor nobody had been out; the door had not been undone; I had not been at the Spotted-dog; I abſolutely declare now, I do not know where the houſe is; ſoon after Mrs. Sherman came in, ſomebody came and knocked at the door; I deſired her not to open the door till I had my clothes on; I was ſurpriſed to hear his voice, but I fancy he watched her in; I ſaid, do not let him in till I have turned up the bed; he came in and he pulled out a ſhirt from under his arm, and ſaid, Nanny, go pawn this ſhirt for me; he ſaid, I muſt have a duplicate; I never ſaw it; ſhe took it to a little ſhop oppoſite, and brought a duplicate and a ſhilling; I never ſaw my huſband ſince, till I ſaw him at the Rotation-office; I never ſaw the watch till the laſt ſeſſion.

You did not give him a watch and a ſhirt that morning?——Never any ſuch thing, God forbid.

Do you know Mrs. Scotland who keeps the Spotted-dog?—I ſaw her to-day; I never ſaw her before to day to my knowledge.

Are you ſure this was the firſt of February?——I am not ſure, but it was that day Ann Sherman called on me; I did not ſee Mrs. Scotland that morning, or the priſoner any where; I had ſeen the priſoner two or three times before; two or three months ago, but I never ſaw her that morning, nor I never ſpoke to her in my life.

ANN SHERMAN *ſworn.*

I know the the laſt witneſs Mary White; on the firſt of February laſt, about half after ſeven, I called upon her; ſhe was in bed, and in ſleep; I knocked at the door twice; ſhe got out of bed and let me in; ſhe was in her ſhift; preſently after Roger White knocked at the door; I did not let him in till Mrs. White had dreſſed herſelf; when he came in he pulled a ſhirt from between his waiſtcoat and coat and deſired me to pawn it, and get what I could; I got a ſhilling and brought it to him, and a duplicate; what paſſed was between White and me; Mrs. White ſaid nothing to me about it; I do not know the Spotted-dog; it is in Bird-ſtreet, as I have heard; Mrs. White did live in Little Windmill-ſtreet, at the top of the Hay Market; I ſaw nothing of a watch at that time; I have known her four or five years; her huſband and ſhe did not live together ſince I have known her.

MARY SCOTLAND *ſworn.*

My huſband keeps the Spotted-dog; I am never up before eight in the morning.

What time is your houſe open?——At three in the morning.

Do you remember the 1ſt of February?—No, I cannot.

Do you remember any particular buſineſs that ſhould have called you up on the 1ſt of February?——No, Sir, I do not, I do not recollect that I ever was up before eight above three times ſince I have been in the houſe.

If you had had any particular buſineſs to have called you up on the 1ſt of February do you think you ſhould have remembered it?——I think I ſhould.

Do you remember ſeeing that woman, or the laſt witneſs, or Roger White at your houſe on the 1ſt of February?——I never ſaw the priſoner in my houſe to my knowledge; I never ſaw her till I ſaw her at the Old Bailey the laſt ſeſſion.

Did you ever ſee Mrs. White at your houſe?——I never ſaw her to my knowledge till this morning I ſaw her at the houſe that we met at.

Do you recollect what boy you kept on the 1ſt of February?——No, I cannot; I have tried and have fetched two or three, but they do not recollect.

*Court.* Did you keep a boy at that time?——Yes, two, but who it was I cannot recollect.

Can you at all recollect when thoſe three times were that you was up before eight?—No, I cannot recollect.

Then for ought you know one of theſe times might be the 1ſt of February?——I might, Sir, but I do not know theſe people at all.

Have you any bar maid?——No, Sir, there is nobody but myſelf; there is no woman but me and my maid, and the maid is never up till eight in the morning, and ſhe never comes to do any buſineſs in the houſe.

Have you the ſame maid now that you had then?—No.

Who attends the houſe in the early part of the morning?——Generally my huſband; he gets up every morning at three; I take the late part, and he the early; he goes to bed very ſoon of an evening, and is up very ſoon in the morning.

*Court to Mrs. Scotland.* Do you know the 2d of February, Candlemaſs-day?—Yes.

You do not remember any thing particular that day?——No, I do not.

PRI-

## PRISONER's DEFENCE.

I went out on the 1ſt of February; I went into the houſe; it is wrong in the indictment, becauſe it was the landlord and boy; I called for a pennyworth of purl; they ſat on my right hand, Mary White came in, and her huſband called for a pint of purl, and I ſtood looking at the news paper, and to the beſt of my knowledge they had not drank above once out of the pint; I never ſaw Roger White but once before, and that was about ſix years ago in the duſk of the evening, when ſhe got him preſſed I knew him by the ſame rule, as ſhe called him White, ſhe deſired him to pawn that watch and ſhirt for a friend of her's that lay ſick; he came in again, and ſays, Molly, it is time for me to go to my work, you had better pawn the watch and ſhirt yourſelf; he went out in two or three minutes after; I did not know how ſhe came by the ſhirt; I never ſaw this Roger White till unfortunately afterwards; I worked for Mr. Hunter the ſurgeon of Hyde-park hoſpital, and after that, I knew they were taken into cuſtody; one of Mr. Hunter's maids, had a brother in Newgate; I went to carry him ſome money and ſhirts, and Roger White knew me, ſeeing me in this houſe ſometimes, and the ſon came up, and called me by my name; I ſaid, is that your father? he ſaid, yes; I ſaid, what are you in trouble for? and he ſaid, for ſome things that were ſtolen out of Mr. Stringer's houſe, and I have been two or three times taken up and acquitted, and my mother got us taken up again; Mr. White deſired I would ſpeak what I ſaw, and I ſaid to Sally, I do not know how to leave my family to come down into Court, but if the coming into Court will ſave the freedom of your father and brother; I will go in the condition I am in; I ſhall be ſure to ſpeak the truth without fee or reward; and the truth I ſpoke.

*Court.* You now ſay that there was nobody in the houſe but the landlord and the boy, how came you to ſwear on the trial that it was the landlady?——I did not indeed.

Yes you did, for I have it in my own notes, as well as in the ſhort-hand writer's.

*Court to Mrs. Scotland.* Is your huſband here?—No.

*Court to Priſoner.* Have you any body here that can give you a character?—Yes.

If it was the landlord and not the landlady that was in the houſe, why did not you ſend for him to come here?——I had no opportunity to ſend for any one.

*(The witneſſes called but none anſwered.)*

*Jury.* I think the wife ſays, ſhe has not lived with her huſband for nine years?—Yes.

Then it ſeems very odd he ſhould come to her houſe.

NOT GUILTY.

*Court to Priſoner.* I hope young woman this will be a warning to you.

*Tried by the London Jury before*
*Mr.* RECORDER.

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760. MARY MURPHY was indicted for that ſhe, on the 21ſt of Auguſt laſt, a counterfeit ſixpence, as and for a good one, unlawfully and deceitfully, did offer to Sarah, wife of James Wright, knowing it to be counterfeited.

*A ſecond count,* For having at the ſame time in her poſſeſſion, one other counterfeit ſixpence, well knowing the ſame to be falſe and counterfeit.

*(The caſe opened by Mr. Knowlys.)*

SARAH WRIGHT *ſworn.*

I live in Fleur-de-lis-court, Fleet-ſtreet; I keep an oyſter ſhop; I ſaw the priſoner on Monday the 21ſt of Auguſt in the afternoon, about four or a little after; ſhe came to buy a pennyworth of oyſters; I ſold them to her; ſhe gave me ſixpence to change, and while ſhe was taking them from the tub I ſhut the ſixpence in my hand and never put it any where till Mr. Holmes came in and aſked me if I knew what I had taken; I looked at it immediately, and ſaw it was a very bad ſixpence; from that the priſoner was brought back and ſearched, and ſix bad ſixpences were found in a piece of brown paper; ſhe had twenty pennyworth of halfpence in her pocket at that time; I ſaw them found upon her; Mr. Stapleton has the bad ſixpence that ſhe offered to me.

## JOHN STAPLETON *ſworn.*

*(Produces the ſixpence.)*

When did you ſee the priſoner?—On Monday the 21ſt, I was going up from my own ſhop in Fetter-lane; I ſaw the priſoner; I went and told the conſtable, and he came out and we went into Fetter-lane, and ſaw her at the green grocer's; we paſſed the ſhop, and we followed her all the way down Fetter-lane; ſhe aſked for a pennyworth of oyſters; Mr. Holmes was in the ſhop; I was with him; I have had the ſixpence in my poſſeſſion ever ſince; I went and fetched her in, and ſix more bad ſixpences were found upon her, and twenty pennyworth of halfpence; ſhe ſeemed to be quite innocent of the bad ſixpence.

Who has theſe bad ſixpences?——Mr. Holmes.

## ——— HOLMES *ſworn.*

I went with Mr. Stapleton to Mr. Wright's ſhop, on the 21ſt of Auguſt; I ſaw the priſoner buying ſome oyſters; I ſaw her give ſome money into Mrs. Wright's hand; I aſked her what money ſhe had given her, ſhe ſaid, ſixpence; I ſaid, is it a good one? ſhe ſaid, it may be for ought I know; I brought her from the door, and ſearched her, and found ſix bad ſixpences, and one good one, and this pot of ſtuff.

## JOHN CLARKE *ſworn.*

I am employed by the Mint; this is a bad ſixpence; theſe half dozen are all bad.

Do they appear to be of the ſame mould?——They are not the ſame pattern as that is; I do not know that either of them is; but they are freſh, becauſe the very blackneſs that they put on the colouring is on them now.

Look at that little pot?——That is the blacking they make uſe in colouring ſixpences.

## PRISONER's DEFENCE.

I was ſelling my butter, and I left the moſt of it on ſcore till the morning, I wanted change; I had not a halfpenny in my pocket; I was to call as I came back for my money, and coming down Fleet-ſtreet, I found that piece of paper, and a little box rolled up; there was a paper outſide, and the little box came out of the paper; I looked at it, and held it in my hand; I ſtood there a good bit to ſee if I could ſee any one looking for it; I went for a pennyworth of oyſters, to have the change for it; I went for the price of my butter; I could not have it without I had halfpence; if I was to die this minute, I never offered one of them to no ſoul, nor I did not know that they were bad.

Have you any witneſſes?—I have my neighbours; I believe they are here.

*The priſoner called three witneſſes to her character.*

GUILTY.

*To be impriſoned twelve months in the Houſe of Correction, and find ſecurities for two years.*

*Tried by the London Jury before Mr.* RECORDER.

*The*

## *The Seſſions being ended, the Court proceeded to paſs Sentence, as follows.*

Mr. Recorder paſſed ſentence on the capital convicts, as follows:

" Priſoners at the bar, you have all
" been convicted upon ſatisfactory evidence,
" and by the verdicts of very merciful
" and attentive juries, of crimes
" which the laws of your country have
" thought neceſſary to puniſh with death;
" the dread of that puniſhment, the reſpect
" due to the laws of God and your
" Country, and even the dreadful examples
" which have been held forth to you
" by other unfortunate and wretched ſufferers,
" in ſituations ſimilar to yours,
" have unhappily for you been inſufficient,
" to produce that effect on your minds,
" which ſhould have deterred you from
" the commiſſion of thoſe crimes which
" have brought you into a like unfortunate
" ſituation: It would therefore
" be in vain for me to expect that any
" thing I can ſay to you would make a deeper
" impreſſion on you than thoſe repeated
" examples. It therefore only remains for
" me (after earneſtly praying that the little
" time which now will be allotted to you to
" live, ſhould be ſo employed as to ſecure
" that pardon for you hereafter, which
" you cannot hope to receive here) to
" proceed to the laſt and moſt painful part
" of my duty, in pronouncing on you the
" dreadful ſentence of the law, which is,
" that you, and each of you, be taken from
" hence to the place from whence you
" came, and from thence to the place of
" execution, there to be hanged by the
" neck until you are dead: and may the
" Lord have mercy upon your ſinful
" ſouls.

*Received Sentence of Death*, 15, (viz.)

William Wilkinſon, George Lee, Alexander Seton, George Connoway, John Brown, George Woolford, John Batt, William White, John Watſon, Henry Brown, John Shepherd, George Smith, James Wood, Thomas Tanner, Henry Lenham.

*To be tranſported for fourteen years*, 1.

Boze Venber.

*To be tranſported for ſeven years*, 31, (viz.)

Robert Jones, William Bugden, Edward Williams, Eſther Abrahams, James

Foothead, Edward Hall, Thomas Harwood, William Emery, Elizabeth Oſborne, Jane Herbert, Thomas Marſhall, William Larter otherwiſe Larbold, William Peters, Eſther Harwood otherwiſe Howard, James George Semple, Joſeph Piggin, Nicholas Deadroſs, George Gibbs, Mary Jackſon, Martha Burkitt, John Moore, John Keys, Charles Mann, William Million, Martha Baker, William Henning, George Warwick, Charles Crowley, Joſeph Abrahams, William Nobs, Thomas Sawyer.

*To be impriſoned for twelve months*, 10, (viz.)

Sarah Jones, Ann Crow, Lydia Bills, Sarah Carey, Charlotte Maſon, Hyam Solomon, Sarah Pearſon, Samuel Dring, Michael Roach, James Grace. (*The three laſt fined* 1s.)

*To be impriſoned for ſix months*, 8, (viz.)

Mary Davis, Ann Symonds, Ann Smith, Ann Clapſhaw, Elizabeth Cooper, Iſabella Leiceſter, Ann Ware, William Lewin.

*To be publicly whipped*, 7, (viz.)

Patrick Summers, John Monk, William Harris, Hyam Solomon, William Lewin, John Skaggs, John Welch.

*Sentence reſpited*

On William Brown and William Tranſhaw.

**The next Seſſions will begin on Wedneſday the 25th of October next at the Old Bailey.**

# Mr. HODGSON

RESPECTFULLY returns his moſt grateful Thanks to his Employers and Pupils, for the Preference they have thought proper to give to his Mode of teaching and writing Short-Hand, which he flatters himſelf is at once as conciſe and correct as any other Syſtem; he continues teaching in *four Hours*, by *four Leſſons*, the whole neceſſary Inſtructions in this much approved Art. He alſo takes Trials and Arguments with the utmoſt Care, which are copied ſo expeditiouſly as to be ſent home the ſame Evening, if required.

Mr. Hodgson (without the ſmalleſt Imputation on the Syſtems of his Cotemporaries, whoſe Merits he chearfully acknowledges) pledges himſelf to take nothing for his Tranſcripts, if any Gentleman who ſolicits a Cauſe, or the Counſel whoſe Arguments he profeſſes to take, are not compleatly ſatisfied with his Performances.

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*N. B.* The trials which have been much enquired after, Mr. Hodgſon has reprinted for the accommodation of his cuſtomers, and are as follow:——The remarkable trial of John Graham and his wife for forgery.—Charlotte Goodall and John Edmonds for robbing Mrs. Forteſcue at Tottenham.——Francis Gray for the murder of Mr. Hurd. Dr. Daniel M‘Ginnis for the murder of Mr. Hardy.——William Wynne Ryland for forgery.——Nicholſon, Ward, Shaw, Murray, O‘Brien, and others, for the murder of Nicholas Caſſon, at the Huſtings at Covent-Garden.—Richard Corbett, (a youth) for ſetting fire to his maſter's houſe.——Colonel Coſmo Gordon for the murder of Frederick Thomas, Eſq; in a duel.——Henry Morgan for the murder of Mr. Linton.——Porter Rideout, for the murder of Moſes Lazarus, Duke's Place.——Captain Kenith Mackenzie, for the murder of Kenith Murray Mackenzie, at Fort Morea, in Africa.——Thomas Wood and George Brown for robbing Sir Thomas Davenport.—George Ollive, (a youth) for ſetting fire to the houſe of his maſter Mr. Parſloe, in St. James's-ſtreet.——Martin Taylor and Elizabeth Taylor, (brother and ſiſter) both executed for burglary—alſo the remarkable trials of Meſſrs. Goodridge's and Evans, for forgery.——and of John Hogan, (the black), for the murder of Ann Hunt; with many others too tedious to enumerate.

Mr. Hodgſon has juſt bound up a compleat Set of Seſſions Papers, for the laſt ſixteen Years, which he will diſpoſe of; or any perſon wiſhing to ſee any particular Trial, may have an Inſpection of the ſame, or take a Copy of it, at the uſual Prices.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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NUMBER VIII. PART I.

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MDCCLXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

## UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

**BEFORE** the Right Honourable **THOMAS WRIGHT**, LORD MAYOR of the City of London; the Right Honourable Sir JAMES EYRE, KNIGHT, one of the Barons of his Majeſty's Court of Exchequer; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

| *London Jury.* | *First Middleſex Jury.* | *Second Middleſex Jury.* |
|---|---|---|
| William Worrall | James Caney | William Handy |
| John Lovell | Charles Marſhall | George Oliver |
| Joſeph Furnival | Thomas Kebble | Samuel Cochran |
| Richard Williamſon | Robert Mills | William Robinſon |
| William Hopkins | John Moxey | William Brown |
| John Parry | Edward Kitchin | Rowliſon Greenly |
| William Boutry | James Sorrell | John Allen |
| Henry Goldſmith | Hugh Wright | Benjamin Brown |
| Timothy Dermot | Lancelot Henry | Thomas Phillips |
| Richard Stroud | William Williamſon | John Peckwell |
| John Smith | John Skirwin | Alexander Urquhart |
| Joſeph Wells. | Joſeph King. | Alexander Mitchell. |

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761. **RUTH BALDWIN**, otherwiſe **BOWYER** was indicted for feloniouſly ſtealing, on the 24th day of June laſt, three table ſpoons, value 20s. two ſilver deſert ſpoons, value 10s. the property of Joſeph White.

**JOSEPH WHITE** *ſworn.*

I keep the Buſh at Staines; on Saturday, the twenty-fourth of June, I loſt the ſpoons mentioned in the indictment; I miſſed them in counting them about twelve o'clock; two of the table ſpoons were marked I. S. White, and the deſert ſpoons were marked I. S. White, upon the bowls and the other table ſpoon was marked Williſs, Thatched-houſe-tavern; the priſoner was a ſervant to me about ſeven weeks, and was diſcharged the morning the ſpoons were miſſing; ſhe was kitchen maid; I never ſaw the property upon her; I have ſeen them ſince, on the 8th of October, in the poſſeſſion of James Fiſh the conſtable; I knew them again.

### JAMES FISH *ſworn.*

I am a conſtable, the priſoner was in cuſtody at Mr. Martin's about twelve at night, on the 7th of October; I found nothing upon her; I believe ſhe was taken on ſuſpicion, without a conſtable; she next morning ſhe ſent for me, and told me, ſhe ſaw a woman hide a ſpoon in a hedge, and we went with her and found all the five ſpoons hid in a bank under ground; this bank was about a mile from the proſecutor's; I heard no promiſes made to the priſoner; I have had the ſpoons ever ſince.

*(Produced and depoſed to by the Proſecutor.)*

### RICHARD MARTIN *ſworn.*

I am keeper of the Caſtle at Windſor; on the 7th of October, I heard Mr. White's ſpoons were offered for ſale; and I took a poſt-chaiſe, and went to acquaint Mr. White; then we went to Juſtice Wyatt's; we purſued after her to Egham, and took the priſoner into cuſtody, at her aunt's in Egham-ſtreet, on the 7th of October; her aunt's name was Bowyer, and ſhe went in that name; we took the aunt into cuſtody alſo; we took them to my houſe and there we perſuaded the girl if ſhe knew any thing about the ſpoons to own it; ſhe declared ſhe did not; and ſhe denied ſhe had been at Windſor for a ring; then we ſent for young Mr. Coombes, the ironmonger, at Windſor; who ſaid the priſoner was the perſon that bought a ring, and offered the ſpoons for ſale; I went with her, and the conſtable, and ſhe ſhewed us where the ſpoons were hid in the bank; ſhe ſaid, ſhe ſaw a woman hide one there.

### MARY FORD *ſworn.*

I am ſervant to Mr. Coombes at Windſor; he is an ironmonger; the priſoner came to our houſe on Saturday morning, the 7th of October; ſhe aſked if Mr. Coombes ſold gold rings; I never ſaw her before to the beſt of my knowledge; I believe it is the woman; I ſhewed her ſome rings; then ſhe aſked me if we bought old ſilver, I ſaid, yes; ſhe pulled five ſpoons out of her pocket; I did not examine them; I took no notice of them; I gave them directly to James Coombes to weigh; he aſked her how ſhe came by them; and ſhe ſaid, ſhe had done waſhing for a man, and he was gone away, and left her the ſpoons, and the ſpoons were of no uſe to her.

### JAMES COOMBES *ſworn.*

I am an ironmonger; theſe ſpoons I received from the laſt witneſs, on the 7th of October; I am ſure the priſoner was in the ſhop at the time, but I did not ſee her give the ſpoons to Mary Ford; I then aſked her how ſhe came by them, and where ſhe lived, and what ſhe gave for them; ſhe ſaid, her name was Bowyer, and ſhe lived near the Six Bells, at Windſor, and that the ſpoons were left her by a man who owed her money for waſhing; I told her, I was doubtful they were not her prope ty, and I would take down the marks in my book, which I did; I returned her the ſpoons; the marks correſpond with my book; here are two table ſpoons, engraved I. S. White; the other table ſpoon, Williſ, Thatched-houſe; the two deſert ſpoons marked I. S. White, Staines; I immediately wrote to Mr. White.

*Court to Proſecutor.* What name did ſhe go by at your houſe?——I do not know; I believe the name of Yalden; but I cannot ſay.

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## PRISONER's DEFENCE.

I am not guilty of the crime; I have no witneſſes.

**GUILTY.**

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

762. **WILLIAM THOMPSON** was indicted for feloniouſly ſtealing, on the 5th day of September laſt, one linen handkerchief, value 6d. the property of John Parker.

### JOHN PARKER *ſworn*.

I live in St. Paul's church-yard; I am a jeweller and goldſmith; I loſt a linen handkerchief on Tueſday the 5th of September, between four and five in the afternoon; I went into Smithfield during the time of the fair to ſee a heifer with two heads, with two ladies; I heard a great noiſe, and I ſaw the priſoner in cuſtody of two conſtables, and a handkerchief; one of the conſtables is named Forſyth, and the other Boutflower; he held up a handkerchief, which I ſwear to, being my property; I miſſed my handkerchief at the ſame time; it is a linen handkerchief; it had no mark on it; I ſwear to it by the general uſe of the handkerchief; it was my father's he is lately dead, and had ſeveral of them twelve or fourteen years.

*Priſoner*. Where was you when the conſtables had hold of me?——In the fair.

Had not you been in the ſhew?——No; I ſaw the handkerchief juſt before, and put it into an inſide pocket.

### WILLIAM BOUTFLOWER *ſworn*.

I am a green-grocer and conſtable; me and my partner Forſyth were ſitting in a public houſe the corner of Hoſier-lane, and Forſyth ſays to me, there is Thompſon after that gentleman; he had two ladies with him; I went up to Thompſon, and Mr. Parker was handing the ladies up to the ſhew, and the priſoner was cloſe to him, and picked his pocket; I ſaw him; I was cloſe to his back; I could look over his ſhoulder; I ſaw him put his hand behind the lap of the gentleman's coat, and I ſuppoſe he was above a minute before he took the handkerchief out; I clapped hold of him, ſays I, you dog, I have caught you then I ſaw him drop it; I picked it up. (*Produced and depoſed to.*) I kept it in my poſſeſſion ever ſince; I ſhewed it directly to Mr. Parker; he ſaid, it was his handkerchief; he felt and miſſed one.

*Jury*. Do not you think there are other handkerchiefs of the ſame mark?——Very probable.

### WILLIAM FORSYTH *ſworn*.

I am a conſtable; on the 5th of September, I was on duty at Bartholomew fair; it was Tueſday; me and Boutflower went into a public houſe; I ſaw the priſoner go paſt, and attempt Mr. Parker's pocket, feeling under his coat; I immediately told my brother officer; he went cloſe to him; I was about four yards behind; I ſaw him take hold of the priſoner by the collar, and ſays he, he has picked that gentleman's pocket; and I ſaw the priſoner drop the handkerchief out of his right hand; I believe this to be the handkerchief; I aſked Mr. Parker if he had loſt any thing; he ſaid he did not imagine he had; he felt for his watch, and then for his handkerchief, and ſaid he had loſt his handkerchief.

*Priſoner*. I was going acroſs Smithfield, and they took me; they attempted to ſwear away my life laſt ſeſſion [*], and they ſaid now this will do: if it is not true may God never receive my ſoul.

GUILTY.

*Tried by the London Jury before Mr.* ROSE.

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763. **JOHN BOXLEY** was indicted for feloniouſly aſſaulting Elizabeth Monk, in a certain open place, near the king's highway, on the 12th day of September laſt, and putting her in fear, and feloniouſly taking from her perſon, and againſt her will, two linen ſhirts, value 4s. two ſhifts, value 4s. a cotton gown, value 5s.

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[*] This priſoner was acquitted laſt ſeſſion of a highway robbery, by the parties not attending; and this larceny was committed within ten minutes after his diſcharge from Newgate.

and a cotton ſkirt, value 4s. her property.

**ELIZABETH MONK** *ſworn.*

I am ſervant to my uncle; he is clerk to Mr. Scott's lime wharf; on the 12th of September, on a Tueſday at four o'clock in the afternoon, I had been to Knightſbridge for my linen; and coming to Chelſea, I ſaw three men ſit at a public houſe door at Bloody-bridge; I got a little diſtance from this public houſe, and I ſaw three men behind me; and John Boxley, the priſoner at the bar, who was one of the three, came up to me, and bad me throw down my bundle which I had under my arm; and I ſaid, for God's ſake do not take my bundle from me; I never ſaw him before; he directly ſaid he would be damned if he did not lay his ſtick about me; this alarmed me, as he had his ſtick in his hand at the time; the other two men were cloſe to him; there was no converſation between them, they were all three together; then I threw down my bundle, and one of the others picked it up; after they had got a diſtance from me, I turned round to ſee which way they went; and the priſoner called out, damn you, madam, make the beſt of your way home, or elſe I will be after you; I made the beſt of my way to Chelſea; the bundle contained the things in the indictment; I did not ſee the things put in, but I had a bill of them; I put two ſhifts in the bundle, but not the ſhirts; the gown was rolled up in the bundle; I did not ſee the ſkirt, but I am ſure I ſaw the ſhifts; they were wrapped up in the gown; the things belonged to Mr. Jacobſon; I went after them, becauſe my aunt takes in waſhing.

*Court.* Have you any intereſt in the waſhing of theſe things?——No, Sir, I am only a ſervant.

If you had loſt them, ſhould you have thought yourſelf liable to have paid for them?——Yes.

How long might this robbery take up?——A few minutes; I am ſure of the man; he was pitted very much with the ſmall pox, and he had a long noſe, a ſhort thick ſet man; he ſtood facing me when he ſpoke to me.

Look at the priſoner?——I am ſure the priſoner is the man; the property has never been found.

*Priſoner.* My Lord, my friends are not come.

How was the priſoner taken?——My uncle gave information; I ſaw the priſoner in the Borough at the Juſtice's in Union-ſtreet.

How long was that after you was robbed?——About a fortnight after.

Was any body elſe in the room?—Yes, there were plenty of people.

You went there in expectation of ſeeing the priſoner?——I did.

Did the magiſtrate, or any body there ſay that is the man?—Yes, they did.

GUILTY, Death.

*He was humbly recommended to mercy by the Jury, there being only one witneſs, and no collateral circumſtance in confirmation of her evidence.*

*Tried by the ſecond Middleſex Jury before* *Mr.* ROSE.

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764. **JOSEPH WRIGHT, JOHN LAWSON, and EDWARD MILLS** were indicted for feloniouſly aſſaulting John Whalley on the king's highway, on the 8th day of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one gold watch, value 40s. a gold buckle, value 5s. a gold key, value 5s. a ſilk watchſtring, value 1d. and eight guineas, value 8l. 8s. his property.

*(The witneſſes examined ſeparate at the requeſt of Mr. Knowlys, priſoners counſel.)*

**JOHN WHALLEY** *ſworn.*

I was returning home a quarter after twelve at night, on the 8th of September laſt; I took a coach, and going along Albemarle-ſtreet, I percieved a man, in a kind of a white coat coming down by the wall, and coming acroſs by the horſes, he ſpoke to the coachman about the ſpace of a minute, during which time the coachman went very eaſy; I ſaw two other men come to the right hand ſide of the coach, and tell the coachman to ſtop; upon which he immediately drew up, and ſtopped in the middle of the ſtreet.

Can you recollect the particular expreſſion they uſed?——Stop; upon which he ſtopped: the firſt man in the white coat came up on the left hand ſide of the coach, and the other man went to the other door; they opened both doors, and told me to deliver my money; I ſaw three men before the doors were open, and when the doors were open, I only ſaw two; one kept behind the wheel; they told me to deliver my money, or they would blow my brains out; after I gave them my money, which was about eight guineas, they aſked for my watch; I ſaid I had none, upon which they pulled out ſomething very much like a piſtol, but whether it was or no, I cannot ſay; and told me, if I did give my watch, they would blow my brains out, upon which I gave them my watch; it was a ſmall gold watch; they then ſhut both doors, and told the coachman to go on; he went on very faſt; I then perceived a watchman running under the wall after a man in a darkiſh coat, upon which I told the coachman to let me out and I would purſue them, but he drove on a great deal faſter, ſo that if I had tried to get out, I muſt have been run over; I ſaid ſtop, ſtop, as loud as ever I could, three or four times.

Do you know whether he heard you?—I cannot tell whether he heard me or not.

Were the glaſſes up?——Both the ſide glaſſes were down.

Had you any ſtring?——I did not perceive any; I did not let down the window at the back of the coach, nor I did not put out my head, I only called out very loud; he drove faſt till I got into Conduit-ſtreet, where I lodge; I directed him to No. 31; he did not know the number; he drove into the middle of the ſtreet, upon which I told him to let me out; and I told him, I believed from the circumſtances of the robbery, that he was privy to it; and I would go and ſwear againſt him the next day; I took his number; he ſaid he wondered how I could think he was guilty, he was a very honeſt man; I took his number, and went to my lodgings, which are about the middle of the ſtreet; the coachman followed me, and I paid him his fare, and he went away.

Have you any knowledge of the perſons that committed the robbery?——I could not ſwear to them, I can ſwear to the coachman; I have ſince heard his name is Mills; I gave a deſcription of Wright, as being like the man that I ſaw in the white coat.

What do you ſay about the other man?——The man that took my money, was a taller man than the man that came up to the horſes firſt.

Was it a dark night, or a light night?—It was rather dark.

*Mr. Knowlys.* I think in your examination before the Juſtice, you ſaid that it was ſo dark you could not diſcover what weapon it was that he approached with with?——No, Sir, I did not ſay ſo, I ſaid I could not ſee whether it was a piſtol or not; when a man tells another he will blow his brains out, he cannot tell exactly what the weapon is.

Then from the darkneſs and the alarm together, you could not diſtinguiſh what weapon it was?——No, Sir.

ROBERT EAST *ſworn.*

I live in Old-ſtreet; I am a Cooper by trade; the priſoner Wright, and one James Dawſon came and aſked me to buy a watch, they aſked me four guineas for it; I told them I did not think it was worth it, but I was not a judge, and I fetched a perſon to buy it; they agreed to take a guinea and a half for it.

*Court.* Who was the perſon you fetched?——An acquaintance of mine.

What is his name?—Robert Pearce.

What is he?—A maſon by trade.

Does he happen to buy watches?—Not in particular as I know of.

Did he buy it?—Yes, for a guinea and a half.

What became of that watch?—One of Sir Sampſon's men has it in his cuſtody; I know nothing more.

How long have you been acquainted with the two priſoners Wright and Lawſon?—I have ſeen them before, but I never ſpoke to them before that day.

Where was this that theſe people came to you?——In Old-ſtreet.

Did they come to your houſe?——Yes.

Do you deal in watches?——I live at a pawnbroker's.

You ſaid you was a cooper?——I am a cooper by trade, but I lodge at a pawnbroker's.

What buſineſs do you follow?——A cooper.

How came they to apply to you?——There was nobody elſe at home.

Do you ever ſerve in the ſhop?—Sometimes.

Do you ever work at your trade of a cooper?——Yes.

Where?——Why, with different maſters.

Who did you work with laſt?——Mr. Kemp.

How long ago?——I cannot juſtly ſay.

As near as you can recollect?—It may be about three months.

What may be the pawnbroker's name?—Mrs. Harris.

Perhaps you have ſome intereſt in the ſhop?——No intereſt at all in the ſhop.

Was you in the ſhop?——I was in the kitchen.

How came theſe two people in Mrs. Harris's kitchen?——They came in at the back door which leads into the kitchen, and I was in the kitchen.

Is that a door that people uſe to come to, to pledge their goods?—There is a way at the back door as well as the front to the ſhop; this back door alſo leads into the ſhop; they came into the kitchen; they wanted to ſell the watch; they did not aſk to pledge it; ſo I brought Pearce to buy it.

I ſuppoſe it has happened to you before this time, that people have come to this pawnbroker's ſhop to ſell things, and you have got them a purchaſer?—Yes.

Is Pearce the man you uſually get?——No; this watch was a ſmall one, and I did not know the value of it, or elſe I ſhould have bought it myſelf; he lodged at the ſame pawnbroker's as I did.

Where did you find Pearce?—I found him in the Old-Bailey.

Then perhaps though Pearce bought it, you and he went halves in it?——No, my Lord.

What did you let Pearce have the benefit of the whole job to himſelf?—Yes.

So you had not been acquainted with Wright and Lawſon before?——Not at all.

You ſaid ſomething of having ſeen them before?——Yes, I had ſeen them before; I had a knowledge of their faces.

How often might you have ſeen them before?——That I cannot ſay.

Had they ever been at your friend Mrs. Harris's ſhop?——No, Sir, not to my knowledge.

Where had you met them before?——I had ſeen them go along Old-ſtreet.

Do you know what occupations they follow?——No.

Did you know their names?——Not till they were given in at Sir Sampſon Wright's.

*Mr. Knowlys.* Mr. Eaſt, how long have you lived at this houſe of Mrs. Harris's?——Ever ſince I firſt took my lodgings there.

How long is that, pray Sir?——I cannot juſtly ſay to a day or two; I very often lodge there, particularly when I am out of work I go there; Mrs. Harris is my own ſiſter; ſometimes I work at one end of the town, and ſometimes at the other; when I work near there, I lodge there.

Are you conſtantly changing your work that you are changing your lodgings?——Yes.

You do not live with the people where you work?——No only lodge near them.

You are often with your ſiſter?——Yes.

How long ago is it your ſiſter was tried for receiving ſtolen goods?—You muſt aſk the Court that; I do not chuſe to anſwer that; it does not concern this matter.

In fact your ſiſter has been tried for receiving ſtolen goods, has not ſhe?—What occaſion have you to aſk me that.

*Court.* If you know it you muſt give the anſwer?—It does not concern this fact.

*Mr. Knowlys.* Give the anſwer, and give it immediately?—I cannot tell to the time.

Was ſhe tried for receiving ſtolen goods?——She was tried for a miſdemeanor.

What was that miſdemeanor?——You muſt apply to the record for that.

How long have you been acquainted with Pearce?——Ever ſince I firſt knew him.

*Court.* I will not ſuffer you to inſult the Court in that manner, by giving ſuch impudent anſwers?——If he aſks me impudent queſtions, I have a right to give him impudent anſwers.

*Court.* You will not go from hence my friend at liberty if you go on ſo; you was aſked a fair queſtion; if there had been any doubt about your character, your anſwering in this manner fixes it forever; if you dare give ſuch another anſwer as that I will ſend you to Newgate inſtantly.

*Mr. Knowlys.* Now Sir, how long have you been acquainted with Pearce?——About four years, he lodges in the ſame houſe.

How long has he lived with her?——I cannot ſay.

Upon general knowledge, ſpeaking to a month, or two months, or three months?—I cannot juſtly ſay.

How long has he lived of that four years with your ſiſter?——I cannot ſay; I am not always at home; it is very ſeldom I am at home.

Tell me as near as you can gueſs how long he has lived in the ſame houſe with Mrs. Harris?—That I cannot tell.

Do not you call on your ſiſter very frequently?—Yes.

Have you not found Pearce a lodger there when you have called there;—Yes.

Have you a reaſonable belief that at that time he has lodged, and had been intimate with your ſiſter?——My ſiſter's affairs are nothing to this matter; it is not a fair queſtion.

*Court.* I do not ſee any neceſſity to enquire into the degree of intimacy between his ſiſter and Pearce.

*Mr. Knowlys.* Have you ever known Pearce tried for any offence?——He might be and I not know it.

Do you know in point of fact that he has been tried or not?——I do not recollect that ever he was tried for any offence of theft, not ſince I have known him.

If ſuch a circumſtance had happened ſhould not you have known it?——I am poſitive ſure he never was ſince I knew him.

Do not you know in point of fact that this man, Mr. Pearce, has been capitally convicted?——No, Sir, I do not know that.

What part of the Old Bailey was it that you found Pearce in; was it not in that building there?—It might be.

Was it not in Newgate?——Yes; he was talking to Mr. Pitt the turnkey when I found him.

Was not he a priſoner at that time in Newgate?—No.

You are ſure of that?—Yes, I am, or elſe he could not have gone home to have bought the watch.

Was not Mrs. Harris, your ſiſter, in Newgate at that time?—You may aſk Mr. Akerman.

I aſk you Sir?

*Court.* Was ſhe in Newgate confined at that time, or was ſhe not?—Yes, Sir.

*Mr. Knowlys.* Did theſe men call you by your name when they came in?—No, Sir.

How came they to come to the kitchen?——Why, many people make a miſtake and take the kitchen for the ſhop.

How came they to apply to you there?——Becauſe there was nobody elſe preſent.

How long have you been in the habit of recommending people to buy watches?—I never recommended anybody.

Then this is the firſt time you have recommended a bargain of that ſort?——Yes, Sir.

The very firſt time?—Yes.

Did you give information at Bow-ſtreet?—No, Sir.

Do you work now at your buſineſs of a cooper?——No, Sir, I am talking to you now; I am not at work now.

Do you work when you are not in this place at your buſineſs as a cooper?—Yes.

How long have you continued to work?—Ever ſince I firſt went apprentice, when I could get work to do; I have been out of work at times; I worked ten years in one yard, and never was out of work; I did not know the priſoners at the time.

*Court.* If I took your evidence right, you ſaid you knew their perſons and not their names?—Yes.

*Mr. Knowlys.* How often have you given evidence againſt priſoners before this time?——Never in my life.

Have you never ſhared a reward with a perſon who has given evidence againſt them?—No, Sir.

Never with Mrs. Harris and Mr. Pearce?——No, Sir.

Of that you are certain?——Yes.

JAMES DAWSON *ſworn.*

What are you?——I have been a gentleman's groom; I am out of all ſort of employ at preſent; I think it was the 8th of September, between twelve and one, I was drawing beer at Mr. Minto's, the George and Crown, in Broad-ſtreet, St. Giles's, and one Joſeph Crawley an acquaintance of mine came in there, and he called for a ſhilling's-worth of punch; in about a minute or two after Wright and Lawſon came in together; Joſeph Crawley gave me a guinea to change, and I carried it to the landlord of the houſe, and got change, and returned him the money, and he gave the other men four ſhillings and ſixpence a-piece, and while they were drinking this liquor, they ſaid, they would have a pair of ſticks; then they had two or three ſhillings-worth more.

What did they mean by a pair of ſticks?—A pair of piſtols I imagine; I cannot ſay which of the three it was that ſaid this; I do not know what time it was that they went away; I was in the tap room drawing beer; in the morning I went to Joſeph Crawley's room, in Blue-court, Saffron-hill; I knew Joſeph Crawley when he lived with the Duke of Buccleugh; I had not been long in his room before Joſeph Wright came up there, and aſked Joſeph Crawley, if he had diſpoſed of the watch; he ſaid, he had not, nor did not know where to diſpoſe of it; and Crawley aſked me, if I knew of a place, and I told him, yes; I told them of one Mrs. Harris, Old-ſtreet-road; and Joſeph Wright went down to a public houſe, the Diſtillers Arms, the corner of Blue-court, and waited there till Joſeph Crawley had got his things waſhed, and Crawley and me went down to the public houſe, and then Joſeph Wright and another young man with him, that I do not know, and me went to the Diſtillers Arms, the corner of Blue-court; then this young man left us; he did not come up to Crawley's room; and then Wright, and Crawley and me went up to Old-ſtreet-road; when we came there, Crawley went into the public houſe, while Wright and I went to Mrs. Harris's with the watch; Wright and me went to Mrs. Harris's; we went in backwards; there was a young man there, and a young woman; I cannot ſay the young man's name.

Do you know him?——Yes, I ſhould know him if I was to ſee him; it is not one of the witneſſes; Joſeph Wright aſked him to buy a watch.

Where did you find that young man that you ſaw firſt?——He was in the kitchen, or the parlour; Wright aſked four guineas for the watch; he told me, he did not know the value of the watch, but he would ſend another perſon to know the value of it; he ſent another perſon with the watch; and while he was gone, we had a pint of beer in the houſe; ſo he came back and brought another man along with him, who offered Joſeph Wright a guinea and a half for the watch.

Who was that other man?—He was a ſcotiſh man; Wright went out, I imagine to inform Crawley, and he came in and took the guinea and a half; and after he went out and gave Joſeph Crawley half a guinea, and kept the guinea himſelf.

What had you?——I had none at all.

Do you know the man's name that was brought back and bought the watch?——No, Sir; he was a luſty man; I ſaw the watch in Joſeph Wright's hand; I never ſaw it till Crawley gave it to him; I never ſaw it before.

What ſort of a watch was it?—A ſmall watch.

What colour?—Yellow.

Did you take any notice of the key or ſeals, and the chain?——No; I do not think there were any ſeals to it.

How long have you been acquainted with this ſet?—I do not know much of Joe Wright nor Jack Lawſon, only ſeeing them in company with Crawley.

*Mr. Knowlys.* The young man you firſt ſaw was not Eaſt?——No.

How long have you known Eaſt?—I do not know him at all.

## ELIZABETH MINTO *ſworn.*

I live now in Taviſtock-mews; I then kept the George and Crown, in Broad St. Giles's; there were three people came in, but I cannot tell their names; I know them when I ſee them; I believe two of the priſoners were there; the two outſide ones, Wright and Lawſon.

Do you know Crawley?——Yes, when I ſee him, he was one of them; they came in altogether; I know nothing of what paſſed there; they went into a back room and called for ſome brandy and water, and ſent me out a guinea to change; they had ſome more liquor after that; James Dawſon carried in the liquor and brought me the money.

## CHARLES JEALOUS *ſworn.*

I was at the apprehending the two priſoners, Wright and Lawſon, on the 12th of September; Lawſon was apprehended in Stewart's-rents, and Wright in Drury-lane; on the 14th, I went to the houſe of one Mrs. Harris, in Old-ſtreet, and up one pair of ſtairs I found this gold watch; that is all; I brought Eaſt away with me; I found him there.

Do you know what became of Pearce?—No; Macmanus and Shallard ſearched their apartments, they are both here.

*(The watch ſhewn to the Proſecutor and depoſed to.)*

## PATRICK MACMANUS *ſworn.*

I know nothing more of it than going to Wright's lodgings, and in a cloſet, where Shallard and I ſearched, there lay a turnſcrew and flint, and ſome powder by it.

## JOHN SHALLARD *ſworn.*

I know nothing, any farther than apprehending the priſoners; I found ſome powder and the rammer of a piſtol in Wright's lodgings; that is all I know about it.

**PRISONER JOSEPH WRIGHT's DEFENCE.**

On the 7th of September, I was going up Drury-lane; I met the priſoner John Lawſon, he had been very ill; he aſked me to pay him a trifle of money; I told him a perſon, which was Crawley, owed me ſome money, and it was to be left for me at the George and Crown; I went the next morning to his lodgings; Crawley told me he had no money, but if I would go with him to ſell a watch, he would give it me; as I went along Old-ſtreet, he gave me the watch, and the witneſs Dawſon was along with me; I was to aſk four guineas for the watch; he came back and offered me a guinea and a half; I told him, I could not take the money, without Joſeph Crawley's advice; I know no more of it than the child unborn.

What way of life have you been in?—I have had a news walk.

*The priſoner called two witneſſes, who gave him a good character.*

### Prisoner Lawson's Defence.

On the 7th of September, I was going home to my lodgings; I met Wright, and aſked him for a trifle of money that he owed me; he ſaid, he had none; I went with him to Broad St. Giles's; there were two ſtrange men; I ſat down a little while; they drank ſome punch; he ſent out change for a guinea, and paid for the reckoning; after the change came in, Wright gave me four ſhillings.

What way of life have you been in?—I have been bred up to the public buſineſs; I have no friends living in London, except a brother-in-law, and a ſiſter; I am a Yorkſhire-man.

*Court.* Is your brother-in-law here?—No.

### Prisoner Edward Mills's Defence.

I took up the gentleman at St. James's Coffee-houſe; I believe it might be about half after twelve o'clock; I went up St. James's-ſtreet, and along Albemarle-ſtreet, and juſt at the further end of Albemarle-ſtreet a man in a white coat ran and took hold of the horſes heads; he ſaid, ſtop, d—n your blood, you raſcal, ſtop; and he clapped his piſtol up to my head directly; as ſoon as the coach was robbed, I heard the gentleman call out, and I underſtood it was to go on, and I drove on to Conduit-ſtreet.

Have you any body to ſpeak to your character?——Yes.

### GEORGE JONES *ſworn.*

I have known the priſoner ſome years; I always hired him, and found him an honeſt man; I am in the public buſineſs, and have been ſixteen years, and have known him all that time; and I now keep a watering houſe in Mary-le-Bone-ſtreet.

### JOHN TAYLOR *ſworn.*

I have known him twenty-three years; I was in the coach-way; he has a very good character; he was a ſervant of mine a great while; he is a very honeſt, good man I believe.

*Priſoner Mills.* I expected ſeveral more, but my trial came on ſo quick.

*Court.* You have a very good character from theſe witneſſes.

Joseph Wright, Guilty, Death.

John Lawson, }
Edward Mills, } Not Guilty.

*Tried by the firſt Middleſex Jury before Mr. Baron* Eyre.

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765. JAMES COWDERY and JAMES WOOD were indicted for feloniouſly aſſaulting James Chilcott on the king's highway, on the 22d day of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, a ſilver watch, with a fiſh ſkin caſe, value 40s. a ſteel watch chain, value 1d. a metal watch key, value 1d. and one guinea, value 1l. 1s. his property.

*(The caſe opened by Mr. Silveſter.)*

### JAMES CHILCOTT *ſworn.*

I had been to Iſlington on Monday the 22d of September; I was returning home between ſeven and eight; it was not later than that; I was coming from Iſlington to Shoreditch, in the City-road, and I heard ſomebody running behind me; they came up with me before I could get to the toll-houſe; I ſuppoſe the diſtance of a hundred yards; Mrs. Chilcot gave them way; they immediately laid hold of me; ſhe ran away and ſcreamed out; Cowdery laid hold of me by the collar, and preſented a piſtol; he ſaid, d——n your eyes, give me your money; then he aſked me for my watch; then the other, who I have the greateſt reaſon to believe, according to the figure of the perſon to be Wood; after ſuffering Mrs. Chilcott to make her eſcape, returned immediately to me, and ſtood before me with his piſtol to my breaſt; at the inſtant of time, gentleman paſſed by on horſeback, and they threatened me with immediate death if I made any noiſe; then they ran off, and took the watch with them, I loſt a ſilver gilt watch jewelled, in a Nourſe's ſkin caſe.

*Court.* Is it a fiſh-ſkin caſe?——It is a ſpecies of fiſh, that they make ſpectacle caſes of; I loſt nothing more.

What was your chain?—A ſteel chain; I have the likeneſs of Cowdery perfectly, and the other by his height, and by the habit he was in.

Do you mean by the word perfectly, that you have no doubt of him?——I have not a doubt of him; the robbery might take up in all about two minutes and a half.

With reſpect to Wood, what do you found your belief of his perſon on?——By his height, and by his ſize, and by the habit he appeared in at the time of the robbery; I ſaw him at Sir Sampſon's on the Monday following.

Was you particular in your deſcription in the information?—Sir, they were apprehended according to the deſcription I gave of them at Sir Sampſon's.

*Mr. Garrow, Priſoner's Counſel.* What ſort of an evening was it?——It was a cloudy evening; it was between twenty minutes and half an hour after ſeven.

Was there any moon?——No.

So that you had nothing but the light of the evening, and the atmoſphere a good deal obſcured?——Yes.

Had you anybody with you but Mrs. Chilcott?———No, ſhe ran away and ſcreamed.

I have no doubt but you was moſt alarmed for her?——I was.

This tranſaction did not occupy above two minutes and a half?——No.

Was you always as certain of Cowdery as you are now?——Yes, I deſcribed him before the magiſtrate, as having the greater knowledge of him of the two.

I wiſh you to recollect yourſelf, I am ſure you will not ſuſpect I am queſtioning you with a view to entrap you; only to know how the caſe is?——I did not ſwear to either of them poſitively before the Magiſtrate.

You expreſſed before the Magiſtrate a belief as to Cowdery, and ſpoke more dubiouſly as to the other?—Yes, he was cloſer to me, and I paid the greater attention to him.

What circumſtance has induced you to be rather more poſitive to Cowdery now than you was then?—The matter I conſidered there was upon committment; and for that reaſon I thought it was not neceſſary for me to be ſo poſitive as I might be at another time.

Was not the queſtion put to you whether you knew them?—It was.

And there you diſtinguiſhed as to your degree of knowledge, you was ſworn before the magiſtrate?——I was.

You was ſworn to tell all the truth relative to the priſoners?——Certainly I was.

At that time was your watch produced? Yes.

Did you hear the examination of Chant and Eaſt?——Yes.

After all theſe circumſtances together, the boys being produced to you within three or four days after your watch was produced, as you ſtill ſpoke dubiouſly, I want to know how your memory comes to be improved now?——I thought the committment was all that was requiſite at that time.

But you know the Magiſtrate muſt have the information upon oath, which bound you to tell the whole truth upon the ſubject; now, as on that oath, you ſpoke dubiouſly, what has improved your recollection?——My recollection is not improved.

It is wonderfully altered! and I want to know what are thoſe circumſtances that have been hatched into poſitiveneſs, matured into poſitiveneſs, which ſome time ago were nothing like poſitiveneſs?

*Court.* The queſtion is a very plain one whether you have had any occaſion to con-

firm

your doubts, or to make you more poſitive?—I can give no other anſwer, but that I thought it was not neceſſary for the committment.

*Mr. Garrow.* Was not you aſked, and repeatedly aſked by the magiſtrate, whether you could ſpeak poſitively to this man?—I was aſked.

Recollect your anſwer?—I cannot not recollect it.

Here are two men that are to be committed to take their trial upon a capital offence, you admit the magiſtrate aſked you, not once or twice, but repeatedly, whether you knew them; now you can recollect his queſtion?——He aſked me whether I did or not.

Now upon your oath, what was your anſwer?—I do not recollect.

*Court.* Do you mean that the Court and the Jury ſhould ſeriouſly believe you?——I moſt probably gave him ſome anſwer, but what it was I cannot ſay.

*Mr. Garrow.* Was it not, that you did not mean to ſwear poſitively?—No, it was not, in my opinion; I cannot ſwear poſitively that it was not.

*Court.* You have told us, that you have ſaid you was not poſitive, now what was your anſwer?——I cannot be poſitive to the anſwer I made to Sir Sampſon; I cannot recollect the anſwer.

*Mr. Garrow.* However, you recollect it was repeatedly aſked of you by the magiſtrate?—I do not know it was repeatedly aſked.

Was not you preſſed upon it?——I was not preſſed.

## HANNAH CHILCOTT *ſworn.*

I was in company with Mr. Chilcott on this night of the robbery; as we were coming along the city road, about a hundred yards from the Toll gate, I obſerved two men go on the other ſide of the way, and they had ſticks in their hands, ſhort ſticks about the length of my arm; I was not apprehenſive of any danger at that time, not thinking they would make ſuch a public ſhew of their ſticks; preſently I obſerved footſteps running after us; Mr. Chilcott turned round, and ſo did I, and preſently came two chaps, one I did not take particular notice of, that was him that came on the ſide of Mr. Chilcott; the ſhorteſt came to me on my right hand ſide, I made way for him to come by me, which to all appearance I believe to be Wood; in the mean time he held a ſtick in his right hand; he lifted up the right hand ſide of his great coat; he took the piſtol in the ſame hand he had the ſtick; it was a drab coat; he held up the piſtol, and bid me ſtop; I cried out pretty loud, O Lord! and ſlipped by; he came after me, it might be the ſpace of two or three yards, then he turned back; then I went on, I run on as faſt as I could near the toll, and I ſaw no more of them.

What kind of hats had theſe young men?—A round hat, rather done up a little; Wood had a round hat, and a drab coloured great coat.

*Mr. Garrow.* I ſhall trouble you with but one or two queſtions; you uſed the expreſſion, if I heard you rightly, that to all appearance, Wood was the perſon you ſaw?——Yes, Sir, ſo far as to his perſon, the features of his face, the lower part of his face; but as to his eyes, and the upper part of his face I could not ſee.

The man that came to you, had a drab colour coat, and a ſlouched hat?——I am pretty poſitive I ſaid the ſame to Sir Sampſon Wright, that I verily believed that he was the man.

It was juſt while he was purſuing you about two yards, that you had an opportunity of obſerving him?——His height and his perſon I had an opportunity of obſerving.

Was not you frightened a little for your huſband?——I was in a great deal of fear for myſelf.

*Court.* I underſtood you, that thoſe men came behind you?——Yes.

## JOSEPH CHANT *ſworn.*

I keep the public houſe, the Rodney's Head, in Chequer-alley, *that is, I did do*;

the two priſoners came into my houſe on Monday night about ten; Wood had a watch in his pocket, and aſked me if I would buy it; I bought it, I gave him two pounds for it, and I ſold it to one Eaſt, who lives in Old-ſtreet.

Was any body preſent when theſe two young men ſold you the watch?——Yes, Mary Anderſon, ſhe is my houſekeeper.

Was any body elſe in company but theſe two young men?——Yes, another, but I do not know his name, but he is not taken; I knew Wood before; I am ſure the priſoners are the two men that came that evening.

*Court.* Did the three come together?—Yes.

Are you ſure the two priſoners came in company together?—Yes, all at the ſame time together.

Had they any converſation together before the watch was ſold?——Not that I heard, nothing particular that I took any notice of.

Did they talk together?—Yes, Wood and the other priſoner.

*Mr. Garrow.* I obſerved when my friend aſked you what you was, you ſaid, *I keep the Rodney's Head, that is, I did do?*——I kept the houſe two years.

Had you a licenſe?——Licenſe! yes.

Who keeps the houſe now; to whom have you ſold it?——Why, to a widow woman, but I do not know her name.

So you ſold your houſe laſt week to a widow woman whoſe name you do not know?——I never enquired much into her ſince I let the houſe.

Did you enquire a little before?—No, Sir, ſhe paid me for what things ſhe had, and it did not matter to me.

What are you now, where do you live?——In the ſame houſe, but up ſtairs.

You have aſſigned your leaſe?——Yes.

To this widow lady, and do not know her name; I hope they have had the goodneſs to take your old houſekeeper; ſhe continues perhaps to be your houſekeeper ſtill, though you have only a room?——I do not know, ſhe is in the houſe ſtill.

Perhaps ſhe goes partners with the people that have taken it?——No.

Then I am afraid ſhe is with you ſtill?—Why I do not know ſhe is.

What other name does Mrs. Anderſon uſe beſides that of Anderſon?——I never heard her go by any other name.

Did not you really? why for the laſt two years, has not ſhe gone by the name of Chant?—Some people might call her Chant, becauſe they did not know any other name.

How long have you been a dealer in watches?——No, longer than then; or elſe I ſhould have been a better judge of watches.

Why was the bargain againſt you?——I never bought one before.

What was the value of this watch now?—I think I gave above the value of it.

This purchaſe was made in the tap-room, what was the name of the other man that came in?—The third, I do not know.

Upon your oath, is not it John Francis?—I do not know.

Do you know ſuch a man as John Francis?——I do not really by name.

Do you know the man I mean, when I talk of John Francis; upon your oath did not John Francis ſell you that watch?—Theſe two men ſold it me.

Upon your oath, did not Francis ſell it to you?—No, Sir, he did not.

That you ſwear poſitively?—Yes.

Who elſe was preſent beſides Mrs. Anderſon otherwiſe called Mrs. Chant?——Nobody but ſhe; I had ſome money from her to pay for it.

What trade do you carry on now?—I kept a public houſe; I am going into another; I am by trade a buckle maker; I never was here in my life; I never was in this place before.

How long have you been acquainted with a Mr. Eaſt?—He lived in Old-ſtreet at this time; my houſe is in Golden lane, it goes out of Whitecroſs-ſtreet, into Bunhill-row.

Where did you find Mr. Eaſt when you ſold him the watch?—At his own houſe; I car-

I carried it to ſell the next day; I never bought any thing before.

Attend to this queſtion, and recollect that Mr. Eaſt is coming and does not know your anſwer; upon your oath, did not you buy this by the deſire of Eaſt?—No, Sir, he knew nothing of it.

Had he never deſired you to lay a trap to get forty pounds of ſomebody?——No ſuch converſation paſſed; I wanted ſuch a thing at that time; I never wound it up.

Did it chance to you to go to any gaol to Wood, ſince he has been committed?——*No, yes, Sir*; on the Sunday morning; I ſay nothing but what I know to be the truth.

So on the Friday you bought it, on the Saturday you ſold it, and on the Sunday morning you went to gaol to ſee Wood; what did you go there for?—I only went to aſk him how he did.

Did you go for any other purpoſe?—To aſk him queſtions.

That was all, was it?—Yes.

Did you tell him you had been taken up yourſelf about this watch?—Yes; I do not know whether I might not; I was taken up on Saturday night; I was not in cuſtody when I went to him.

Who took you up on the Saturday night?—Mr. Townſhend.

What on the information of Eaſt?——I canot reſolve you that queſtion.

So they let you go again?—Yes.

Upon what condition?—I was taken up on the Saturday, and I went home, and they went home.

Was not you let out in order that you might get theſe two men; had you been to Wood before they took you up on Sunday morning?—Yes.

Did neither Townſhend nor Eaſt, nor any other perſon deſire you to go to Wood?——Yes, I can ſay ſo.

What elſe did you tell Wood?—Several affairs between ourſelves; ſeveral little things.

Why you never had any little things but this watch; now, upon your oath, did not you tell him if he could give you a direction to Cowdery, you would keep Cowdery out of the way?——I ſaid, I would go and tell Cowdery, in order he might get away; when I went from Wood's I went home, and Townſhend was waiting at my houſe for me; and they took me to Bow-ſtreet.

Was not he waiting there by your appointment?——No, Sir; I did not go to Wood by his deſire.

One queſtion more; would you have ſaid any thing about this if you yourſelf had not been taken up?——I certainly would, if I could have left my houſe; I would have gone to Sir Sampion Wright's people; I did not like to leave my buſineſs to every body.

Did you voluntarily tell them?——Yes, I told Townſhend in my ſkettle ground.

Why did not he come to take you up?—Not that I know of.

What did he come for?—I did not aſk him his buſineſs.

May be he came to play a game of ſkettles with you?—I do not know what he came for; he did not take me up when he firſt came in; he was in half an hour before he took me up.

Is not Townſhend a thieſtaker?—Yes, he is.

Townſhend was uſed to come to the houſe?—He never apprehended a man out of the houſe in his life.

*Court.* You ſay you paid them, whom do you mean by them:—I paid two pounds to Wood; I was left at large to produce the watch, and how it was come by.

Did Wood, when you went to ſee him in gaol, ſay any thing reſpecting himſelf?—Wood ſaid, he had ſent a letter to tell Cowdery to go out of the way himſelf.

*Mr. Silveſter.* Had you any other converſation reſpecting this buſineſs about Wood?——No, no more than he ſaid, he could not think what he was there for, and he ſent a letter to Cowdery.

## MARY ANDERSON *ſworn.*

I know the priſoners by ſight; they were at our houſe, that is Mr. Chant's houſe, at the Rodney's-head, in Chequer-alley; they came in with a watch to ſell.

Who were the perſons that came?——James Wood, and one Cowdery, I think his name is; I cannot ſay I know him ſo well as Wood; they came in by themſelves.

Was there a third perſon?—There was a young man, but I do not know whether he was in company or no.

Did you ſee them come in?—Yes.

Did they come in together?—Yes.

They produced a watch?—Yes.

Which of them produced the watch?—James Wood, and Joſeph Chant bought the watch.

What did he give for the watch?——I cannot be certain, whether it was two pounds, or two guineas; I am ſure theſe were the two men.

*Mr. Garrow.* Mrs. Anderſon, is that your name Madam?——Yes, Anderſon is my name.

Is that your maiden name?——Yes, my name is Mary Anderſon; my maiden name.

You are not married?——No.

Then it is your only name?——It is my father's name; it is the only name I have been known by for theſe laſt two years.

What Mr. Chant took money out of the till?——He paid the money, and he had not quite ſufficient; and I gave him ſome to make it up.

Who might you be?—I am his houſekeeper.

What his ſervant?—His houſe-keeper that is his ſervant.

Receiving wages?—Yes.

And doing the buſineſs of a ſervant?—Yes, doing the buſineſs of a ſervant.

That is the character in which every body underſtood you to be?——Yes, to be ſure.

Now, Madam, you was this ſort of houſekeeper for the laſt two years?—Yes; he did keep the Rodney's-head; he has left it off, I believe, about a fortnight.

Then you have loſt your place then, I ſuppoſe?——No, I am in hopes of getting it again or another, till he gets another houſe.

At preſent you are living at home with your friends?—Yes, I am.

Where do you live?——I live now with Mr. Chant.

Then how came you to ſay you was living with your friends?——Is not that my friend.

So you call living with Mr. Chant in the ſame room, living at home with your friends?—No, there are more rooms than one.

Upon your oath, is not that your ſituation preciſely?

*Court.* You need not anſwer that.

*Mr. Garrow.* Did not you live in one room?—There are two rooms; there are two bedrooms if you muſt know.

How many beds?—Two.

Then there is a poſſibility of your being chaſte; now, upon your oath, has not your name been Chant for theſe laſt two years?——They may call me what they pleaſe out of a joke.

Have not you paſſed for the man's wife for the laſt two years?—I could not paſs for his wife, becauſe every body knew to the contrary.

Do you know a man by the name of Francis?—Francis, I cannot ſay I do; I do not know him.

Who was the third man at your houſe on this day that you have mentioned?—I cannot ſay; I do not know him, nor where he lived, nor where he is to be found; I have ſeen Cowdery once or twice.

How long have you been acquainted with Eaſt?—Only juſt by ſight.

How long have you been acquainted with Townſhend?——I know no more of him only juſt ſeeing him here; he may have been at our houſe, and I may not have been at home; I will not ſay I never did ſee him at our houſe in my life; I do not think I was in the houſe when Mr. Chant was taken up.

Who gave him leave to go again?——I cannot ſay.

How ſoon was he taken up again?—I do not rightly know.

What ſort of a watch was it he bought?—It was a ſilver gilt watch.

Why did he buy it?—I cannot ſay.

Who has he let his houſe to?—He has let his houſe to a widow I believe ſhe is; they have been in the houſe about a fortnight, but I do not know her name.

### ROBERT EAST *ſworn.*

Do you know Chant?—Yes; I bought this watch of him the 23d of laſt month.

——(*Produces it.*)

*Mr. Garrow.* What is your name?—Robert Eaſt.

Speak out, in order to preſerve your character you got this morning, what are you?—I am a cooper by trade; I have known Chant two or three years; I never had any dealings with him before.

How happened it that you, who are a cooper by trade, ſhould want to buy a watch?—He came to my ſiſter a pawnbroker, Mrs. Harris.

Do you deal occaſionally in the ſhop?—Yes, when I was examined I told his lordſhip that I did ſerve in the ſhop.

Are you the perſon that the Judge deſcribed this morning as the moſt hardened villain that ever came into a Court of Juſtice?——I do not know, I heard him read over what I ſaid to him.

Did you ſtay till the verdict?—Yes.

Did not you hear the Judge tell the Jury in direct terms that you was the moſt determined villain that ever came into a Court of Juſtice?—His Lordſhip muſt be miſtaken in the perſon.

Did not you hear him ſay ſo?—I do not recollect his ſaying it.

*Mr. Garrow to Jury.* Gentlemen, you recollect it?

*Jury.* Perfectly well.

*Mr. Garrow to Eaſt.* I am glad you know Baron Eyre ſaid in this Court, this morning, that you Robert Eaſt was the moſt determined villain that ever came into a Court of Juſtice: now go home with what comfort you can.

(*The watch depoſed to by the Proſecutor.*)

I have had it about eight years, its value might be about ſeven or eight guineas, it originally coſt that.

*Court.* What may be the value of it now; are you a judge of watches?

*One of the Jury.* I look upon the watch to be worth about three guineas to the wearer.

### JOHN TOWNSEND *ſworn.*

I was in company with ſome other of the officers of Bow-ſtreet, we received an information that there was a robbery in the City Road, we went in order to ſee if we could not apprehend the parties, and in conſequence of that we went down the City Road, we met with nobody, I thought it right to call at Chant's, it was near ten or rather more, I am not certain as to the time, I called in there to ſee who was there.

*Court.* What is Chant?——He kept Lord Rodney's Head at that time, I looked round the tap-room and ſaw nobody there that I wanted; I called Chant backwards into the tap-room, and aſked him if he had not heard there was a robbery in the City Road; he ſaid he had; and I got out of him that he bought a watch; I aſked him if he had it by him, he ſaid no, but it might be at Mrs. Harris's.

What is Mrs. Harris.—A pawn-broker.

Where does ſhe live?——In Old-ſtreet; I thought it right to leave one of our people with Chant, and to go and ſee whether the watch was there or no, I went, and found what he had told me was true; I then went back to Chant, and then he went to ſhew me where to find Wood; I went to Wood's maſter's, I found he was an apprentice; I knocked at the door, and with ſome difficulty got admittance, I went up ſtairs and took the priſoner out of bed; then I ſearched about the room to ſee if I could find any thing, I found nothing of any material conſequence but a light coloured great coat with white buttons, which the gentleman deſcribed to be worn by one of the perſons that robbed him; I deſired the priſoner to get up and dreſs himſelf; he aſked me what I wanted with him; I told him he muſt go with me; ſays he, you are not going to take that great coat? I ſaid, yes, I am.

*Court.* Had you had any account at this time of the coat?——Yes, my Lord, I then took him to the Compter; I then aſked Chant if he knew where the other lodged, and he told me he did not; we let Chant go home that night, in order to go to Wood the next morning, to get out of him where Cowdery was to be found; the next morning I ſaw Shallard, we came down to the Compter with Chant, in order that Chant might go into the Compter; for you will pleaſe to obſerve, that at that time the priſoner Wood did not know that Chant had laid the information againſt him, nor did he know in fact what he was apprehended for: Chant told me where Cowdery's lodgings were; he was not there; we thought it right to wait till he came home; we waited for him, he went to the little houſe where his brother lodges, for ſome of the people happening to know me ſuſpected ſomething, and we found him in his brother's lodgings in the garret, with a ſhoe in his hand; I then took him to New Priſon; I found nothing upon him.

*Mr. Silveſter.* Did you bring this great coat away?——Yes, I did, and I put it on him at the Brown Bear; Mr. and Mrs. Chilcott when he was put up to the bar ſaw him with that great coat on; Wood had the great coat on.

*Mr. Garrow.* Did you ſearch the pockets of it?——I did not.

Where you have a ſuſpicion you always do?——Always.

Did you find any piſtols or any bludgeons on either of theſe young men?—No, Sir, in the lodgings of Cowdery there was nothing but the bare bed.

The firſt place you went to, or that you have mentioned to us, was at Chant's?——Yes, after taking a regular round.

Was that the firſt houſe you went to of this ſort, poſitively the firſt houſe?——Certainly.

How long have you known Chant?——I believe theſe two or three years.

Have you had frequent occaſions to go to his houſe?——Several times ſince he kept the Rodney's Head, becauſe people, which I am very ſorry to ſay, under the deſcription of that kind of people, uſed to uſe that houſe.

Have you occaſionally found any people there that you have wanted.——We have found people there that we have wanted, but it has ſo turned out that the evidence would not bring them to public juſtice.

Did Chant know that?——He could not be ignorant of that; I know Mrs. Harris and Mr. Eaſt, I have known Eaſt about two years.

How long has he been what you call a private trap?—Why, upon my word, Sir, that is a very unfair queſtion, and I ſhall apply to the Court; for my own part, I do not know what a private trap is; I know a good many things, I know I am a public trap, but I really do not know what a private trap is.

No! my Lord and I ſeem to know it pretty well, and you ſeem to know it becauſe you decline to anſwer it; I certainly muſt not aſk you what quantity of ill you have known of him, but I may aſk you if, you have known any ſort of good of him?——Upon my word and upon my oath I never knew any ill of him.

*Mr. Silveſter to Mr. Chilcott.* You ſaw this great coat produced?—Yes, Sir.

Had you made any obſervation on that coat before?——No particular obſervation, it looked the ſame as other people's coats.

*Court.* Was there any thing about that coat that made you think you had ſeen it before; ſuppoſe that coat had been produced to you at any other place, ſhould you have known it?——Had it been upon the ſame perſon's back I ſhould.

*Mr. Garrow.* You was taken to Bow-ſtreet to ſee theſe people?——Yes.

You went with Mr. Chant.——Yes.

Who fetched you?——Townſhend.

For what purpoſe was you taken?—To ſee the priſoners.

Then you was told they were taken up for your robbery?——Certainly.

Prisoner Cowdery's Defence.

I leave it all to my Counſel.

JOHN BRACKMAN *ſworn.*

I have known him about fifteen years, a very good character, never heard any thing amiſs of him in my life, he lived along with me ſome time, he did ſome things for me; he kept good hours.

CHARLES WOOD *ſworn.*

I live at No. 28, Charles ſtreet, Cloth-fair; he is an honeſt upright young man; he always behaved exceedingly well; I never ſaw a thing that he did wrong ſince I knew him; I have had pounds in his hands.

THOMAS JOHNSON *ſworn.*

I live at No. 1, Silver-ſtreet, Bridge-water-ſquare; I am in the watch way, have known him about nine years; never heard a word amiſs before this time; he bore an exceeding good character; I am very ſorry to ſee him upon this occaſion.

JAMES GILLISPY *ſworn.*

I live in Newgate ſtreet, I am a ſhoe-maker, have known him about ſix years; he lived with me as a ſervant about five years ago in my houſe; he was with me about four months; I never heard any thing bad of him, he always bore a very good character.

WILLIAM RIXTON *ſworn.*

I am a ſhoe-maker, No. 36, St. Paul's Church-yard; have known him about three years a very good character; I never knew a bad circumſtance concerning him.

CHARLES SKINNER *ſworn.*

I am a ſhoe-maker; have known him about ſeven years and a half; his general character has been a very good one.

PHILIP WILLIAMSON *ſworn.*

I am a ſhoe-maker; have known him about four years; I never heard any harm of him before.

Prisoner Wood's Defence.

On the 22d of September laſt, me and my two fellow apprentices had leave to go to the play houſe, but I went to Mr. Aſtley's, and met one William Payne, and drank a pint of beer by the ſide of Fleet-market with him, we came acroſs Smith-field; I went to my maſter's houſe, and he went home, and I was at my maſter's houſe at half paſt eleven. I went alone to Aſtley's, I was at Mr. Aſtley's at half paſt ſix, and at half paſt ten I picked up this young man; I have known Chant theſe three years, and I have been to his houſe, he and his brother worked at my maſter's.

What is Chant's buſineſs?—A buckle-cutter; he bore ſuch a bad character, that neither his maſter nor his brother would employ him, I went to ſee him, he has oftentimes put the queſtion to me, and aſked me to go out a thieving, and that he would find me in piſtols and cutlaſſes, and I denied him, and that is the reaſon he has pitched all this affair upon me.

JAMES MORLEY *ſworn.*

I am a Cordwainer, have known Wood theſe eleven years, ever ſince he was a baby; I keep a houſe, No. 2, in Star Court, Fore ſtreet; he is a very honeſt lad.

WILLIAM PAGE *ſworn.*

I am a buckle-cutter, a journeyman; I have known the priſoner about two years; I work for one Mr. Braine; on the 22d of September, the day the robbery was committed, as I have heard, when I heard he was taken up.

When did you hear it?——About two days afterwards; I worked that night till about half after eight, I was returning home, about half after ten as I believe, and coming over Black-friar's-bridge, the priſoner Wood overtook me, and told me he had been to Aſtley's, we drank a pint of beer, and I paid for it, we came acroſs Snow-hill, and croſſed Smithfield, and along Barbican, and at the end of Barbican next Red-croſs-ſtreet I left him.

Had he any great coat on at that time?——No, Sir, he had none when I ſaw him; I was at home by eleven that night by my maſter's clock, he let me in, and it was paſt eleven by his clock, I cannot ſay how much after; the watch was going eleven as I was going along, it might be ten minutes after eleven when I got home.

At what diſtance was you from the place when you left the priſoner?——About ten minutes walk.

Cannot you tell the day of the week or the day of the month when you met the priſoner?——No, Sir, I cannot, it was the latter end of the week, about Friday I believe, I have nothing particular to fix the day in my mind, it may be Saturday, or any other day for what I know, I think it was on the Friday, for on the Saturday I had nothing to do, on Friday I had ſome work; he always bore a good character as far as I have heard.

**James Cowdery, James Wood,** } **Guilty, Death.**

*They were both humbly recommended to his Majeſty's mercy on account of their youth.*

*Tried by the firſt Middleſex Jury before Mr.* Rose.

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766. HANNAH (wife of RICHARD) HOOPER was indicted for feloniouſly ſtealing, on the 5th day of October, two linen ſheets, value 3s. the property of Jeremiah Dowley, being in a certain lodging room let by him to her and the ſaid Richard, to be uſed by them with the ſaid lodging-room, againſt the ſtatute.

ANN DOWLEY *ſworn.*

I live in Caſtle-ſtreet, Long-acre; I know the priſoner; ſhe came to me as a married woman; ſhe ſaid her huſband's name was Richard Hooper; I do not know when ſhe came to lodge with me, it may be a month ago: her huſband took the lodging of me by word of mouth for one night only; her huſband was not above two or three nights along with her; ſhe ſtaid almoſt a fortnight; I miſſed two ſheets, I cannot tell when I miſſed them; I ſaw them at the Juſtice's; one of them is turned inſide out, and the other is ripped; I know them to be mine; they are my own work; I miſſed them the ſame night that ſhe left my houſe.

MARTHA DAVID *ſworn.*

I am a pawnbroker in little St. Andrew's-ſtreet, Seven Dials; I do not know the houſe of the proſecutor; I know the priſoner; I have ſeen her twice; ſhe came with a ſheet, I believe it was the 5th of October, and I believe about the 7th ſhe came with another; I aſked her if it was her own, and ſhe ſaid yes; neither of the ſheets were marked; I gave no duplicates with them.

*(The ſheet produced and depoſed to, being ripped in the middle, and her own work.)*

JOHN MORRIN *ſworn.*

I am a pawnbroker's ſervant to Mr. Lane, in Holborn; I know the priſoner; I have ſeen her more than once; ſhe pawned a ſheet with me on the 4th of October; I have it here; I gave her a duplicate; I underſtood her the name of Hopeworth, but ſhe might ſay Hooper.

*(Produced and depoſed to).*

THOMAS MUMFORD *ſworn.*

I took the priſoner into cuſtody; here is the duplicate.

PRISONER's DEFENCE.

My huſband was ill, and I was ſtarving to death; I was paſſed to my pariſh, and I fretted ſo much, that I wandered from my own home, and left my children; my landlady knew my diſtreſſes; I only came ſixty miles from home to fetch my family; and my huſband left me a ſtranger in town, and I pawned all my clothes, and the ſheets to ſupport my family.

**Guilty, 10d.**

*Tried by the firſt Middleſex Jury before Mr.* Rose.

The next Part will be publiſhed in a few days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VIII. PART II.

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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767. ALBERT WELLS, THOMAS WELLS, and BENJAMIN WOODMAN were indicted for feloniouſly ſtealing, on the 16th day of October, two morine bed curtains, value 10s. and one head cloth and vallance, value 2s. the property of John Cooper, privily in his ſhop.

WILLIAM JORDAN *ſworn*.

I have the care of the proſecutor's ſhop in great Wild-ſtreet; he is a pawnbroker: on Monday, the 16th of October, about ſeven in the evening, the three priſoners came into the ſhop together; I did not hear any converſation between them; they wanted to pledge this little whip and cane; I cannot ſwear whether Albert Wells brought in the whip in his hand, but I believe he did; I received the whip and the cane from Woodman; he brought in the cane I am certain; there is an eye wanting to the cane, a little hook fixed to the cane, to which a ſtring is tied; Woodman thought it was gold, and he aſked Thomas Wells for it, and Thomas Wells pulled it out of his pocket wrapped up in a bit of paper; I do not recollect what anſwer he made, but he gave it to me; I did not try it with the ſtick, but I gave it him again, as it was only metal: I offered them four ſhillings on the cane and whip; they ſaid they could not take it, and they all three went out together.

Did Albert ſay any thing about it then?——No; they all went to the door together, and Thomas Wells got on the outſide of the door, Albert Wells and Woodman were within; as they got to the door Woodman ſays to me, will you lend me a crown? no, ſays I, four ſhillings is the moſt; with that Woodman turned round and ſaid to Albert, we may as well take it, it will do.

*Jury*. Did you know any of the priſoners before?——I have known Albert Wells five or ſix months, and Thomas I did not know was his ſon, he is lately returned from ſea; Woodman I have known ſome years; they all returned to the counter to take my money, and at that inſtant there came another man into the ſhop; Thomas Wells, Woodman, and the man that came in juſt filled the counter a-breaſt; Albert Wells ſtood behind the reſt, and did not come near the counter; I had two lads in the ſhop at the time; they are neither of them here; I told one of the lads to make out a duplicate in the name of Woodman; I heard the ſhop door go, I looked over thoſe men's heads to ſee who it was came in, and inſtead of any body coming in I miſſed Albert Wells out of the ſhop; then I looked round my ſhop and miſſed a ſet of half teſter blue moreen furniture; it was all tied up together; there was alſo a head cloth, teſter, and vallens; it laid upon a table in the ſhop cloſe to the counter, there were five bundles; Albert Wells ſtood behind the other men cloſe to where thoſe things lay; I ſaid nothing to either of the others, but I whipped out at the private door after him; I could not ſee him, then Thomas Wells came out and run away; I returned and ſtopped Woodman, I ſent for a conſtable; he had no objection to going with me; Albert Wells uſed our ſhop in the name of Thomas Weſt; I have ſeen Thomas in Albert's company before, but never to know his name; we took Mr. Woodman to St. Giles's round-houſe; he told us Albert Wells lived No. 7, Caſtle-court, Fulwood's Rents, Holborn; I underſtood that Thomas Wells and Albert lived together; I went there about nine with the conſtable, he ſtood at a diſtance; I knocked at the door, a perſon opened the door; I aſked if Mr. Wells was at home; ſhe ſaid, old Mr. Wells or young Mr. Wells; we went up two pair of ſtairs and found the two Wells's; I gave charge of them; I ſaid where are the curtains you took out of the ſhop to-night? ſays he, I know nothing of the curtains, where is Woodman? ſays I, in the watch-houſe, and unleſs you produce the curtains you will go there too; ſays he, no, ſure, the curtains are not here by God; then we ſearched the room, and under the head of the bed, upon the floor, we found the curtains as they were taken out of the ſhop never untied; there is a private mark on the corner in my own hand-writing, the mark is S. X. S. A I ſwear poſitively to the curtains, and that I ſaw them in the ſhop the time they were there; the conſtable took the curtains and the old man, and I took the young man; and they went down ſtairs firſt, and I came down after; I laid hold of Thomas Wells's collar, ſays he, I will not go with you if you collar me, let me go and I will go quietly; as we were taking them to the Juſtice's, going on Holborn, Thomas Wells attempted to run away, not knowing I had hold of him, I had hold of his pocket, and I tore a flap off his pocket; when we came to the corner of ſome ſteps, I ſaw old Wells run and Brooks purſuing after him, and Brooks dropped the curtains, and I picked them up, and held Thomas Wells till Brooks overtook the old man; Brooks has had the curtains ever ſince.

*Mr. Knowlys, Counſel for the Priſoner Woodman.* You have known Woodman a conſiderable number of years?——I have.

Before you only knew Wells by the name of Weſt?——No, I learned his real name at his lodgings from Woodman; we never ſhould have found either the curtains or him but for Woodman.

Woodman had the ſame opportunity of eſcaping, yet he remained?——Yes.

I believe Woodman knew that you knew very well about him and his connections?——I believe he did; and had any body elſe told me that this circumſtance would have happened to Mr. Woodman I would not have believed them.

Woodman did not live where Wells lived?——No.

### ISAAC BROOKS *ſworn.*

I am a conſtable; I apprehended the priſoners; I was fetched by the boy, and Woodman was ſtanding by the counter, when I went into the ſhop; I took Woodman to the round-houſe, and I went with Jordan to No. 7, in Caſtle-court, Fullwoods-rents, to ſeek for Wells, I found him up two pair of ſtairs; Jordan knocked at the door, and Wells opened the door, and immediately I ruſhed in after Jordan, and he gave charge of them both; old Wells ſeemed quite alarmed; ſays Jordan,

dan, you are to ſearch, to ſee whether they are here; I looked about the bed, and different places; there was a great cheſt ſtood in the room; the old man ſaid, they were not there; and if we went with him, it ſhould be all right; he was only playing the rogue; and looking about under the head of the bed I pulled out theſe curtains, which I took care of; as ſoon as we got out they ſeemed very reſolute; I threatened to cleave their ſculls; they ſaid, they would walk quietly; at Bloomſbury ſteps the old man gave me a puſh, and he ſaid, d—n you, you dog, I will not go with you, and away he ran up the ſteps; I purſued after him, and took him and carried him to the round houſe, and I threw down the curtains; I ſuppoſe he bit me ten times and ſaid, d—n you, you dog, I will not go with you, you have robbed me of my watch, and all that I have; there came paſt a gentleman and a lady, and I charged them *in the name of the King*, to aid and aſſiſt me; and I got him to the watch-houſe with difficulty; and in his pocket I found his watch, and a knife and a pick-lock key; it was only the top and the bottom of a key; and I gave it him again by order of the Juſtice.

*Mr. Knowlys.* When you got to the ſhop you found Woodman perfectly at his eaſe?——Yes, he reſigned himſelf to every thing I requeſted of him.

*Jordan.* Before I diſcovered to Woodman the loſs of my curtains, he very readily told me his name, and where he lived.

PRISONER ALBERT WELLS's DEFENCE.

I underſtood one council was to do for us all; it is untrue what the conſtable ſays; I never ſtruck him, and he uſed me very ill, and tore a new ſilk waiſtcoat all to *ſmaſh*, and a new neckcloth.

*Brooks.* It was torn in the ſcuffle.

PRISONER THOMAS WELLS's DEFENCE

I know nothing at all of it; it is wanted to be laid upon me.

*Mr. Knowlys.* My Lord, on the part of Woodman I ſhall not call any witneſſes.

ALBERT WELLS, } GUILTY,
THOMAS WELLS, }
*But not privily.*

BENJAMIN WOODMAN, NOT GUILTY.

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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768. MARGARET GORDON was indicted for feloniouſly ſtealing, on the 13th of September, two linen ſheets, value 8s. the property of John Lewis Henſhaw, being in a certain lodging room, in his dwelling houſe, let by him to her, againſt the ſtatute.

MARTHA DAVIS *ſworn.*

I am a pawnbroker; I received ſheets ſeveral times from the priſoner, and ſhe took them home again; I have known her this ſeven years; there were no marks on the ſheets; I knew ſhe lodged at Mr. Henſhaw's; I heard the priſoner ſay ſhe lodged there; I do not know Mr. Henſhaw's Chriſtian name.

THOMAS MANSFIELD *ſworn.*

I am an officer; on the 13th of September I took up the priſoner in the ſtreet, for robbing her lodgings; I found theſe two duplicates on her; I believe ſhe lodged at one Henſhaw's.

*Court to Davis.* Is that your writing?—Yes; I wrote it for ſheets.

It looks like ſhirts?——I am a very bad ſcholar; I wrote it in the beſt manner I could; they were pawned in the name of Gordon; one on the 11th and the other the 12th.

What is No. 6 for on the duplicate?—That ſtands for the date of the year.

*(The ſheets produced.)*

Sarah Henſhaw called on her recognizance, and not appearing, the priſoner was ACQUITTED.

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

769. WILLIAM WHITE was indicted for feloniouſly ſtealing, on the 11th day of September laſt, one black gelding, price 18l. the property of Robert Seabrook.

ROBERT SEABROOK *ſworn.*

I live at Tetlow, in the pariſh of Tring, in the county of Herts; on the 11th of September, between Sunday and Monday, I loſt a black gelding; I ſaw it again on Monday ſe'nnight, or on Tueſday, I cannot ſay which; I ſaw him in Grub-ſtreet in poſſeſſion of Mr. Newbank, he deals in horſes; I underſtood he kept part of a livery ſtable; it was a black cart gelding, I knew him to be mine; Mr. Looſely ſhewed him me in the ſtable, and I knew him.

Did Mr. Looſely ſhew the horſe to you and aſk you if that was your horſe; or did you walking along the ſtalls find out the horſe?——He aſked me if that was my horſe, and I ſaid it was, and I deſired it might be led out into the yard, then I knew him perfectly, and am ſure of him.

Deſcribe his marks?——He is a black cart gelding, about fifteen hands and a half high, a white blaze down his face, one white leg behind, the off leg, there was ſome hair worn off the near foot before, by wearing a log; I knew the priſoner before; I had no ſuſpicion of any harm of him; he came to me on the 11th of July laſt, which was on a Tueſday, to enquire for labour; I employed him as a labourer that week and two weeks after; I never ſaw him after he went away; the horſe was kept in my grounds, an incloſed ground.

*Mr. Garrow, Priſoner's Counſel.* You thought the horſe had ſtrayed?—I thought he might have broke out.

Does you field adjoin a high road?——There is one field between the London road and the field where the horſe was, there was a gateway between; I worked the horſe on Friday, that was the laſt time I ſaw him before he was ſtolen.

THOMAS ATKINS *called.*

*Mr. Garrow.* How old are you?——Twenty-one.

*Does thee* know the nature of an oath?——Yes.

Can you read?——No, Sir, *I be not no ſcholar.*

You do not know what an oath binds you to do?——No, I think not.

*Mr. Garrow.* I object to him.

*Court.* Did you never learn your catechiſm?——No, Sir.

Do you know whether it is a right or a wrong thing to tell ſtories?——Yes.

What will become of you if you tell ſtories?——I ſhall come to the gallows.

Have you never been taught any thing elſe if you are a bad boy and tell ſtories?——No, Sir.

Was you never at ſchool?—No never.

*Mr. Garrow.* My Lord, it is the perception of moral good and evil that makes him a competent witneſs; he muſt be able to know what the ſolemnity of a Chriſtian oath is.

*Court.* Did you ever hear whether there is another world?——No, Sir.

Did you ever take an oath before a juſtice?——No.

Do you know whether there is a God Almighty?——Yes.

You believe there is?——Yes.

Have you ever heard where people go to that live bad, and tell ſtories?——No.

How many miles do you live from London?——Thirty-ſix.

*Mr. Garrow.* My Lord, I object to his being ſworn; if a man ſays he is an Atheiſt, and does not believe that there is a God, but believes that we made ourſelves, and that the world formed itſelf out of chaos, would your Lordſhip ſwear ſuch a man on the Chriſtian teſtament?

*Court.* I will hear ſome other witneſſes; I may aſk him ſome queſtions after the trial.

JOHN NEWBANK *ſworn.*

I was fetched to buy this horſe by the priſoner at the bar, who wanted to ſell it; it was the 13th of September, it was about half after eleven; I ſaw the horſe about twelve at the Angel Inn, Fleet-market; I went

went there by the priſoner's direction; it was between a cart horſe and a coach-horſe; it was a gelding, it was what they call a hog's eye horſe; he had a ſpeck in one eye, the off fore leg had been bald with having a log on, he had ſome white about one leg; I ſaw it run up the ſtreet, then I aſked him if it was a ſound one, he ſaid, as far as he knew it was; he ſaid he had it to ſell for a man that lived four miles from Tyburn; I aſked him what buſineſs the man was; he ſaid he was a gardener and was in trouble, and wanted ſome money to make up a debt; then I aſked him the price of the horſe, and he aſked eight guineas for him; then I aſked him if it was honeſtly come by; and he ſaid he was ſure it was; then I looked at the horſe, I thought it looked at that time as if it was touched in the wind, rather broken winded, it was very thin, he coughed like one; ſays I, you muſt take eight pounds for him, for he is touched rather in the wind; no, he ſaid he muſt have eight guineas, for the man ordered him to take no leſs; well then, ſays I, bring it up to my yard; he brought it up to my yard; I am a dealer in horſes; I kept it till the Monday afterwards, that day I went down into Fore-ſtreet to one Looſely that is an officer, and I aſked him to come and look at this horſe, whether he thought it was honeſtly come by; Looſely came, and ſaid he thought it was not, and he ſtopped the priſoner; the horſe was advertiſed by the proſecutor; the priſoner was carried before the Alderman the ſame day; the proſecutor came to my yard about three or four days after, and the officer ſhewed him the horſe; he ſaid, it was his property.

What do you think may be the real value of the horſe?——At that time he was not worth eleven pounds, hardly ſo much.

*Mr. Garrow.* What are you a licenſed dealer?——Yes.

And your ſtable is in Grub-ſtreet?——Yes.

Where is your houſe?——In Fore-ſtreet.

This man came about half after ten in the day time, and he told you publicly he had a horſe to ſell?—Yes; the horſe was at the George in Fleet market.

Not in a little dark ſtable?—No, Sir, No.

He was brought and run in hand; the priſoner ſtood by?—Yes.

He told you he could not take leſs than eight guineas, becauſe the man had told him not to take leſs?—Yes.

He did not ſay abſolutely that he was ſound, as you and I jockies do when we go to ſell a horſe of our own?——No, he ſaid he believed he was ſound; the man told him he was ſound; he continued at my houſe waiting for me half an hour, while I was gone for an officer.

Was he in cuſtody of any body?—No.

*Court.* Did he tell you the name of this gardener?—Yes, he did, but I have forgot it; we found by the people in Covent Garden market that there was ſuch a man.

*Court.* Did not you or the officer take any pains to go where the man was ſuppoſed to reſide?——I did not.

GEORGE LOOSELY *ſworn.*

I am an officer in the pariſh of Cripplegate; on Wedneſday the 13th of September, I was ſtanding at my own door in Fore-ſtreet, and Mr. Newbank came up to me, being an acquaintance, and ſaid, I have bargained with a man for a horſe, I wiſh you would come and be a witneſs that I pay him the money; he went to his own houſe, which is nearly oppoſite, to fetch the money; he called on me as he returned, and I went with him to his ſtables, in Grub-ſtreet, where he ſhewed me the horſe; it was a black cart gelding, about fifteen hand and a half high, with a long tail, a blaze down his face, and both his legs wore with a togger a little, but one more than the other; he had white I believe about three of his legs; I am poſitive to the two, one before and the other behind; I told him, I thought he was ſtolen; the man was coming up, and I ſaid to him, my friend, where did you get this horſe? he ſaid, a man gave it me on the road by Eaſt Acton; before the man came up, I told Mr. Newbank, I ſhould ſtop the horſe on ſuſpicion; I ſtopped the horſe, and took him before Alderman Curtis; it was then late in the day, and the Lord Mayor and Aldermen had done ſitting, but I ſaw them walking in the hall, and I told them, and Mr. Alderman Curtis was kind enough to ſit directly, to make an end of it; the priſoner ſaid, a man gave it him; he ſaid, it was a man in trouble, and he ſaid, that a man would be at the pump at Charing-croſs to receive the money of him, or an anſwer, whether he could diſpoſe of the horſe that night punctually; I prevailed on the Alderman to let the man go with me, to ſee if there was any ſuch a man; the priſoner went with me very quietly, only he wanted to ſtep aſide now and then; I kept cloſe to him; I went into a public houſe; we ſat in a box that was nearly oppoſite that place, in caſe ſuch a man ſhould come, to apprehend him; we had two pots of beer; the priſoner did not ſeem very contented with that; we went out and looked all about; he then ſaid, if that man is not there to receive the money, another man in the ſame coloured coat as he will be there; neither one nor the other came; we ſtaid there about an hour and an half, or two hours; I brought the priſoner back, and put him in the compter that night; the next morning looking in the paper, I ſaw a horſe advertiſed anſwering the marks, colour, and deſcription of that horſe; I went up to Bow-ſtreet, and gave information; I went to the proſecutor on the Saturday, and he came to town on the Sunday morning at ſeven, and I went with him to Mr. Newbank's ſtables, and ſhewed him the horſe; he looked all round, and ſaid, he was his, and the priſoner was committed.

*Mr. Garrow.* What ſort of a mane and tail had this horſe?——A long tail, a full mane; the mane was not hogged nor the tail cut ſhort.

He told you firſt and laſt, that ſome other man had given him the horſe to ſell, you went there, the man waited anxiouſly, at laſt you came away, and he ſtill continued in the ſame ſtory?—Yes.

*Court to Proſecutor.* The horſe's mane and tail were not altered?——No, not a bit.

*Mr. Garrow.* Suppoſe they had hogged his mane, and docked his tail, ſhould you have known your long tailed nag?—Yes, I ſhould.

Perhaps if they had cut his head off, you would have known him?—Not ſo perfectly I ſhould not.

*Court.* What did you give for this horſe?——Eleven guineas; I have had him three years, and worked him at cart and plough.

*Jury.* Were any two legs white?——All his four legs were white.

**EDWARD CHANDLER** *ſworn.*

I am a cooper at Knightſbridge; I have a very large cooperage there; in the winter time, in the brewing ſeaſon, I have always occaſion for an extra labouring man, and laſt Michaelmas twelvemonth, the priſoner was recommended to me, from the Archbiſhop of Canterbury's gardener; he was the beſt labourer I ever had; very induſtrious, and roſe early; I do think the man is innocently drawn in by ſome one or other; I told him when he left me in the ſpring, I ſhould take him at Michaelmas, and he had been with me a little before, to know when I ſhould want him; I was ſurpriſed to hear of this; I was laid up with the gout; I could not get acroſs the room without two crutches; but I ſaid, I will go, for the poor man will be loſt without a friend; and if he is diſcharged, I will take him home in my chaiſe now; I have put up my chaiſe at the Saracen's-head.

*Court.* Did you know him before Michaelmas was twelvemonth?——No, Sir.

*Looſely.* I have every reaſon to believe, that he is not the man that ſtole the horſe; for he never varied in his tale at all.

*Jury to Proſecutor.* When did you ſee your horſe laſt in the field?——We had him at work on Friday before the Monday he was miſſing; I did not ſee him afterwards.

GUILTY, **Death**.

*He was humbly recommended to mercy by the Jury and Proſecutor.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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770. **WILLIAM DAVIS** and **WILLIAM RAYNER** were indicted for feloniouſly aſſaulting Thomas Rutt on the King's highway, on the 13th of October, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a metal watch, with a tortoiſe-ſhell caſe, value 30s. a ſtone ſeal ſet in metal, value 2d. a ſilk watch ſtring, value 1d. and four halfpence, value 2d. his property.

THOMAS RUTT *ſworn.*

I live with a relation that is a ſtock-broker in Birchen Lane; I live in Britannia-row, in the Lower-ſtreet, Iſlington; I was robbed laſt Friday was ſe'nnight, about a quarter before ſeven at night, at the corner of the New River, going up the City Road; as we were going up the Road, two men came up to us and ſpoke ſoftly to us, and ſaid do not make a noiſe; then they went to take hold of Mrs. Rutt's hand, and ſhe gave a ſcream and got away, and went up towards Iſlington, crying murder as loud as ſhe could; immediately they came to me, one collared me on the right hand, and the other on the left; then they ſaid ſoftly do not make a noiſe; then I told them not to uſe my wife ill, and I would give them all that I had; and directly I felt one of the men's hands take the watch out of my pocket; then they aſked me for my money, and I ſaid, I will tell you what, my friends, I am a reduced tradeſman, and have got no money; oh, yes, you have, ſays one, and put his hand into my breeches pocket, and took what I had, which was only two-pence; then they went away directly towards Colebrook-row and made off; it was a quarter before ſeven, it was a dark night, I could not ſee to diſtinguiſh them, and they made uſe of no oaths, nor they ſhewed me no weapon.

Then you know nothing of the perſons of them that robbed you?——No, my Lord, I could not ſwear to them; it was a dark night, and their hats were flapped, and I ſuppoſe from the time they attacked me to the time they went away was not three minutes.

MARY RUTT *ſworn.*

About a quarter before ſeven, a man came up to me and deſired me to make no noiſe; he immediately put his hand on my hat, I was exceedingly frightened and run away, and cried out murder; I knew nothing of the perſons of the men.

JAMES SHAKESHAFT *ſworn.*

On Saturday, the 14th of October, in the morning, I was in company with Mr. Armſtrong in Biſhopſgate-ſtreet; I had information in the morning that there had been ſome robberies committed in the roads, and Mr. Armſtrong and me ſaw the two priſoners ſtanding in New-ſtreet, by Biſhopſgate-ſtreet; we looked at them and thought they ſeemed very ſuſpicious, one of them had boots on, and one of them had white ſtockings covered with country duſt; I ſaw one of them with a watch ſtring hanging out of his fob; one of them parted from the other; this went out into the middle of the road to ſee which way he went, and I had loſt him in a minute; Armſtrong run into Petticoat-lane, before he came back Rayner came out of a pawnbroker's ſhop, the other then came and joined him; I followed them down Wormwood-ſtreet, they were diſcourſing together; the ſhorteſt gave the watch to the talleſt; then Armſtrong came running after me, we took them into cuſtody, we brought them to the office, and took them before the magiſtrate; Armſtrong took Davis and took away the watch; I ſaw the ſtring hanging out of his pocket: they told where their lodgings were, we went and ſearched their lodgings, and this coat was upon the bed, and in the coat pocket was this knife *(a broken caſe knife)*, and this ſtick was in the room *(a ſtick that might be taken for a piſtol)*; but when they were committed and going to gaol, I believe Armſtrong ſaid, you have got a very bad knife in one of your pockets, we had like to have cut our hands; they anſwered aye, that is the knife we uſed to have on the roads, and there is a ſtick in the room, that is the piſtol we uſed to have; ſays we, it is a wonder the patrols never got hold of you; they ſaid the patrols could not have hurt them, for if they had come up they would have *dinged* the knife, and then they could not *vagrant* them; becauſe your Lordſhip ſees if they had piſtols or cutlaſſes about them, they would have been vagrants; they ſaid it was an old codger; that he had nothing but a ſtick with him, and they never pulled out the knife or ſtick to him; on the Monday they were brought up before the magiſtrate again; and the magiſtrate aſked which of them had that knife; the priſoner Rayner ſaid he had that knife when they robbed the gentleman; the talleſt ſaid he had the ſtick.

*Court.* They ſeem to have been very frank with you, what induced them to tell you all this?——My Lord, they told it going the road; there was no manner of promiſe made to them; Armſtrong had taken the watch from Davis's pocket before this.

*Mr. Garrow, Priſoner's Counſel.* Did not the father of one of theſe men attend at the magiſtrates?——Yes, he did.

He is a Quaker?——Yes.

Upon your oath did not this Quaker father uſe a great deal of perſuaſion with theſe young men, and tell them it would be much better for them?——No, upon my oath he did not, I am ſure of it; I heard him ſay to his ſon you have done this, and you muſt abide by the conſequences of the law.

Had not ſomebody uſed ſuch perſuaſions? No, Sir, I ſwear they had not.

Had not the father of Rayner converſation with him before this?——He talked to him, but there was nothing of this ſort mentioned.

## ARMSTRONG *ſworn.*

I know nothing of the robbery, I was with Shakeſhaft.

Tell us what you firſt ſaw?——The firſt ſeeing of them was at the corner of New-ſtreet, both in company together; and Shakeſhaft giving the information; he is a jailor belonging to New Priſon; ſeeing one of them in boots, and the garb not being ſo decent for boots, I ſuſpected them; one of them ſeparated and ſtood looking at the other; Shakeſheft ſaid he had miſſed the other, I went after him, and took Davis in Petticoat-lane, and Shakeſhaft took Rayner; I ſaw Davis coming out of a pawnbroker's; I aſked Davis what he had been pawning, he ſaid nothing; I took the watch out of his pocket; ſays he, it is mine; ſays I, where did y u get it; he ſaid, he was a midſhipman on board the Southampton frigate, and had it before he left that ſhip; I then aſked him the number; he differed in the number; and I told him then I ſuſpected he did not come honeſtly by it; he ſaid he had, and he would tell me where it had been left ſo long; I ſaid if he did I would not keep him long, but I would go and ſee it was ſo; then he replied, he would not have me go nigh his friends on any account whatever; Mr. Harper was in the room when I took this watch from him; I took him to the magiſtrate and ſearched him further there, and in his waiſtcoat pocket I found this ſeal; then we aſked them where they lived, and we received this anſwer, in Vine-ſtreet, St. Martin's-lane; I aſked him with whom, he gave me the landlord's name, and Davis gave me a key out of his pocket; I went to the landlady to know which was their room; ſhe at firſt did not know them, I ſhewed her the key, ſhe knew that; we opened the door, and on the bed was this coat; in putting my hand into the pocket I run it againſt the knife; we then returned to the office, and in that time the priſoner Rayner had ſent for his father, and they were both committed to New Priſon; I heard Rayner's father ſay to him, for the love of God whether it be good or bad tell me the truth; what he ſaid to his father I cannot ſay, he perſiſted in knowing about it at that moment; his father deſired then to ſee the magiſtrate, and the magiſtrate told him, in my hearing, they were committed, and he had nothing further to do with them; as we were going down to gaol the little one ſaid, it would have been happy for us if I had been *boned* by myſelf with the watch, but two of us could not tell a ſtory alike.

*Court.* What is the meaning of *boned*?——Apprehended; it is a cant word; they were a converſing with one another about different things; but perhaps your Lordſhip will not think proper for me to mention them; when they were brought up on Monday Mr. and Mrs. Rutt attended, and the Juſtice aſked the proſecutor, which he thought was the man that robbed him, he ſaid the talleſt; and he ſaid he was the man; and the little one ſaid, he was the man that robbed the woman, without our ſpeaking at all.

### SAMUEL HARPER *ſworn.*

I was not at the apprehending of the priſoners; I ſaw the watch taken from the priſoner, and he ſaid before my face he had it in his poſſeſſion upwards of two years.

*(The watch depoſed to by the proſecutor.)*

### PRISONER DAVIS'S DEFENCE.

I leave it to my counſel.

What is your way of life?——I am an apprentice to an enameller.

How old are you?——Going on nineteen.

What is the name of that enameller?——He is my Lord.

### WILLIAM BOWDLER *ſworn.*

I live in Brook-ſtreet, Holborn; the tall priſoner was my apprentice, his name is Andrew Thompſon, he has been my apprentice theſe three years, he has four years to ſerve; I believe he may be about nineteen; the lad has been perfectly honeſt to me, as far as ever I knew, he might have taken my gold watch which coſt me twenty-five guineas; he was honeſt and induſtrious, that has been his character down to this time; I did not in the leaſt ſuſpect he went after any of theſe kind of courſes.

*Court.* Was he regular in buſineſs?——Yes.

Was he in buſineſs quite to the time he was apprehended?——He abſented himſelf laſt Thurſday was ſe'nnight, and I ſaw no more of him till this time.

*Court.* Had he never abſented himſelf before till this Thurſday?—He has gone out an afternoon or ſo without leave, but not very often.

Did he board and lodge in the houſe with you?——Yes.

I ſuppoſe he has formed ſome improper connections?——I am afraid ſo.

### ANDREW THOMPSON *ſworn.*

I live at Kingſland; I am independent; I am the priſoner's uncle; he was honeſt and ſober as far as I knew.

### JAMES THOMPSON *ſworn.*

I live in Aldgate High-ſtreet; I am a taylor; I am not related to the priſoner; I have known him ever ſince he came from Scotland; I have known his relations almoſt fifty years; he is a very good character for any thing I have ever heard; my daughter lived with his uncle, and is very well acquainted with him, and I uſed to go and ſee him often.

### WILLIAM KIRKPATRICK *ſworn.*

I am a taylor, No. 7, Angel-ſtreet, St. Martin's-le-Grand; I knew the priſoner from his infancy both in Scotland and this place; he was a very good lad, honeſt, ſober, and induſtrious.

### RICHARD CURTON *ſworn.*

I live in Croſs-ſtreet, Hatton garden; I am an enameller and watch-maker; have known him theſe three years; I always underſtood his general character to be a very good one, I have ſeen him at his buſineſs, and he has worked for me by conſent of his maſter; I took him to be a very valuable lad, and ſo much ſo, that had I known of any controverſy or any diſpute with his maſter, I ſhould have had no objection to take him to my houſe, and have given his maſter a valuable premium for him; I did not know till within a very few hours of this fact.

### PRISONER RAYNER's DEFENCE.

I leave it to my counſel.

### JAMES THOMPSON *ſworn.*

I have known Rayner's father many years, I never heard any thing diſreſpectful of the family before.

### WILLIAM VALE *ſworn.*

I live in Shoreditch; I am a ſhoe-maker; have known him ever ſince he was born, which was at the next door to me; he was brought up in the Friendly Society School, and by them apprenticed out to a baker, where he had ſerved part of his time; his maſter could not keep him on, and ſince that he has lived in the capacity of under journeyman in ſeveral places, and when he has been near my neighbourhood he has frequently been at my houſe daily for months together, and I never had any cauſe to ſuſpect him; he is almoſt twenty; he always behaved himſelf ſober, honeſt, and quiet, and free from company; I uſed to truſt him in my houſe, the ſame as my own ſon; the laſt twelve months I do not know ſo much of him; Mr. Goodman is a baker, with whom this young man lived ſome months, and I believe with an unblemiſhed character; Mr. Goodman is buſy, and could not come.

### MARY EVETT *ſworn.*

I live near Whitechapel; I am a ſingle woman; I have known him fifteen years, ever ſince he was a child; he has been brought up in an honeſt religious ſociety, and has been a ſober youth, till very lately he has give himſelf into the love of pleaſure; he had an undeniable character.

WILLIAM DAVIS, } GUILTY,
WILLIAM RAYNER, } Death.

*They were humbly recommended to mercy by the Proſecutor and Jury, on account of their youth.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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771. **PHILIP INWOOD** was indicted for feloniouſly ſtealing on the 14th day of October, twelve pounds weight of cheeſe, value 5s. the property of John Robinſon.

### JOHN ROBINSON *ſworn.*

I am a cheeſemonger, the corner of St. George's-market, Oxford-road; on Saturday the 14th of October, about eleven at night, I was behind the counter ſerving ſome cuſtomers; I had ſeveral piles of cheeſe in one of the windows, and a lamp burning near them; I ſaw the lamp fall down, which occaſioned me to turn round; and I ſaw one of the cheeſes go; I could not ſee who took it; but I ran to the door, and ſaw the priſoner running with the cheeſe under his arm acroſs the road; I called after him, and he ran the faſter; when I came within twelve or fourteen yards, I ſaw him drop the cheeſe; I called to the watchman, and he took charge of him; I have had the cheeſe ever ſince; I know it to be mine; there are the two firſt letters of my name on it, marked by my deſire by the factor in the country.

### ROBERT WRIGHT *ſworn.*

I ſtopped the priſoner; I am a watchman; it was Saturday the 16th of October at night; I did not ſee the cheeſe on the priſoner; Mr. Robinſon gave me charge of him; it was about fifty or ſixty yards from Mr. Robinſon's ſhop.

### PRISONER's DEFENCE.

I was coming paſt the door, and I heard

the alarm of ſtop thief ; and I ran acroſs the way, and they took me.

*Court to Proſecutor.* Did you ſee any body elſe run ?——No, I cannot ſay I did before me ; there were people croſſing the road ; I never loſt ſight of him from the time I ſaw him with the cheeſe ; I had a glimmering ſight of his back all the while.

GUILTY.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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772. ELIZABETH PARR was indicted for feloniouſly ſtealing, on the 2d day of September laſt, a camblet gown, value 4s. four linen handkerchiefs, value 3s. a ſilk handkerchief, value 6d. a ſhift, value 1s. an apron, value 1s. a cloak, value 1s. a pair of ſtockings, value 6d. a pair of ſleeves, value 6d. the property of Sarah White, widow.

SARAH WHITE *ſworn.*

I live the corner of New Compton-ſtreet ; on the 2d day of September, on Peckham fair day, I loſt the things mentioned in the indictment ; they were in my room and drawers ; the priſoner was a lodger in the houſe I lived in ; I lodged then with one Mrs. Walker, a chandler, near Dyot-ſtreet, St. Giles's ; I did not miſs them till the evening ; when I returned home, I could not unlock my door ; I ſaw one handkerchief that ſhe had pawned at one Davis's, a pawnbroker, and I did not know better than to take it again ; I know my gown ; the ſleeves are lined with blue, and robings at the breaſt ; I know my linen handkerchief by the pattern ; I never ſaw one of the ſame pattern ; I have had them about ſix months.

MARY WATKINS *ſworn.*

I keep a clothes-ſhop in Great St. Andrews-ſtreet, Seven-dials ; I do not know the priſoner ; I do not remember her bringing the gown ; but I did buy that gown, and gave the full value for it ; and three weeks after, the priſoner came with a conſtable, and ſaid, that it was her that ſold me the gown, and that it was ſtolen ; the priſoner came in before the conſtable ; ſhe ſaid, ſhe ſtole the gown herſelf ; I made her no promiſe of favour, nor the conſtable in my hearing ; I gave three ſhillings and ſixpence for it.

*(The gown produced and depoſed to.)*

*Proſecutor.* I went with the priſoner and the conſtable to Mrs. Davis's, a pawnbroker, and there I found my handkerchief pledged for a ſhilling ; the priſoner ſaid, ſhe pledged it.

*Priſoner.* Did not ſhe promiſe me favour, if I would confeſs where the things were ?——I did, but ſhe would not tell me where the things were.

PRISONER's DEFENCE.

She ſwore many times over ſhe would not hurt the hair of my head ; I never touched any thing but the gown and handkerchief, and them I told her of ; I have not a friend within two hundred miles ; ſhe has uſed me very ill and now owes me thirteen ſhillings for waſhing, and when I came home of a night, ſhe took me from alehouſe to alehouſe, and made me get in liquor.

GUILTY, 10d.

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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773. WILLIAM ROGERS was indicted for feloniouſly ſtealing, on the 9th day of October, five printed books, value 5s. the property of Richard Floyer.

RICHARD FLOYER *ſworn.*

I am a bookſeller in Chandos-ſtreet ; on Monday the 9th of October, I loſt three printed books ; on the Saturday before, I loſt two ; they were the Chineſe Traveller, two volumes, and three volumes of Addiſon's Miſcellanies ; I took the laſt from the priſoner, in about five minutes after I loſt them ; about thirty yards from my own houſe ; I believe he had not been in my ſhop to my knowledge ; I ſaw him take the three laſt ; the window was up ; they were in my ſhop ; I purſued him inſtantly, and I ſaw him throw them from under his coat ; I never loſt ſight of him ; the firſt volume of each of the ſets is marked with the price, in my own handwriting ; I have no doubt of the books ; I found the two books that I loſt firſt at Juſtice Hyde's.

### SAMUEL BRODERICK *ſworn.*

I am an apothecary ; the proſecutor came into my ſhop, and deſired leave to ſtand behind my door, as he ſaid, he had loſt ſome books ; there is only a paſſage parts our ſhops ; he ſtood behind the door, and we both of us ſaw the priſoner take the books ; I ſaw him in cuſtody immediately after ; I never ſaw the inſide of the books ; they were tied together.

### ——— DORRINGTON *ſworn.*

I am an officer belonging to Mr. Hyde's ; I was ſent for to take the priſoner, and the proſecutor gave me theſe three books ; they are three volumes of Addiſon's works. (*Produced and depoſed to, marked 3 vols. 7s. 6d. in the proſecutor's hand writing.*) The priſoner told me when I had him in cuſtody where he had ſold them, and he went with me to find them.

*Court.* Did you recommend it to him, that it would better for him to tell you ?——Yes ; I found them at Mr. Johnſon's who bought the books.

*Jeremiah Johnſon, jun. called on his recognizance, and did not appear.*

### PRISONER's DEFENCE.

I have been about ten weeks from Jamaica ; I was bound apprentice there to one John Clark ; I was ſent home for my health, and my money was all gone, and I was very hungry, and ſtole them for to get money to buy victuals.

GUILTY

*Of ſtealing three books, value* 10d.

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

774. WILLIAM CONNER was indicted for feloniouſly ſtealing, on the 26th day of September, four ounces of ſilk twiſt, value 9s. the property of Gerrard Da Coſta.

### ELIZABETH DA COSTA *ſworn.*

I am wife of Gerrard Da Coſta ; he is a taylor ; my huſband was abroad at the time the ſilk twiſt was loſt ; it is his property ; it was the 24th or 25th of September when I loſt it ; the priſoner was my huſband's apprentice at the time ; he had been bound two years ; I was out, and when I returned at nine at night, the key of the work-ſhop was miſſing ; the cutting room was within that ; the key was in my huſband's father's pocket ; he lives in the houſe ; he miſſed it, and deſired me to look for it, and I found a ſmall wooden ſlider that is between the cutting room and work-ſhop, which is faſtened with a bodkin, had been opened ; I cannot ſwear to the property.

### MICHAEL RUSSEL *ſworn.*

I am journeyman to Mr. Da Coſta ; the priſoner's fellow apprentice, Mark Watts, ſhewed this ſilk to me on the Monday morning, the day after it was miſſing, and I compared it with ſome other hanks of ſilk that were in the bag, and found it to be the ſame.

Is there any other circumſtance by which you can prove this to be your maſter's ſilk ?—No.

Had you miſſed it before you was told ?——Yes, I miſſed ſeveral hanks of dark blue.

Did you ever ſee this ſilk on the priſoner ?——No, I have not.

### MARK WALTERS *ſworn.*

I am apprentice to the proſecutor, and have been ſo two years ; on the Sunday afternoon I found this twiſt on the priſoner in the front of the kitchen ; he was in the front kitchen playing with Mr. Da Coſta's father ; he was laying on his right ſide, and the twiſt was in his left pocket in a paper ; I took the paper out of his pocket ſoftly, to know what was in it ;

he did not know. I took it out; I went into the back kitchen to ſee what was in the paper, and finding it to be twiſt, I thought it was my maſter's property; I told Ruſſel of it about half after ten at night; I took it between two and three, but Ruſſel did not come home before.

How happened it, that you did not tell your maſter's father of it?——I was not certain of it; and I thought my maſter's father could do nothing in it.

What colour was the ſilk?——There was ſome dark blue and ſome mixtures.

*Ruſſel.* This apprentice Walters gave me the firſt information of this ſilk within five minutes after I came home; I put in the bodkin as uſual into the ſliding place on Saturday night; I have the key of the cutting room always in my pocket ſince my maſter has been abroad; the bag of ſilk was in the cutting room; none of the apprentices have any buſineſs there; nor nobody had been in the cutting room on Saturday to my knowledge; the priſoner and the other apprentice were at home on the Sunday morning till I went out, which was about eleven.

*Court to Mrs. Da Coſta.* What time did you go out on the Sunday?——Between twelve and one, the apprentices were both at home then; when I returned, Walters was at home, but not the priſoner; he returned between ten and eleven that night.

Had you charged Walters with taking this ſilk?——No; he told me that evening.

What is the character of Walters?——I always found him very honeſt.

*Court to Walters.* You have taken an oath to tell the whole truth; you did not take this ſilk out of the bag yourſelf?——No, I did not.

### PRISONER's DEFENCE.

I found the twiſt in the ſame ſtreet as I came home.

*Court to Mrs. D Coſta.* What did he ſay?—He ſaid a boy gave it him.

*Ruſſel.* It is worth nine ſhillings.

GUILTY, 10d.

*Tried by the firſt Middleſex Jury before Mr.* ROSS.

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775. ESTHER CURTIS was indicted for feloniouſly ſtealing, on the 6th day of October, one printed callico gown, value 15s. the property of Elizabeth Wake, ſpinſter.

### ELIZABETH WAKE *ſworn.*

On the 6th of October, I loſt the gown mentioned in the indictment; I ſaw it again in half an hour; the priſoner was ſtopt in the paſſage by Elizabeth Morriſon, and I found my gown on the parlour window; it was a gown I had about two months; I know it to be mine.

### ELIZABETH MORRISON *ſworn.*

I go out a charing; I ſaw the priſoner better than half an hour in the paſſage; I live in the houſe; I never ſaw the priſoner to my knowledge before; but as I went down my ſtairs, I ſaw the priſoner looking in at the parlour window; I went out with a little duſt, and when I returned, I ſaw the priſoner coming out of the window with a wet gown under her arm; the gown was callico muſlin; I have ſeen Miſs Wake wear it; it was Friday the 6th of October. I ſtopped her; and ſhe ſaid; do not hurt me, I am big with child; and ſhe ſaid, ſhe had a young fellow in Newgate, ſhe wanted money for; and that ſhe would go and ſell that gown and make money; and if I would follow her, ſhe would give me ſix ſhillings of it; I called aſſiſtance, and ſhe was taken into cuſtody; ſhe threw down the gown, and the proſecutor took it.

### EDWARD DALBY *ſworn.*

I belong to Mr. Walker's office, in High-ſtreet, Bloomſbury; I took the priſoner into cuſtody on Friday, between twelve and one; I have had it ever ſince.

*Court to Proſecutor.* How long have you known Mrs. Morriſon?—Two years; ſhe is a very honeſt woman.

PRISONER's DEFENCE.

I was informed a young woman of my acquaintance lived there; and I went into this houſe; both doors were open, and coming through they took me; I never ſaw the gown till I ſaw it with the good woman.

GUILTY, 10d.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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776. JOHN LIGHTFOOT and JOHN TYRRELL were indicted for feloniouſly aſſaulting William Starr, on the king's highway, on the 1ſt day of October, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a metal watch, in a metal caſe, value 5l. a chain, value 1s. three gold ſeals, value 3ſ. a key, value 1d. a bed hook, value 1d. and one guinea his property.

WILLIAM STARR *ſworn.*

I live at Dover; on the 1ſt of October, I was robbed between Dalſton and Kingſland turnpike, between ſeven and eight in the evening; I was in a coach, my wife, and another gentleman and his lady; we were ſtopped by two men on horſeback, who rode round the carriage two or three times before they ſtopped us; then, they came on the right hand ſide of the coach, and rapped at the glaſs, and deſired that the glaſs might be put down immediately, or they would blow our brains out; when Mrs. Starr let down the glaſs, one of them, a tall young man, in a light coat, demanded our money with many threats; they had each a piſtol; with that Mrs. Starr delivered ſeven guineas, two half crowns, and ſome ſilver; but two guineas fell in her lap through fear; they only took five guineas, two half crowns, and ſome ſilver; after that, they aſked her for her watch, ſhe ſaid, ſhe had none; upon that they ſaid, d——n you, we will blow your brains out; that was the tall man; one of them had a very faint particular voice, which was the only thing we could perceive almoſt; for it was duſk, but it was ſo clear, we could diſtinguiſh the colour of their coats and horſes; it was a particular ſoft effeminate voice; afterwards they demanded the other lady's money, which ſhe delivered, but what it was I do not know; after that they demanded my money; I gave them a guinea, being all that I had; after that they demanded my *napp, or nappet*, I will not be ſure which, by which I concluded they meant my hat; but they ſaid, d——n you, I ſee your ſeals, ſo then I concluded they meant my watch, and I gave them my watch; they then robbed the other gentleman of his watch and money; I do not know what; then they left us, and we came to the turnpike; they rode round the coach ſeveral times.

What was the dreſs of the other man?—He had a dark coat underneath; they had both light coloured great coats on; the head of one horſe was in the coach; one was a grey, and the other was a dark grey horſe; we then arrived at the turnpike, and then I ſaw two or three officers, as they told me they were; I told them of the robbery by two men on horſeback; a few days after I ſaw my watch advertiſed in the papers; I then went to the office in Worſhip-ſtreet, Shoreditch; the watch was ſhewn me; I knew it again; I then deſcribed the people before they were brought to me, exactly as I told your Lordſhip; as to ſwearing to them I cannot; it was not light enough for me to ſee their faces.

Look at the priſoners, can you ſay from their general appearance they were not the men?——No, I cannot; one was very tall, the other very ſhort; the words I ſaid, were, that one of them ſat very loſty on his horſe.

When you ſaw the men, what dreſs were they in?——In the ſame dreſs they are in now.

I think you ſaid it was the ſhort man that had the dark coat under the white great coat?—Yes.

**CONSTANTINE TEULINGS** *ſworn.*

I dined at a gentleman's houſe; and wanted to go home in the ſtage, but the gentleman ſaid, no, I ſhall ſend you home in my own coach to the door; we ſtaid till half after ſeven; and we were about two hundred yards from the houſe, when the coach was ſtopped; they rapped againſt the glaſs with a bitter oath, and ſaid, your life, or your money; Mrs. Starr immediately delivered her money; ſhe pulled out ſeven guineas out of her pocket, and two dropped in her lap; then they ſaid, your watch; the lady put her hands together, and ſaid, I have no watch; they ſaid, you have not, and ſhe ſaid, no; then with another oath, they ſaid to Mr. Starr, your *wap*, and your money, or we will blow your brains out; then he gave them his watch, and a guinea; then they took my wife's money, and the little man ſays to me, blaſt you, out with it immediately; ſo I ſat down, and I could not get it out, but I got up, and gave it him; then he ſaid, your money inſtantly; I gave him twelve or thirteen ſhillings; ſays I, there my friend, I believe you have need of it; well, ſays one of them, that will do; go on coachman; they were on horſeback, one had a light horſe, and the other a dark, or black one; they behaved very indifferent; one was leſs than the other; the tall one was the man that robbed me, and the other came up with the ſecond piſtol; their horſes heads were very near; they had light upper coats on; I could not ſee their under coats; I can ſay nothing of theſe two men being the men; I cannot ſwear to their faces indeed.

**SAMUEL HARPER** *ſworn.*

On the 5th of this preſent month, I in company with three other officers, was at Juſtice Wilmott's office; there came an information, that there were two people in Petticoat-lane, near the end of Gravel-lane that were ſuſpected to have committed a highway robbery; we went into Petticoat-lane; the people were deſcribed to us; we went to the houſe where they were; they were eating and drinking; they were the two priſoners; we told them we wanted them; I believe it was twelve at noon.

How were they dreſſed?——Much as they are now; the priſoner Lightfoot was in black; they got up; we were in a very bad neighbourhood, and had many bad people about, and we did not think fit to handcuff them in the houſe; but Shakeſhaft and me took Lightfoot, one by one cuff, and the other by the other; there was an entry; and when we came to that, which was coming out of the tap-room, then he forced his hand down to his breeches, and I ſaw him put his finger into his pocket, or into his fob, I do not know which; directly I ſaw him with the ſeal or ſeals of a watch, and part of the chain in his hand; I ſays to my brother officer, Mr. Shakeſhaft, he is going to pull a watch out of his pocket; and we had a very hard ſtruggle with him, having each of us a ſtick we had but one hand to hold him; after we had ſtruggled with him ſome time, Mr. Shakeſhaft wrenched the gold ſeals out of his hand, and the chain parted from the watch; when I ſaid, he was going to pull a watch out of his pocket, he then ſaid, he had no ſuch thing to pull out of his pocket; he ſaid, he had no watch about him; we got the ſeals out his hand, and Mr. Armſtrong, I believe it was, ſaid, as to the watch, I ſuppoſe, that is ſold; no, ſays he, I had none; we then ſent for a coach and took them to Mr. Wilmott's office; as to the priſoner Tyrell, the whole time he behaved very well, and never offered to ſtir from the place where he was when we went in; when we got to the office, Armſtrong, in company with another officer, took Lightfoot up ſtairs, and he brought down a watch with him; which he ſaid, he found upon him; I have nothing to ſay againſt Tyrell, only being in company with the other.

*Mr. Garrow, Priſoner's Counſel.* You are an officer belonging to Mr. Wilmott's office?——Yes.

How long have you been ſo?—A-many years, and a houſekeeper; I keep a ſhop in the neighbourhood.

How many trials for highway robberies are you a witneſs on in the courſe of this ſeſſions?——No more than this and the laſt trial.

If theſe two men ſhould be convicted it will make four forty pounds?——That is hardly worth while aſking me for doing my duty, and the hazard I run in doing it; if there is any thing for me I hope I ſhall have it.

You either have or not the impreſſion on your mind that you are to get ſomething by the conviction?——I certainly have, and ſo has every man that *works.*

## JOHN SHAKESHAFT *ſworn.*

I went to this public houſe, and told the two priſoners that we had an information againſt them, they muſt go with us; the priſoner Lightfoot he laughed, we told them they muſt go; there was a vaſt number of thieves about them; I took hold of one cuff of his coat, and Harper took hold of the other; in going along, ſays Harper he is getting a watch out, I took hold of his hand, and I pulled his hand from his breeches, his hand was clinched cloſe, he would not open it, I got it almoſt open two or three times, I felt the ſeals and the chain in his hand; at laſt Armſtrong came to aſſiſt, and I got the ſeals and chain out of his hand; I brought him back to the tap-room; ſays I, he has got a watch about him; he ſaid, he had none: they wanted then to pay for their beer, and have ſome more beer; ſays I, you may have a pint of more beer and welcome; the priſoner Lightfoot ſaid let me pay for the beer, then I ſaw him put his hands towards his pockets, ſays he, I want to put my change in my pocket; we brought them away, and in coming up Petticoat-lane, I perceived him putting his hand into his breeches pocket, ſays I what are you doing; ſays he, I want to put my change in; we put them into a coach and took them to the office, I ſaid to Armſtrong that I was ſure he had a watch about him; Armſtrong ſearched him but I was not preſent; here is the chain and the ſeals; the priſoner Tyrrell ſat very quiet, he made no reſiſtance at all: I ſearched Tyrrell and found nothing upon him but this ſpur: in Lightfoot's lodging, of which he gave the key to Mr. Armſtrong, I found this light-coloured coat, and there was a light coloured great coat, which I gave to the priſoner at the lodging, and in the ſide of this coat was gunpowder; Mr. Armſtrong found a pair of ſpurs in the room, I ſaw him take them down.

(*The chain and ſeals depoſed to.*)

## ARMSTRONG *ſworn.*

On Thurſday morning I went to this houſe with the other officers, we ſpoke to Lightfoot, and told him we had an information againſt him, me and Bamford were left in poſſeſſion of Tyrrell; a ſcuffle enſued with Lightfoot, I perceived ſome ſeals in his hand, we took him in a coach to the office; in ſearching Lightfoot's lodging I found this ſpur; I took him up ſtairs into the room, and ſtripped him and ſearched him, and in his right hand breeches pocket I found this watch; I aſked him what he thought upon it, when I found the watch; he ſaid nothing till he went before the magiſtrate; we advertized the watch, and Mr. Starr came and owned it.

(*The watch depoſed to.*)

## HENRY BAMFORD *ſworn.*

I am an officer, I was in company with three other officers on the 5th of October, and I went with them to the houſe in Petticoat-lane; I apprehended the priſoners, and when they came to Mr. Wilmot's office, Lightfoot denied having any watch, or any thing; I was preſent when he was ſearched, and a watch was found in his right hand breeches pocket.

## ANN GOODALL *ſworn.*

Theſe two men were at our houſe three Sunday evenings running; our houſe is the

Three Tons, Kingſland; the firſt Sunday they were on horſeback, on two black horſes, the ſecond Sunday a grey and a bay, the third Sunday a grey and a bay.

When were theſe three Sundays?——I cannot ſay the days of the month, but one of them was the Sunday evening that the robbery was committed, they left our houſe a little before eight, they were there the ſpace of ten minutes.

Do you happen to know which way they came?——No, I do not.

*Court to Armſtrong.* Have you taken any pains to enquire where they had their horſes?——Yes, my Lord, we have, but we could not find it out.

*Court.* There was a plan, I remember, once in agitation of obliging all perſons that let out horſes to regiſter them.

### PRISONER LIGHTFOOT's DEFENCE.

I hope the proſecutor will look well at the bar at which the man is ſtanding, as innocent as a child unborn, and be forced beyond his conſcience by men who get their living by ſelling other people's blood; this man came into the houſe and took us, I put my hand down to my pocket, he caught faſt hold of the chain.

*Court.* But how came you by it?——I bought it in Biſhopſgate-ſtreet of the Tueſday.

Then how came you to deny ſo conſtantly to theſe people that you had any watch?——Becauſe I expected that every thing they took from me they would keep, they took my knife and every thing from me.

What buſineſs have you been in?——I am a ſilk-twiſter the moſt of my time ſince I have been in London.

Can you explain to the ſatisfaction of the Jury the cauſe of your being out on horſeback that night?—I never was twenty yards from my own houſe that day till nine at night.

### JOSEPH JOHNSON *ſworn.*

I live near St. Martin's church in the Strand; I have known him a dozen of years; I am a painter and deal in pictures; the priſoner Lightfoot was born within twenty or thirty yards of me, I have known him all my life, and I underſtood ſince he has been in London, he went to drive a hackney coach; he had a univerſal good character for what I know, I never heard any thing againſt him, his general character is an induſtrious man.

### GEORGE BARBER *ſworn.*

I live in the upper end of Golden lane, I am a ſilk-twiſter; I have known Lightfoot five years, he was in that branch, he worked journey work along with me; he always bore an upright and fair character as ever I heard, he worked with me fourteen months.

### JOHN BROWN *ſworn.*

I live in Long-acre, I am a ſilk-twiſter; I worked journey-work at the ſame time, I have known him about three years, he had an upright fair character as far as ever I heard.

### RICHARD HUGHES *ſworn.*

I live in Lower-ſtreet, Iſlington, I am a ſhoe-maker; I have known him theſe ſeven years, he lodged with me about three or four years ago, he drove for Mr. Jenks; his character was very good when he was in my houſe.

### RICHARD HOTHAM *ſworn.*

I live in Old-ſtreet, I am a ſilk-twiſter; I have known him above three years, he always bore an upright character as far as ever I heard.

### PRISONER TYRRELL's DEFENCE.

On Thurſday morning Mr. Lightfoot came to me, and aſked me to take a walk to Whitechapel, and I ſaid I would; and we went into a houſe, and had ſome oyſters for breakfaſt, and while we were there theſe gentlemen came in and took us.

*Court.* What do you ſay to being on horſeback with him?——My Lord I never was on horſeback with him in my life.

### JAMES SMITH *ſworn.*

I live in Black-friars, a hackney-coachman.

*Court.* Let the other witneſſes go out. How long have you known Tyrrell?——About twelve months.

Where does he live?——He did live in Moorfields when I knew him, he uſed to uſe the ſame houſe that I frequented much at times, I only knew him as uſing the houſe, I have drank many a pint of beer with him, I have been in his company very often.

What is his buſineſs?——He is in the horſe-dealing line, I uſed to ſee him exerciſing horſes about Moorfields; I do not know where he lived when he was taken up. On the 1ſt of October my coach was in the rank at Moorfields, and ſomebody called coach about half after ſix; I was in a houſe and this Tyrrell was there, we had a pint of beer together at the Swan and Hoop at Moorgate, as ſoon as I drank my pint of beer I got off with a gentleman to the horns in Gutter-lane, Cheapſide, and the priſoner Tyrrell went on the box with me, and the gentleman at the Horns in Gutter-lane paid me, and we had a glaſs of brandy a-piece; I believe the man who keeps the Horns in Gutter-lane is here, we had half a pint of brandy between ſome of us, the man at the Horns paid me, and I went away, and we parted; this was Sunday night the 1ſt of October.

How came this man to ride on the box with you?—I aſked him to have a ride with me.

Why, by your account he was only a common acquaintance?—Only his being in the rank and uſing this public houſe.

You ſay he was in the horſe way?—Yes, I have ſeen him in the horſe line, I have ſeen him exerciſing his horſes.

Is it a common thing for you to take people up on your box when you carry a fare?—Why it is common and it is not common; it was a little before ſix.

Do you know who it was you carried to the Horns?——The gentleman that keeps the Horns knows becauſe he paid me; it was half paſt ſix in the evening when I went off with the coach.

Did you drink the pint of beer in the houſe or at the door?—In the houſe, in the tap-room.

Where was your coach during this time?—My coach was watering the horſes at the door at the time.

You carried one man only?—Yes.

Did you get off your box at the Horns?——Oh, yes, we had ſome brandy there.

What room did you go to there?—The public room, the tap-room?

How long did you ſtay there?—Seven or eight minutes.

What became of the priſoner?—When we had drank our brandy I bade him good night there, I left him at the door, he went about his buſineſs, and I went about mine.

When you aſked him to have a ride, did you tell him where you were going to?—He heard the man that was in the coach tell me where I was going to.

Had he any buſineſs that way?—I cannot ſay, I did not aſk him.

Did you promiſe him any liquor when you came to the Horns?——No, the gentleman treated us that I carried there; the gentleman is either a cook or a waiter or ſomething at the London Tavern in Cheapſide, he is a ſervant I know, but the gentleman that keeps the Horns can tell you; I was not at the Juſtice's the firſt hearing, but the ſecond I was ſent for, but they did not let me in; it was Sunday the 1ſt of October.

MOSES WEST *ſworn.*

I keep the Horns in Gutter-lane.

Do you know any thing of the priſoner Tyrrell?——No, I do not.

Do you remember the circumſtance of a coach coming to your houſe?—Exceedingly well.

When was it?—The firſt of this month.

What day of the week?—On a Sunday evening between ſeven and eight, the clerk, I believe he is, to the New London Tavern was ſet down at my houſe at that time, he was intoxicated, he deſired me to pay them, he deſired me to give them half a guinea, there were four of them with the coachman; I thought half-a guinea too much, as the young man was intoxicated; I gave the young men three ſhillings, and a glaſs of brandy a piece, and I paid the coachman his fare, which was eighteen-pence.

What was the three ſhillings for?——For ſeeing home the young man that was intoxicated; there were five in all.

What was the three ſhillings given for?——For their care I underſtood, my Lord; he deſired me to give them half a guinea; he did not know what he ſaid, and I thought it was too much; they ſeemed ſatisfied with three ſhillings; I called the coachman, and he ſaid his fare was eighteen-pence.

Do you know the coachman?——Yes.

Is that the coachman?——Yes.

Do you know any of the other people?——No, I know none, but the gentleman that was brought home in the coach.

Did you go out when the coach arrived?——Yes.

Were they all in the coach, or upon the box, or behind, or where?—I cannot ſpeak to that indeed.

Who took the three ſhillings; did they divide it amongſt them.

I do not know, I gave one man the three ſhillings, and the coachman eighteen-pence, and a glaſs of brandy a piece.

*Court to Smith.* How is this, you told me it was a ſingle man?——I did not think it ſignified ſaying any thing of it; it was a quarrel, and I took my fare; this gentleman gave the men a ſhilling a piece.

THOMAS THOMPSON *ſworn.*

I am a publican, I keep the old White Horſe in Chiſwell-ſtreet, Moor-fields; I have known Tyrrell four years; he is in the ſtable way as groom.

Has he been in any regular employ?—I have known him in two or three places; he was out of place when he was taken up.

How long had he been out of place?—I cannot ſay rightly, I ſuppoſe a month or two.

Or three?——I will not ſay rightly.

Or four?——I will not ſay rightly.

Six months?——I ſhould ſuppoſe not ſo much as that.

It ſeems as if by a month or two, you meant more than a month or two?——It may be more than a couple of months, I cannot ſay it is ſix months, nor I cannot ſay rightly how long, but I believe it may be a month or two, to the beſt of my knowledge; when out of place he lodged with me, and I always found him honeſt; he lodged with me conſtantly.

Then you can tell pretty well how long he has been out of place?——No, I cannot upon my oath ſay within a month or ſo; when out of place, he uſed to be employed by the people; I knew a Mr. Hull, in Chiſwell-ſtreet, uſed to employ him to take horſes to the country; I believe Tyrrell is a very honeſt lad, I never found any thing to the contrary.

What age is he?——I do not know.

*Court to Mrs. Goodall.* Did you know theſe people that you ſpeak of, only from the circumſtance of their having been three times at you houſe?—No, Sir.

You had never ſeen them but theſe three times?——No, never.

Now as to Tyrrell, look at him, are you quite ſure he is the man?——I believe them to be the men that were at our houſe.

Have you any doubt about them?——I cannot ſay I can ſwear to them, becauſe they did not come in doors.

Did they ſpeak to you?——No, I received their money once.

Then perhaps you ſpoke to them?—I cannot ſay I did; they only drank at the door two pints of beer, and had a ſlice of bread and butter.

Then you are not quite poſitive?——No, but I believe them to be the men.

JOSEPH LIGHTFOOT, GUILTY, 𝔇𝔢𝔞𝔱𝔥.

JOHN TYRRELL, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

The next Part will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
# JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 25th of OCTOBER, 1786, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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777. THOMAS VALLENCE and DANIEL COLLINS were indicted for feloniouſly aſſaulting Thomas Schooley on the king's highway, on the 8th day of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, fourteen ſhillings in monies numbered, his property.

THOMAS SCHOOLEY *ſworn.*

I am a labouring man; I work at ballaſt work, and coal work; I live with my maſter, Mr. Pantin, near St. George's church in the borough; he is in court; on the 8th of laſt September, between two and three in the morning, I was robbed in Lower Shadwell, underneath Mr. Dunn's houſe, a painter; I was going to work at ballaſting; I got dry, and I went into the Three Cups to have a pint of beer; I rapped at the door, and went in and ſat alone; there were three fellows together, the priſoners were two them, and I had very heavy words with them; I had about twenty ſhillings in my pocket; I pulled out the ſilver to look for ſixpence; I gave the landlady a ſhilling to change and went away; and when I had gone about three yards from the houſe, the priſoners, and another came after me, and knocked me down; they did not ſpeak to me firſt; they laid hold of me by the mouth, and by the hair of the head, and knocked my head againſt the curb-ſtone, till the blood flew out of my ears and noſe; a gentleman cried out thieves ſeveral times, but nobody came to my aſſiſtance; they robbed me of fourteen ſhillings only; the change I had in my waiſtcoat pocket they did not take that, they had not time; after they had robbed me, they ran away directly, and I cried out watch; I got up as quick as I could, though I was very weakly with the loſs of ſo much blood; I overtook the young fellow in the ſtriped jacket; then one of the ballaſt heavers came to my aſſiſtance, and the watchman laid hold of them; the watchman let one of them go, for he told me, that the thief told him he would be upon honor with him, for he would walk before him, but I never ſaw that thief ſince.

How far was that man you took from you?——About two or three hundred yards.

Was he ever out of your ſight?—Yes, he was.

Are you ſure that the man you took, was one of the men that robbed you?—Yes, I took particular notice of him; I was attacked within one hundred yards of the Three Cups.

What ſort of a morning was it?——It was pretty lightiſh, a very fine morning; the man came behind me.

As you was knocked down before you was robbed, had any opportunity of looking at them?—Yes, when I was knocked down, I took particular notice of them by their jackets, and by the hairy caps they wore, and by their complection.

What countrymen are they?——I cannot ſay.

Had you ever ſeen them before?—Not to my knowledge.

Which is the man you took?——The priſoner Vallence.

You ſay you are ſure that Vallence was one of the three that robbed you?—Yes; the other priſoner came to the watch houſe afterwards, but nobody would ſtop him, and he was taken the next day; the watchman came to me again, after they were fully committed, and ſaid a gentlewoman wanted to ſpeak to me, and he took me to a ſtrange houſe, and they wanted me to ſmother the robbery; one of the women aſked me if I was going to hang her nephew; I ſaid I never hung any body, nor never ſhould, for if the law of the nation hung them, it was not me; then I was applied to by a girl, who ſaid a gentlewoman wanted me; ſhe gave me ſome rum, and told me not to hang her ſon, but ſhe ſhould not mind if he was tranſported.

*Mr. Keys, Priſoner's Counſel.* You are a labouring man?—Yes.

This was between two and three in the morning?—Yes.

Where had you been all that night?—At Paul's wharf at work, and from thence to Newgate-market.

When did you leave off work?—About half paſt one, I carry the loads all night.

Was not it very dark that night?—No, it was not.

You are ſure it was not dark?——Yes.

Did not the watchman tell you, you was drunk that night?——No, Sir, not that I know; he abuſed me very much; the watchman ſhewed me the Three Cups; I knew the watchman; the watchman has been turned out of the pariſh on that very account, and his other miſdemeanors, the day following, and two days after he was turned out of the pariſh in the veſtry.

You are ſure Vallence was one of them?——Yes, Sir, very ſure.

Where did you get this money?——Worked for it, Sir.

*Court.* I underſtand you, that you was going to ballaſt heaving?—Yes, I was.

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MARGARET KILBY *ſworn.*

I keep the Three Cups; I remember the proſecutor being at my houſe that night; the watchman came and knocked at my door at twelve at night, and the maid opened the door, and he ſaid, let this man have a pint of beer, or ſomething to that purpoſe; the girl gave him a pint of beer.

Did the proſecutor go in?——Yes.

Who was in the houſe at that time?—I ſet up to wait on the labourers; there was nobody in the room beſides the proſecutor when he firſt came in.

Did any body come in while he was there?—There came three or four young men.

How were they dreſſed?——I really did not take notice, I was not in the room when they came in; they were dreſſed in jackets.

How long did the proſecutor ſtay?——He ſtopped and had two pints of beer.

Was he ſober, or in liquor?——He was a little in liquor.

Did he go away firſt?—He went away before them.

How long did they remain in the houſe after he went?——About three or four minutes.

Did they go out all together;——Three went out, and one ſtaid in the houſe.

Did you hear any alarm after this?——No, I heard the watchman rattling his rattle, but I did not open the door to ſee what it was.

Do you know any of the people that was at your houſe?—Yes, I recollect the two priſoners faces to be in my houſe that night; but I do not ſay that theſe two young men robbed the man.

Who was the third man?——I do not know, I never ſaw any of them before; but I know theſe two young lads to be two of the men; I never ſaw them before, but when they came before the juſtice in the morning I knew them.

*Mr. Keys.* This was at twelve at night you ſay?——Yes.

The proſecutor was in liquor?—Yes, he was a little in liquor.

Are you quite ſure as to theſe two young men?—Yes, I am ſure they were in my houſe that night.

### GEORGE FORRESTER *ſworn.*

I belong to the public office, Shadwell; I know no further, than that one Hanks, who is not in cuſtody, I had information of; I went to look for him, but not finding him, I took the priſoner Collins, in Shadwell, about eleven the next day; I aſked him where he ſlept laſt night, and he ſaid in Blue-coat-fields; I know no more; I brought him down to Shadwell, and he was detained on ſuſpicion.

*Court to Schooley.* I underſtood you, that you had taken Vallence, and that the other priſoner had been taken by the watchman the ſame night?——No, the watchman took none of them; I took him to the dock; he was within five or ſix yards.

Look at Collins, do you know any thing of him?——Yes, my Lord, exceedingly well; he was taken while I was ill; I can ſwear poſitively to him.

When did you ſee Schooley?—Not till this priſoner was committed for further examination.

### JOHN ORANGE *ſworn.*

Mr. Forreſter brought one of the priſoners up to me, and I ſearched him, and in two papers in Collin's jacket pocket, I found ſix ſhillings wrapped up in two pieces of whitiſh-brown paper; there were four ſhillings in one paper, and two ſhillings in the other; I ſaw the proſecutor all over blood, locked up in the watch-houſe.

### PRISONER VALLENCE'S DEFENCE.

I leave it to my counſel.

### WILLIAM SUTTON *ſworn.*

I was a watchman in Shadwell-dock that night, the 8th of September, I have known the proſcutor theſe two years; I believe I came round about ten, and it began to rain; after the half hour I came and ſaw the proſecutor in my box; ſays I, what is this here, my officers will not allow me to keep any body in my box, you muſt move out of this; he was drunk, I could hardly keep him up; at eleven I found him drunk a ſecond time, laying in the ſtreet, I then told him he ſhould not be there; ſays he, I am waiting for the captain; ſays I, where do you lodge? ſays he, in the city; I went round about, as ſoon as I came round the half hour, there he was laying in the ſame place again; I thought as it was raining he would catch his death of cold; he aſked me if I knew of any lodging; I told him no, except one public houſe, as I came round where I heard people up, I went there, and told them there was a man very much in liquor, and would catch his death of cold; I did not ſtay there three minutes, there I left him in an empty box by himſelf.

What time was this?——I ſuppoſe pretty near twelve when I put him in there, then he was very much intoxicated with liquor, he could hardly ſtand upon his legs; I ſaw him afterwards, I cannot tell what time it was, may be it might be an hour and a half afterwards, when he came out of this public houſe there was a good many people backwards and forwards, I did not ſtop to hear what they were, there was a racket, as there moſt commonly are watermen and captains of ſhips and that, and ſo I went down, and the proſecutor was there, and two men had hold of him, whether they were lifting him up or what I cannot ſay; the priſoners at at the bar were coming one way; ſays, I do you know who robbed you? yes, ſays he; ſays I, did this man rob you? yes, ſays he; and I ſuppoſe if I had pointed out any other he would have ſaid the ſame.

Where was Vallence when you came up?——He and another man was walking towards us.

*Court.* How came you to aſk him whether that man had robbed him?——I aſked him whether he knew the perſons that robbed him, Vallence was one of the men that he ſaid robbed him; I do not know who the other man was.

*Mr. Keys.* Who took Vallence into cuſtody that night?——I did.

You took him to the watch-houſe I think?——I did.

When you firſt came up was Vallence ſtanding there?——No, he was coming towards the crowd; I have known the proſecutor for about two years.

What is his character in that neighbourhood?——His character is like a great many labouring men, he makes ill uſe of his money, and gets drunk like a great many more fooliſh people.

Is he ſuppoſed to carry much money in his pocket?——I believe he ſeldom has much money, I believe he is like me.

*Court.* Are you any relation to Vallence?——No.

Do you know his aunt?—No, I know his mother.

Did not you carry this Schooley to his mother or aunt?——No, I carried her to the public houſe; I never took him to her houſe.

What houſe did you take him to?——To Mr. Swinney's, the Bull's Head, in New Gravel lane.

Who deſired you to take him to that houſe?—I met him and took him up there with his mother to make it up.

How came you to know that?—He told me he was willing to make it up; I told Schooley I believe the mother and you will make it up; ſo I carried him to the Dock public houſe, and the mother was not at home, I fancy there was ſome relation there, they had ſome diſcourſe but what it was I do not know; I was not with him the next time; I have known his mother going on twenty years.

How has the lad got his living?—I have known him to be a good ſcholar, and he is lately come home from Greenland.

How comes it you are not a watchman for the pariſh?—I do not know, I am a watchman in another pariſh, now in St. George's, I was turned out about this affair.

I ſuſpect becauſe you wanted to get this man to make up this buſineſs.—No, it was becauſe I did not come down time enough when this man was robbed, I could not be at both ends of the ſtreet at once.

### FRANCIS BECH *ſworn.*

I have known Vallence in the courſe of fourteen years ſince he was a baby; he was brought up to ſea, and that veſſel was caſt away, and the captain is not here at preſent; he has gone to Greenland backwards and forwards, his mother keeps him; Captain Scott is not in town or he would give him an undeniable character, he made his laſt voyage with him.

*The priſoner called four more witneſſes who all gave him a very good character.*

### PRISONER COLLINS'S DEFENCE.

I hope I ſhall have my money returned to me.

*Court.* Can you ſatisfy the Jury where you was that night?—I know no more about it than I met this young fellow, we went into the Three Cups and had a pot of beer, the proſecutor was laying aſleep in the box, we ſat in another box, the watchman came in, who was an acquaintance of this young fellow's; this young fellow called for half a pint of raſberry, and drank about half a glaſs of it, and went away for fear of being locked out; then I heard he was taken up, I went to the watch-houſe to ſee what was the matter, and the proſecutor was there, and he ſaid I believe he is one of the robbers, take hold of him;

but nobody would; then I went away, I was going to work, and after I came from work, about ten, Mr. Forreſter came and took me away: I have no friends in England.

*Court.* Is there any perſon belonging to the watch-houſe?—No.

*Court to Sutton.* Was you there when Collins came to ſee Vallence?——No, I was not.

*Court to Schooley.* Where had you been the night before you had got down to Shadwell?——At Paul's Wharf carrying apples, pears, and all kind of garden ſtuff, as I always do when I am not in place; I ſuppoſe I went away from Paul's Wharf about half paſt twelve, and got down to Shadwell about half paſt one; I never was laid down at the Dock, nor he never bid me go away; he ſaid you are a little in liquor; ſays I, I am fatigued and a little in liquor too, ſays I.

**BOTH GUILTY, Death.**

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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778. HENRY FOSSET and RICHARD STEPHENS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Collier, about the hour of two in the night, on the 30th of Auguſt laſt, and burglariouſly ſtealing therein three hundred and ſeventy yards of Iriſh linen cloth, value 48l. one hundred and forty-eight yards of muſlin dimity, value 14l. ſeventy-ſix yards of printed cotton, value 6l. two hundred linen handkerchiefs, value 15l. ten cotton handkerchiefs, value 15s. eight yards of Scotch cambric, value 3l. ten yards of printed callico, value 25s. ſixteen yards of long lawn, value 35s. twenty-five yards of muſlin, value 5l. ten yards of muſlin, value 30s. and one hundred yards of ſilk ribbon, value 30s. his property. And ANN, the wife of THOMAS BELL, was indicted, for that ſhe, on the 1ſt day of September laſt, the ſaid Henry Foſſet and Richard Stephens feloniouſly did receive, harbour, and maintain, well knowing them to have done and committed the ſaid felony and burglary.

*Another count againſt her*, for that ſhe, on the 1ſt day of September, five yards of Iriſh linen cloth, part of the ſaid goods, feloniouſly did receive and have, knowing the ſame to be ſtolen, againſt the ſtatute.

*(The caſe opened by Mr. Silveſter.)*

JOHN COLLIER *ſworn.*

*Mr. Garrow.* You live at Iſlington?——Yes, I keep a linen-draper's ſhop there.

Tell us what time you went to bed on the 30th of Auguſt?—At twelve o'clock. I every evening ſee that every thing is faſt, it is my general cuſtom; at ſix in the morning I was alarmed, ſeveral of the neighbours came to me; Mr. Hole came to me, and the firſt things that I miſſed were ſeven or eight pieces of fine Iriſh; Mr. Hole aſked me if I had loſt twenty pounds worth, I ſaid I had loſt one hundred and fifty pounds worth; the ſhutters were broke, and they broke a pane of glaſs, and broke down that ſhutter, and undid both the bolts; when they had carried away the property they had put the ſhutters up again in a looſe manner, and drawn to the door again; I loſt one hundred and forty or one hundred and fifty yards of muſlin dimity, worth about 14 or 15l. and ſixty or ſeventy yards of about 5l. value; I loſt a whole piece of handkerchiefs worth 20l. long lawns and cambricks, and muſlins, the value of all that I loſt was 126l. as near as I could tell; cut goods we cannot tell.

*Mr. Knowlys, Priſoner's Counſel.* I think, if I heard you correctly, you firſt ſaid it was your conſtant practice to be up laſt and ſee every thing ſafe?——Every night, I never go to bed but the laſt thing I do is to go into the ſhop, to ſee if every thing is faſt for fear of an accident.

JOSEPH WEEDON *ſworn.*

I am a milkman; on the 31ſt of Auguſt, I was going a milking, about thirty-five minutes after three, and I met four men with four bundles leading from this houſe.

Do you know either of theſe men.——I do not know any of them it was ſo dark.

### JOHN LUCY *ſworn*.

I am an officer; in conſequence of an information about a week after the robbery, Mr. Collier obtained a warrant and took up the two priſoners; and there was no proof againſt them then, and they were diſcharged; on the 11th of September, I went with Shakeſhaft, Armſtrong, and Bamford, to an apartment, where we found four pieces of Iriſh cotton, muſlin, a quantity of printed cottons, and a quantity of handkerchiefs, which Mr. Collier, who went with us, claimed as his property; on the 19th of the ſame month, I went on an information to the lodgings, where we apprehended the priſoner Bell and Thomas Taylor, who is not in cuſtody, we ſaw there Mrs. Bell, there was a little quantity of fine Iriſh found there, we thought it neceſſary to bring that away, I believe there was not above three or four yards; a perſon came in while I was there, and as ſoon as ſhe ſaw us ſhe ran away, I followed her and aſked her buſineſs, her anſwer was not ſatisfactory, I told her I would ſearch her houſe, and in the window I found this piſtol, it was the houſe of a Mr. Goldſmith. Aldred, the evidence, had given a deſcription of the two piſtols, as long horſe piſtols, with a head at the but end, and this piſtol anſwers to it; Armſtrong in company with me at the ſame houſe found the other piſtol in the ſame houſe; we found in one gunpowder and a ſcrew and two balls; it is an alley at the top of Brick-lane, Old-ſtreet; ſhe ſaid, ſhe had that linen of Thomas Taylor, Mr. Collier ſaid it correſponded with ſome that he had loſt.

### JAMES SHAKESHAFT *ſworn*.

I am an officer, on Monday the 11th of September I went to the houſe of Aldred in Brick-lane, there we found ſome pieces of Iriſh, muſlins, and prints.

*(Produced.)*

*Proſecutor*. Theſe are my property, there is my ſhop mark on them now; theſe are part of the goods I loſt that night.

*Shakeſhaft*. We went afterwards to Mr. Athill's, and took them in cuſtody, but nothing was found there at all; then we went to the lodgings of Mrs. Bell, in Ratcliffe-lane, at the bottom of Brick-lane, Old-ſtreet; and down in ſome gardens, adjoining to the fields, at the back of this place, there is a ditch, and over that ditch was laid a bit of plank, for any body to come over occaſionally; after you get from Mr. Collier's houſe, and through the church-yard, you may go all over the fields to the City-road turnpike, and there you may go to this houſe; I found Mrs. Bell in a room up one pair of ſtairs, which looks to the fields; they are all cloſe to the fields; there I found this apron, and ſome pieces of new Iriſh; I aſked her where ſhe got them, ſhe ſaid from a perſon cloſe by, a public-houſe, that they had it to make; I aſked her what the name was; ſhe did not chuſe to tell me; then I went there, and there I found ſome more to make a ſhirt, and ſhe acknowledged before the Magiſtrate that ſhe received that cloth from Thomas Taylor; Athill had given me deſcription of a brace of horſe piſtols that Foſſett had in the coach; and when we were ſearching Mrs. Bell's lodgings, ſomebody came in to give any aſſiſtance that might be wanted; and I told Lucy to follow that woman; we went there and ſearched the houſe, and there we found a brace of horſe piſtols, and alſo found a bag in Foſſett's lodgings in Grub-ſtreet, which Armſtrong and I had information againſt; and that Athill declares was one of the bags that the things were found in.

*Mr. Knowlys*. What day of the month was this that you was at Bell's?——On the 19th.

### JOHN ARMSTRONG *ſworn*.

I went with this other officer; I produce a braſs barrelled piſtol, and this brown bag; I found the piſtols next door but one where Mrs. Bell lives, at Goldſmith's, loaded with two balls; and this bag I found in the priſoner Foſſett's lodging; this other piſtol was alſo found at Goldſmith's; I ſaw both charges drawn; after the priſoner Foſſet was committed, ſome man that knew him, ſaid to him, Harry you are fully committed; yes, ſays he, this is their d——d *ſtaunch fence.*

What is the meaning of fence?——A receiver of ſtolen goods.

## SAMUEL ALDRED *ſworn.*

I live in Brick-lane, in Bethnal-green pariſh; there were ſome linen goods found at my houſe; my wife bought them of Mrs. Athill; I was not at home when Mrs. Athill came to our houſe; I remember my wife buying ſome things of Mrs. Athill, and paying her ſome money; I cannot ſay when it was; I think it was the Friday night the 10th of September, I ſaw her paying ſome money.

Was all that linen drapery goods that were found at your houſe received from Athill?——To the beſt of my knowledge, they took a great deal more from us that Mr. Collier did not own; I was at home when the piece of cloth (the Iriſh) was brought; and I ſaw her pay Athill, in Mr. Athill's chamber; I went there on Friday night the 1ſt of September.

*Mr. Knowlys.* How long have you known Athill?—I cannot juſtly ſay, ſeven or eight, or nine years.

Then perhaps you knew him before the year 1780, do you think you did?—I do not know, I think I have heard his name.

How long have you known the man?—Not a year.

I think you talked of Mrs. Athill, who is ſhe?——She does not go by the name of Athill; ſhe ſays her name is Cockvine.

Are they man and wife, or are they not?—She ſays her name is Cockvine.

Now, in point of fact, and within your knowledge, do not they live together as man and wife?——I ſuppoſe they do, and have had children.

What is the character of Athill?——I know nothing of the man's character; he is a maſter weaver, and makes his own works.

Does not he bear the character of a moſt notorious receiver of ſtolen goods?—I cannot ſay ſo; I never knew it; I do not know that he does.

Recollect yourſelf again, did you never hear him called ſo?—I do not know that; I have never heard him have any words with any one.

Do you know that this man has been tried?——Never to my knowledge.

Do you know of Mr. Athill's being tried?——I do not.

Do you know of his living in London in the year 1780, at the time of the riots?—I do not.

Do you know of his abſconding on a charge of his being guilty of a riot in the year 1780?——No, I never heard that.

## SARAH ALDRED *ſworn.*

I am wife of Samuel Aldred; I live in Brick-lane.

Where did you get the linen drapery goods that were found at your houſe?——I bought them of Mrs. Athill, ſeven weeks ago, on a Friday night; I do not know the day of the month; I went to buy them at Mr. Athill's houſe; ſhe came to fetch me; I bought ſome Iriſh cloth, which was that which was taken away by Mr. Collier; I bought ſix pieces, they came together to ſeven pounds four ſhillings, becauſe one piece fell ſhort; the next day I bought ſome other of Athill; there were ſome pocket handkerchiefs; I gave fifteen pence a piece for them; I believe that came to three pounds three ſhillings and ſixpence; I bought ſome muſlin dimity; I gave fifteen pence a yard for that; and gave four guineas in part; but the reſt I did not pay; Mrs. Athill carried them home, and I took the Iriſh myſelf.

*Mr. Knowlys.* How long have you been acquainted with Mr. and Mrs. Athill?—I never was acquainted with her in my life before.

Was this the firſt time you purchaſed

goods of Mr. and Mrs. Athill? ——Yes, indeed.

How long have you lived there? ——I do not know indeed; ſhe uſed to come backwards and forwards to me for chandlery wares.

Did ſhe keep a ſhop for the ſale of linen? ——Not to my knowledge; ſhe told me ſhe took it.

What character did Mr. and Mrs Athill bear? ——I do not know.

WILLIAM ATHILL *ſworn.*

I live at No. 6, Black-Eagle-ſtreet, Spital-fields.

Do you know theſe two men? ——Yes, very well.

What do you know of them? ——The 1ſt of September, Richard Stephens came to my houſe, in the morning; I was up ſtairs; they aſked me if I would buy any property; I aſked them what it was; he mentioned linens, Iriſh, cambricks, handkerchiefs, and muſlins; I told him yes, I would; I aſked him, where they were; he ſaid, it made no odds where they were; but if I would meet him in the evening, he would take me to where they were; he told me to meet him at Mr. Langley's, at the Cart and Horſe, in Goſwell-ſtreet, in the evening, between ſix and ſeven; I went there; there was Stephens and Foſſett, and Tucker, and Taylor; we drank ſome beer, and all went away but Tucker; they left him with me; he did not ſtay many minutes before he went, and told me to wait till he returned again; he was gone about ten minutes, and he told me to come along with him, and he would take me to where the property was; I went with him, and he took me to the place, the back of Brick-lane, Old-ſtreet; I cannot recollect the name of the place; and when I came there there was Stephens, and Foſſett, and Taylor, and they had a bag with them, with four pieces of muſlins in the bag; I meaſured them, and I agreed to buy them; then they aſked me if I would buy ſome Iriſh, and ſome linen; then Foſſett and Stephens and Taylor went away, and brought another bag with ſome other things; then we agreed for the price of them; there was ſeven pieces of Iriſh, and a quantity of handkerchiefs; I agreed to pay them for it; they aſked me how I would get them home; I ſaid, I intended to have a coach, but I ſaid, I would go home firſt, and get the money; they ſaid, they were not afraid to truſt me with the money, there was no doubt but I would pay them; then Stephens went and fetched a coach, and when he came back he told me a coach was waiting at the corner of the Ivey-houſe, in Goſwell-ſtreet; then I took the two bags; then there was a kind of diſpute who ſhould go in the coach with the property; then Foſſet ſaid, he would, and he told the coachman to drive into Brown's-lane; when we came there, I got out of the coach, and went home to my houſe with one of the bags; Foſſet had a pair of piſtols with him, large piſtols with braſs barrels.

Look at theſe piſtols? ——Theſe are the very ſame piſtols, for I made a remark of this head being at the butt end of it; then Foſſet took the other bag, and brought it to my houſe with me; then I paid him the money that I agreed for, that was twenty-five pounds, one ſhilling and ſixpence, I think to the beſt of my knowledge, all but three ſhillings and ſixpence I paid for the coach hire; when he was going away, he aſked me if I would have them piſtols, to guard the property, I imagine; I told him, no, I did not want them; and when he went away, he deſired me to let him have the bags again in a day or two, or rather before that; when I was in Brick-lane, I aſked them where the property was from; and they told me, from Iſlington; he told me to leave the bags for him at the White Horſe, in Petticoat-lane; accordingly I went there in a day or two, and there I ſaw Taylor and Stephens together; I did not take the bags with me; they aſked me, if I had brought the bags with me, and I ſaid, no, I would bring them the next day; the next day I carried them, and left them at the bar.

Look at that bag? ——This is one of the

the bags that I left, the other was a kind of a light blue bag; when we met at the houſe where Mrs. Bell was, ſhe ſaid it was her place; it had a field behind it, and I ſhewed it to Shakeſhaft.

Who went with the coach beſide you and Foſſet?——Another man rode behind, only Foſſet went with me in the coach.

Are you ſure theſe two are two of the men?——Yes, I am very ſure of it.

Are theſe part of the ſame goods that were ſold to Aldred?——Yes, I am ſure of that.

*Court.* Were they all ſold to Aldred?—No.

Were all that you ſold to Aldred part of the things that you purchaſed of theſe men?——I am ſure they were the ſame things.

*Mr. Knowlys.* You ſay they were the ſame things that were ſold to Aldred?——Yes.

Did you happen to be preſent when Mrs. Aldred came to buy them?——Yes.

You are poſitive of that?——Yes.

Was there ever any ſuſpicion lighted on you of this burglary?—I cannot ſay whether there was or not.

Was not you taken up for this burglary?——I was taken up, but I cannot ſay what it was for.

Do you know what you was committed for?——I was committed; I was ſent to gaol, but I did not know what it was for.

Were you committed to gaol or not?——I did not take the copy of my commitment out to ſee whether I was committed or not; I ſhould think a magiſtrate would not ſend a man to gaol without committing him.

Anſwer my queſtion?——I thought you aſked me whether I was fully committed.

Who was committed at the ſame time with you?——Ann Cockvine was.

Was ſhe committed by that name?——Yes, to the beſt of my knowledge.

Is not ſhe known by your name?——I cannot ſay; Cockvine is her name; ſhe never received or paid any money in any name.

Did you never ſee your commitment?—No, never.

Then I will read it to you; "Committed on ſuſpicion of entering the dwelling-"houſe of Mr. Colliſon?"—That is more than ever I knew.

Do you come here as a freed man, or in cuſtody?——I think I am a priſoner now, here is a man that has been taking care of me.

Did you not come from gaol here?——From gaol! no: from gaol! no.

Where did you come from here?——From a public houſe over the way.

Did not you come from Clerkenwell bridewell?——Yes, but not ſtraight from priſon.

Are all the goods here that you diſpoſed of?—No, I do not think they are.

What might you give for them?——I gave twenty-three guineas and a half, and four ſhillings and ſixpence; and three ſhillings and ſixpence I ſtopped for coach hire.

That is pretty near the value I take it?——I do not know; I cannot ſay.

Do you purchaſe goods without knowing the value?——I have often done that.

Whereabouts might be the value of all theſe goods that you gave twenty-three pounds for?—Why, they might be worth thirty pounds.

Were they not worth ninety pounds?——No, I do not think they are worth any thing like the money.

What were they all of them worth think you?——They might be worth thirty pounds.

Do not you think they might be worth forty pounds?——I cannot tell the real value of them; no, I do not think they were indeed.

How long have you dealt in this way, you are a conſiderable linen draper, are not you?——No, I am no linen draper; I am a weaver by trade, and manufacture my own goods, and have ſold other goods.

How many goods have you manufactured within the laſt month ?——None at all.

How many looms may you have had at work the laſt year ?—One.

How long did you employ that loom ?—One or more, for four or five years ; I have kept perſons conſtantly working at that loom ; I have been known as a perſon working as a weaver, only in handkerchiefs and perſians.

How long have you lived in London ?—I was born and bred in the place.

Has your conſtant reſidence been in London ?—Yes.

Was you ever at Sudbury ?——Yes.

Did you ſtay any time there ?——About nine months.

Did you walk much about at your eaſe ?—I went where I pleaſed.

Was not you confined within four walls?——No, I was in cuſtody, but not within four walls ; it was at a public houſe.

Were you tried upon that charge ?——I do not know whether it is proper that I ſhould give you ſo many anſwers as I do ; my Lord, if you think it is proper to anſwer him, I will.

*Court.* Anſwer it ?——I was not.

Was you in priſon upon that charge ?—No more than in the public houſe ; the Mayor of the town came to the public houſe, and I was acquitted.

Who elſe was taken up at that time ?—Ann Cockvine was.

What was that charge for ?—I cannot recollect now ; I have never any ſince that to my knowledge.

Then you have forgot it ?——It was a falſe charge made me forget it.

How do you know whether it was falſe or not if you forgot it ?——It was falſe or elſe I ſhould not have been acquitted.

When did you forget it ?——I forgot it juſt when you aſked me the queſtion.

Do you remember it now ?——Some circumſtances of it.

Let us know them ?——It was ſomething about ſome ſilver ſpoons, and ſeveral other things I believe.

Then now you happen to recollect that it was a charge about ſome ſilver ſpoons ?—Yes, I think it was.

Whether you was not impriſoned upon that charge, and tried upon that charge ?——No, I was not, I was only in cuſtody for it, and that but a ſhort time.

Ann Cockvine was the only perſon that was in cuſtody with you ?—Yes.

Are you a married man ?——Yes.

How long is it that you and this Ann Cockvine have lived together in the ſame houſe ?—About five years and a half.

How long is it altogether that you have lived in one houſe ?—I believe it is about fourteen years.

Has your wife lived with you at the ſame time ?——No.

You ſay you have never been in cuſtody ſince you was at Sudbury about the charge of thoſe ſilver ſpoons ?—No.

Were you ever in cuſtody or tried before that time ?——Yes, I have.

How long before you were at Sudbury might that happen to be, how often was you in cuſtody before ?—Not five times.

Perhaps four ?——I am not ſure to ſay, it is a many years ago ; I have been guilty of folly when I was young, but it is ſome years ago.

How long is it ſince you was tried at the Old Bailey ?——I cannot tell, I am ſure.

Will you gueſs within a few months or a year ?——I cannot, I am ſure.

What year was it you was in cuſtody before ?—I believe it was in the year 1780, or 1781.

You left town in the year 1780, I believe in June or July ?—I believe it was.

That was the time the riots were ?—I believe it was about that time.

Was there any charge made againſt you in the year 1780, relative to the riots ?——No, I cannot ſay ; ſuch a thing might be ; I do not recollect it.

Was not the charge about Juſtice Willmott's office, in the year 1780 ?—I cannot ſay, it might be that, for what I know ; I went into the country for work.

Has Mrs. Cockvine been with you at the ſeveral times you have been in cuſtody ?

tody?——I cannot recollect any other time.

At no other time when you have been in cuſtody has Mrs. Cockvine been with you?——Not as I can recollect.

You will not ſwear ſhe was in cuſtody with you at theſe times?——I would not wiſh to ſwear ſhe was or ſhe was not.

Surely you muſt know one way or the other, whether ſhe was or ſhe was not?——I cannot poſitively ſay.

What is your belief?——I cannot recollect any more than twice.

You know you have admitted yourſelf that there were more?——No, Sir, not to my knowledge, only at Sudbury and here.

Now, Sir, upon your oath, and I will call the very officers that brought you here to prove it, upon your oath have not you been in cuſtody and tried at the Old Bailey?——Yes, I have been, but it is ſome years back.

Was Mrs. Cockvine tried with you at that time? and remember that every officer that brought you here can prove the truth of it.——No, I think ſhe was not.

Do you only think ſhe was not?——She never was tried with me here.

Are you poſitive of that?——Yes, ſhe never was tried with me here.

Has ſhe been in Newgate with you under confinement?——I believe ſhe might.

Cannot you go a great way farther and ſay you are ſure ſhe was?——I really believe ſhe was.

Are not you ſure ſhe was?——No, I am not ſure about it, whether ſhe was or was or was not.

Why, ſhe has been confined with you elſewhere?——No, I do not think ſhe was.

ANN COCKVINE *ſworn.*

You live with Mr. Athill?——Yes.

And ſometimes uſe his name?——Yes.

Do you know either of the priſoners?——I know them both; I know nothing of Mrs. Bell, it is the two men I know; on Friday morning, the 1ſt of September, Richard Stephens came to my houſe, I mean to Athill's, and aſked if Mr. Athill was at home, I told him he was not up, he was in bed; I aſked him his buſineſs, he told me he wanted to ſpeak to him about ſomething particular; I went up ſtairs into the chamber where he lay, and went to the ſide of the bed, and Richard Stephens followed me up to the bed, he was aſleep and I waked him; he ſaid, Richard how do you do; Stephens ſaid to him, will you buy any *ſwagg*; he aſked him what it was; he ſaid it was ſome printed cotton, corded dimity, pieces of Iriſh, and ſome pocket handkerchiefs; Athill aſked Stephens where it was, he told him it did not matter where it was, but to meet him at night at Mr. Langdale's at the Horſe and Cart; accordingly Mr. Athill went out in the afternoon, and he told me not to go out, for he was going to meet Stephens to look at the things before-mentioned; the ſame evening he came about nine or ten, and he brought home a large black bag, it was ſimilar to this, but whether this is it I cannot ſay, he told me Harry Foſſett was in the coach at the corner of the lane, when Foſſett came out he took another bag and brought it out of the coach with him, he carried it to Mr. Athill's houſe, then he ſtopped a bit in the kitchen; Mr. Athill went up in the chamber and I followed him up; Mr. Athill paid the coachman three ſhillings, and he made rather a diſpute, and he gave him another ſixpence, then he did not ſeem ſatisfied, and I gave him twopence; there were two coachmen at the coach; when I went home I found Harry Foſſett ſitting in the kitchen with the bag cloſe by him; Athill went up in the chamber, I followed him up and Harry Foſſett, and he paid him twenty-three guineas and a half, and ſome ſilver for theſe goods, then Harry Foſſett reckoned the money up, and there was ſomething of a deficiency; Athill ſaid there is the money I have ſtopped for the coach, but if you make any diſpute I will ſatisfy you when I meet you again; Foſſett ſeemed very well contented and was going away, and as he got to the ſtairs he pulled out one piſtol, and ſaid, ſhall I leave theſe things with you; no, ſays he, there is no need for it, I do not want them; it ſeemed to be a pretty large piſtol, it was ſimilar to this, but I cannot ſay it is the ſame, he took the piſtol away; after Foſſett went away I went to Mrs. Aldred's, and told her what things I had to diſpoſe of, I aſked her to come and look at them, accordingly ſhe did; ſhe bought ſome pieces of Iriſh that night, ſhe ſaid it did not ſuit her to take any prints that night, ſhe took the Iriſh away that night, and took ſome away with her the next day, or on Monday, I cannot be ſure which; ſhe bought the pocket handkerchiefs, I do not recollect how much ſhe paid for all ſhe bought; ſhe did not buy the whole at that time, ſhe bought the whole within a trifle, I have a part of the cotton here, which is the ſame as Mrs. Aldred bought.

*Proſecutor.* There is a piece of cotton in the bag of the ſame ſort, and this piece of cloth I kept myſelf.

How long have you lived with Mr. Athill?——Between fourteen and fifteen years.

Sometimes in trouble and ſometimes out of trouble?—I do not know as to that.

But have you or have you not?—Yes.

*Mr. Knowlys.* Mrs. Athill, you and Mr. Athill have had ſome dealings about theſe goods; was not Mr. Athill at Sudbury?——Yes.

Was not there an aukward accident happened there?——Not to my knowledge, I was with him part of the time.

Was he taken up?——I really do not know, I cannot remember, it is a long while back.

If you had been with him at the time you muſt have remembered it.—It is very poſſible, I do not know whether I ought to anſwer it.

Was you taken up with Mr. Athill or not?——I was taken up with him.

Why did you tell me juſt now that you did not recollect it?——Becauſe I did not know whether I ſhould anſwer it or not.

Have you ever been in cuſtody with Athill in Newgate or not?—Yes, I have.

When was that?—A great while ago, not lately.

Where was it you was tried for ſtealing ſilk yourſelf?—I was tried here for it.

Were you tried with Athill or alone?—By myſelf.

Was you diſcharged directly after the trial?——Yes, Sir, they could not bring it againſt me, though it was alledged to me, and I was diſcharged of it.

What was the charge you was taken up for at Sudbury?——I cannot tell particularly, it was for ſome little trifling articles, I am ſure I cannot tell what now.

Was you tried for that?—Yes, Sir, I was.

Athill was tried with you?—No, he was not, I was tried alone, I was ſet at liberty.

How ſoon after being tried at Sudbury.—Immediately.

Were you tried at Sudbury or at Bury?——At Bury.

You and Mr. Athill were taken up for the burglary at Mr. Collier's houſe?——No, Sir, I do not know what I was committed for, I know they took me out of my own houſe and committed me to priſon.

Were you fully committed?—No, never to my knowledge.

How many times were you under examination at Mr. Wilmot's office?—Twice I believe.

Were you not fully committed the ſecond time?—No, not to my knowledge.

WILLIAM RUSSEL *ſworn.*

I am a coachman; I know Burges very well, he drove for a man in Kent-ſtreet; I cannot particularly recollect the time, I was looking after a coach in Alderſgate-ſtreet, and I was fetched by two men to take up in the corner by the Ivyhouſe in Goſwell-ſtreet, he ordered me to turn about, then came two men with two bags, and put them into the coach, one got into the coach, and ordered me to drive to Brown's-lane, Spitalfields, when I got there I told them I hoped they would give me ſomething more than my fare, becauſe I thought it was ſmuggled goods; they gave me three ſhillings and ſixpence, and two-pence for a pint of beer; one man took one bag out, and the other the other; I do not know where they went to.

— Do you recollect after the firſt had carried away the bag, ſeeing any body elſe? —Only his wife came and paid me three ſhillings and ſixpence, and two-pence for a pint of beer.

Should you know any of the people that you ſaw at that time?——No, I ſhould not indeed; it was Burgeſs's coach, he rode behind.

JOHN BURGESS *ſworn.*

I am a hackney coachman; I drive No. 902; I remember on the 1ſt of September, at nine at night, being employed to carry ſome goods, it was the firſt coach in Alderſgate-ſtreet, near Long-lane, I took up near the Ivy houſe in Goſwell-ſtreet, a man came for me, and two men came out with two large bags; they preſented the goods to the coach, I refuſed taking them in, becauſe I thought they were ſmuggled goods; they told me to make myſelf very eaſy and happy, they were not ſmuggled goods; they gave the bags to me, and I put them into the coach; the two men got into the coach, and ordered me to drive to Brown's-lane, Spitalfields; the young man Ruſſel drove, I rode behind; then I got from behind, and let the gentlemen out, and then took the bags; I ſaw a woman ſtanding by the coach ſide.

Did any thing paſs between you and the woman, or between Ruſſel and the woman?——Nothing that I know of; the woman paid me, ſhe paid me three ſhillings, or three ſhillings and ſixpence, I cannot ſay which, and ſhe gave me two-pence for a pint of beer.

Should you know either of theſe people again?——No, I cannot ſay I ſhould; I cannot ſay what bags they were.

*Priſoner Foſſett.* I leave it all to my counſel; I know nothing of the matter.

*Priſoner Stephens.* I leave it all to my counſel; I know nothing of it.

PRISONER BELL'S DEFENCE.

I never had any ſuch thing in my place; I bought it of a ſhop, and gave it to the maid; I never wronged man, woman, or child ſince I was born, nor never did amiſs thing in my life.

*(The linen that was found in the priſoner Bell's lodgings ſhewn to Mr. Collier.)*

*Proſecutor.* I firmly believe it to be mine; I loſt a great quantity of ſuch.

*Court to Athill.* Deſcribe me the place which the man carried you to at the back of Brick-lane.—It was by a public houſe, up a very narrow paſſage; I think it is the ſign of the Three Jolly Weavers; there is a little narrow paſſage turns down; it was a one pair of ſtairs, the ſtairs was facing the door almoſt as you go in.

Do you know whoſe room that was?—I know no further than what I heard Mrs. Bell ſay when ſhe was in Clerkenwell, ſhe ſaid it was her things, but ſhe knew nothing of the things being there.

*Court to Shakeſhaft.* What room was it where you found Bell?—It is the ſign of the Three Jolly Weavers, and the place is called Ratcliffe-ſtair; we went there to ſearch for Thomas Taylor, who is ſuppoſed to live in the ſame apartment with Bell; as ſoon as Athill came to this place, ſays he, this is the place where I went to buy the goods, and he took us down then to Mrs. Bell.

Where was Foſſett's lodgings?——In Grub-ſtreet, we took him out of bed in the morning.

HENRY FOSSETT, } GUILTY,
RICHARD STEPHENS, } Death.

ANN BELL, NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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779. GARRET WOOLLEY was indicted for feloniouſly ſtealing, on the 6th day of October laſt, fifty pounds

weight of lead, value 10s. belonging to William Thomas Leſlie, then and there fixed to a certain houſe of his, againſt the ſtatute.

*A ſecond count*, Charging him with ſtealing the ſaid lead, affixed to a building of the ſaid Thomas.

### WILLIAM THOMAS LESLIE *ſworn.*

I have a houſe in St. James's, Clerkenwell, not yet finiſhed, or inhabited; on the 7th of October, I had information that ſome lead was miſſing; I went to the houſe, and the top of the houſe appeared to have been newly cut; the houſe had been intirely covered with lead a day or two before, and I had been in the houſe, and all was ſafe; then we went to the office, and ſaw the priſoner and the witneſſes.

### SAMUEL COX *ſworn.*

I am one of the horſe patrol on the New Road; I was on horſeback that evening between eight and nine; I ſaw the priſoner near the Reſervoir about ſix o'clock with ſome lead on his ſhoulders; I met him between the Angel at Iſlington, and Penton-ſtreet; I aſked him what he had got; he ſaid he had wood, and that he had found it; I carried the man to the Angel at Iſlington, and I have kept the lead ever ſince; in the Saturday morning, when we came to the Rotation, I told the workman if he cut off a piece, where this came from, if it was the ſame it muſt match; as ſuch he brought a piece which matches with this piece; it is like *indenture*; they do not cut it ſtrait.

Did it appear newly cut?——I did not examine it more than I do now, but at the Rotation office I examined it, and it appeared to be lead that had been newly cut; we only opened it at one end to match it to the piece that we had got.

Did you go to the building to match it?——No, the man's name is White; he is here; the piece that White brought to me matched with the lead. When I firſt ſaw the man with lead, he might be about two hundred yards from the building; I ſearched him, and found a knife upon him.

*(The knife produced.)*

### JOSEPH WHITE *ſworn.*

I am a journeyman carpenter; I work for Mr. Leſlie, at Winchester-place; the houſe is not finiſhed. On the 7th of October I went to work; our tools lay up at the top of the houſe; and when we came up, we found the rain had beat in, and the roof had been ſtripped of the lead; there were about eight or nine feet in length miſſing; one piece lays over the other, not joined; I was out on the roof, on the Friday, and ſaw it all ſafe; on the Saturday morning, Cox the patrol came to enquire if any lead had been loſt; then we examined the houſe, and found ſome miſſing, and we went down to the Angel, and there was the lead; the patrol ſhewed me the lead, and to prove it, I cut off a piece from the roof, and found it matched with this lead.

### PRISONER's DEFENCE.

I was coming along the road, it rained very hard; I ſaw ſomething ſtanding againſt the pails, and I took it up; the watchman ſaw me come by, but I had nothing in my hands then.

*Court.* How came you to ſay it was wood?——I did not know what there was in it.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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780. THOMAS OATES, RICHARD THYNN, and ROBERT WALMSLEY were ſeverally charged on the coroner's inquiſition, for that they, in and upon Mary Oliver, being in the peace of God, and our lord the King, and being afflicted with extreme ſickneſs, and weakneſs of body, did make an aſſault, and then well knowing her to be afflicted with extreme ſickneſs, and weakneſs of

body, in a certain ſtable belonging to Richard Shepcot, with their hands, a large quantity of cold water, being in four wooden buckets, to, at and upon the ſaid Mary, did caſt and throw, and into the ſtable-yard, and into the open ſtreet, there did then remove, force, and drive; and with their hands, certain large quantities of filth and dirt, then and there being, to, at and upon the ſaid Mary Oliver, did caſt and throw, well knowing her to be afflicted as aforeſaid; and that by means of the ſaid water, filth and dirt being ſo caſt and thrown to, at and upon her the ſaid Mary Oliver, and by being ſo forced, and driven out as aforeſaid, ſhe the ſaid Mary Oliver, then and there became, and was mortally ſick and diſeaſed, of which mortal ſickneſs and diſeaſe, from the 27th to the 28th of September, ſhe the ſaid Mary Oliver did languiſh, and languiſhing did live, on which ſaid 28th of September, of the mortal ſickneſs and diſeaſe aforeſaid ſhe did die; and that they, her they ſaid Mary Oliver, in manner and by the means aforeſaid, did kill and ſlay.

*(The witneſſes examined apart.)*

*(The caſe opened by Mr. Garrow.)*

MARY BURROWS *ſworn.*

You are an unfortunate girl I underſtand?——Yes, I came from Glouceſterſhire; I knew this poor girl that died at Hounſlow; I knew her a great while, but I never was in her company before the Monday before her death; I met with her at the cook's ſhop at Hounſlow; we lay there on the Tueſday in an out-ſhed, adjoining to the Red Lyon at Hounſlow.

Where was you on the Monday night?——We lay there on Monday night, and all day on Tueſday till Tueſday night.

Had you any victuals?——We had no victuals at all, except three halfpenny rolls, that we had on the Tueſday evening; we went to Mr. Shepcott's hay loft, that is at the George at Hounſlow, about nine at night; this poor woman was very ill, ſhe had a violent cough, and was very ill otherwiſe; we lay there all that night; we had nobody to interrupt us that night; nothing happened in the morning; we continued there till between three and four in the afternoon; we had no victuals at all during that day; then the ſoldier Thomas Oates came up, and lay down in the hay; he came and aſked us how we were; ſhe begged of him not to meddle or make with her, for ſhe was ſo ill, ſhe could not hear to be talked to; he did nothing to us then, we lay in the hay, not till afterwards; then he went and got the water; he was not there the ſpace of three minutes; then he went down and ſaid to his comrades, there are two whores up in the hay loft, let us go and waſh them down; then Walmſley and Thynn fetched four buckets of water, and handed it up to Oates; he firſt began ſprinkling us with his hand over us both; I begged of him not to fling the water upon us, but let us go away dry and comfortable; and Richard Thynn called to him not to ſtand ſprinkling with his hand, but to throw it over; he threw it, till he threw all the four buckets over us; then we got down out of the loft.

Who had the moſt of this water?——I had the moſt of it; I begged for the moſt; I deſired him to fling the moſt upon me, as ſhe was ſo ill.

How much water might ſhe get?——What things ſhe had were very thin indeed; ſhe had but a trifle of the water; when we got down out of the loft, the ſame men began throwing dung at us; we were going to make our eſcape to get ſomewhere to dry ourſelves.

What did they throw at you?——The ſtuff out of the ſtreets, out of the gutters, out of the yard; I made my eſcape, I was but juſt touched, except the clear water; Oliver had it very much indeed, ſhe could not make her eſcape, ſhe was ſo ill; then we went and made a fire, and dried our things a little, in one of the little narrow lanes; her noſe bled as much as a pint; after we came to ſit down by the fire, and ſhe came to ſit ſtill, ſhe complained of her breath very much after the water was thrown upon her; when we had dried ourſelves a little, we went and ſleeped upon the ricks; ſhe got in at the bottom, where no wet could come; I lay till between one and two the next morning, then I moved; ſhe ſpoke very frank to me indeed, and ſaid her breath was ſomething better, and in the morning ſhe was found dead; the under hoſtler came and awaked me, and I found her dead; I know nothing more than this of my own knowledge.

What time in the morning was it you was awaked?——Between five and ſix I had ſhifted away on the other ſide of the ricks, but we were both in the ſame ricks.

*Mr. Graham, Priſoner's Counſel.* I think it was on the Tueſday that you ſlept in this hay-loft?—Yes, nobody ſlept but we; but there was a travelling man ſlept in the loft.

Was there only one man?——There were two men, one was a ſtranger, and the other belonged to Hounſlow.

Did not he ſleep with you?—No, Sir, he did not.

Nor the night before?——No, the priſoners came to give drink and feed their horſes; they were the yoke buckets; they belong to the regiment.

After this little water that you ſay was thrown on this poor woman, you went to make a fire to dry yourſelves?——Yes.

How long did you ſtay by the fire?—Till between eight and nine.

What day of the month was it?——I cannot ſay.

What month was it in?——I cannot recollect; I am no ſcholar.

You made a pretty good fire?—Yes.

You dried yourſelves well?—Yes, dried her; ſhe was perfectly dry by nine o'clock; the hay-rick was very nigh the ſtables; we crept in between the ricks, there we ſlept; it had been a very wet night; the rain did not come between the two hay-ricks; but when ſhe found ſhe grew worſe, ſhe got out, and lay at a diſtance from the ricks.

What time of night was that?——I do not know; I left her between one and two on the next morning; I was very wet and lay at the ſame end as ſhe did; but there was not room enough for us both; the wet did not come in upon her, but it came in upon me, and I went to look for a better place; ſhe kept in that place till ſhe found herſelf worſe; I do not know what time ſhe got out; I found her laying under the rick, under the place where I left her; the water muſt come upon her.

How long had you been in that ſituation before the morning?—I cannot tell, we found her in the wet after ſhe was dead, and the place ſhe was dead in, was quite expoſed to the weather.

I underſtood you to ſay, you had nothing for two or three days except theſe three rolls?—No, Sir.

Had you no drink?—We had none but what was brought up to us; Adams brought us ſome water, and this man brought us ſome water.

Was not Adams there the whole time of this ſtory that you tell us?—No, Sir, he was not; we deſired Oates in the morning to bring us ſome water, and he did; we told him we were dry.

Did not the priſoner Oates when he came up complain that you had littered the hay about?—He ſaid nothing to me about it.

Did not he tell you by laying there you ſpoiled the hay for the horſes?—No, he did not; we had no ill words nor difference; when they pelted us going out, we ſaid nothing at all to them; then we went quietly away.

*Court.* How long had you been laying about there?—I came from Windſor.

Do you know how long the other woman had been laying about there?—She had been a long time in Windſor.

Had ſhe the bad diſtemper?——No, ſhe had not.

Had you?—No, Sir; nor they did not offer to meddle or make with us at all.

Had you been with theſe ſoldiers?—No, Sir, nor I had not been in their company, to be miſuſed before.

JOHN

## JOHN FORD *ſworn.*

I am ſaddle-horſe keeper to Mr. Shipcot ; I never ſaw the woman with the ſoldiers in my life ; I ſaw nothing about water or any thing of the kind ; I was in the ſtable ; I heard a noiſe of laughing and hallooing among the ſoldiers ; I thought they had been at play ; they did ſo ſometimes ; when I came down, I ſaw the deceaſed and another girl walking in the yard and I ſaw Thynn take up a bone, or ſomething of that kind, and ran round the ſtable towards the deceaſed ; but whether he hit her or not I cannot ſay ; but he came back without the bone ; when he came back, he ſaid to Oates, d——n her, I have *jobbed* her well ; they ſeemed to be in a very dirty condition, as if they had had water and fluſh thrown over them ; I ſaid to Oates and Thynn, if I had been there, they ſhould not have had the water thrown over them ; they ſaid, how could you help yourſelf ; I ſaid, you ſhould have thrown it over me ; but becauſe I took the part of the woman, he ſaid, he would be d——d if he would not bring her back, and put her in the fluſh hole, and he would if ever he found her in the hay-loft any more ; the women were in the yard at the time ; they went away ; I ſaw no more ; the yard is a thoroughfare.

*Mr. Graham.* Had you any quarrel with any of theſe men before ?—No.

## WILLIAM CURTIS *ſworn.*

I live at Mr. Shipcot's ; I am a chaiſe waſher ; on Wedneſday morning, I was going in our yard, and I heard ſomebody talk up in the loft ; I went up and I ſaw two women and two ſoldiers ; I came down again, between three and four in the afternoon ; the ſoldiers went to the ſtables, and I ſaw the priſoners carry water between three and four, up into the ſtable, and they threw it over the women, for what I ſaw ; for I ſaw the women come out in leſs than a quarter of an hour, very wet.

*Court.* Both of them very wet ?—Both of them very wet ; they came through our hog yard, and the priſoners threw a parcel of dung and muck at the girls ; the priſoners horſes were quartered at our houſe ; the women went out of the yard ; they were very wet and dirty.

Did you obſerve any thing elſe ?—Yes ; juſt as I had got out of the yard, Oates took a handful of dung and muck out of a gulley, and threw it againſt Oliver, the ſide of her face, and one of the priſoners followed her, and ſaid, he had well *jobbed* her ; I ſaw no more ; the next morning I was called as I was going in our yard, between ſeven and eight ; ſays they here is ſomebody wants you up here ; ſo I went up into our rick yard, and this poor girl lay dead ; the other girl, Barrows, was on the other ſide of the rick ; I did not ſee her then, the other people ſaw her ; I ſuppoſe ſhe might lay with her head, three or four feet from the rick, with her feet towards the rick, and her head out from it ; ſhe was laying dead on her left ſide.

*Mr. Graham.* She was quite expoſed to the weather ?——Quite ; not at all covered with the rick.

What ſort of a night had it been ?——A very miſling night ; it rained in the morning when I waked ; I know nothing about the wind ; I did not hear at all what they ſaid together, or what the women ſaid ; I heard no words ; the deceaſed girl went out very quietly, becauſe ſhe could hardly walk ; I ſaw three or four pails ; they were carried ; they were put into the loft ; the horſes were quartered at our houſe ; this was about the time of feeding them ; the men uſed to feed them ; they got the hay out of the loft ; the two men were ſtanding up ; the women were laying down ; the hay was laid all ſpread about, and they were laying higgledy piggledy on this hay.

*Court.* Do they water in the ſtable or fetch their horſes out to water ?——They water in the ſtable ; it was watering time.

Then this water was got for the purpoſe of watering the horſes, though they put it to another purpoſe ?——I do not know what they got it for.

Were the other ſoldiers watering their horſes ?——They were all watering together, ſome in one ſtable, and ſome in another.

### ——— DEGGE *ſworn.*

I am a ſurgeon at Iſleworth; I examined the body of this unfortunate woman after her death; my obſervations were, that this woman was loaded with diſeaſes, venereal, billious, flux, and an ill ſtate of her lungs.

Was the venereal diſeaſe in a conſiderable degree?——Her lungs were ulcerated and decayed.

Was there any external marks of violence in any part of her body?—No.

*Mr. Graham.* No bruiſes of any kind?—None to be ſeen; I examined her the next day.

Did you examine the ſtate of her bowels?——Yes, I examined them particularly; I found it was the chief diſeaſe of which ſhe died.

*Court.* Can you determine the time in which this woman would have died, if the water that had been thrown over her had aggravated her diſorder; can you take upon you to ſay, in what time the death would have happened?—Yes, I think I can; for if this woman had died ſoon after this water was thrown over her, the death would have been by throwing water upon her; but ſhe laid ſix or ſeven hours after.

Do you think that that haſtened her death?——Not in the leaſt, it could not haſten her death.

Have you always been of this opinion?——Exactly, always of the ſame opinion.

You was examined before the Coroner?—I was ſo.

Was you of opinion that this venereal taint was an old one or a very recent one?—An old one.

Then it did not occaſion her death?—It did not.

Could you tell whether the billious complaint was of long ſtanding?—I could ſee very plainly that the billious complaint was of long ſtanding, and that there was very plain appearances of a mortification.

Might not theſe ſymptoms have been matured, and increaſed by this treatment?——They would if ſhe had died ſoon after, but as ſhe lived they could not; there is a great difference between one and two hours, and ſix or ſeven hours.

If ſhe had died two hours earlier, ſhould you have thought that was the cauſe of her death?—I expected her to die in a quarter of an hour, or half an hour.

Do you mean to ſtate as a profeſſional man, that that would have been the caſe; would it not depend on the degree of ſickneſs or weakneſs?——It would not; if a perſon receives an injury by water, certainly he ſhould die ſoon after.

*Mr. Garrow.* Did it ever happen to you to be expoſed to a hard ſhower of rain?——Yes, Sir.

Wet through?——Yes.

You did not die in an hour after?—No.

Did all your patients under venereal complaints die in half an hour when they were wet through?——I certainly will make ſome allowance, if a ſick perſon of that kind ſhould be taken care of, and receive proper nouriſhment, and ſhould die, then I would alledge it to be entirely owing to the wet.

Suppoſe ſhe ſhould get her clothes thoroughly dry again, what ſhould you think of it then, might not that delay the death a little?——My obſervation is this, that if a ſick perſon gets wet, and this wet haſtens his death, he probably will feel the effects of this wet in half an hour, or an hour.

### JOHN CROUCH *ſworn.*

I am a ſurgeon at Iſleworth, I inſpected this body, there was no appearance of injury internal or external on the head, or any part of the body.

You opened the head?—Yes.

Did you find the brain inflamed or otherwiſe?—Not at all, it was in a perfect ſtate, we opened the body, the liver was in a ſound ſtate, the gall bladder rather more extended than common, the lungs in a very diſeaſed ſtate and knotty, the ſtomach and the whole of the inteſtines perfectly empty, the extremity of the rectum a good deal inflamed for two or three or perhaps four inches.

What did you take that to have proceeded from?——From a billious flux.

Could you judge whether that flux had been of a long continuance?——I ſhould judge ſo; I cannot ſay whether days or hours; ſhe had the appearance of an old venereal complaint.

If a woman in that ſituation ſhould have a quantity of cold water poured upon her, and then be expoſed to the weather in inclement weather, do you think that would have increaſed the ſymptoms and have haſtened her death?——It might.

Did you ſee any thing that would have induced you to expect the death ſo ſoon. ——She might not have ſurvived ſo long.

Might ſhe have ſurvived two or three days?——It is hard to ſay.

*Mr. Graham.* Suppoſe ſuch a perſon was to lay out all night expoſed to the weather, would that occaſion her death? ——It might.

*Court.* Did it?——I ſhould rather aſcribe it to being expoſed to the inclemency of the weather; there were all the ſymptoms of an old grievance and gradual decay, that could not be the effect of having water an hour or two before.

*Court.* You mean to ſay that there were appearances that might have accelerated her death?——Yes.

*Mr. Graham.* I ſee all the officers of the regiment here, I will only call one, Colonel Dundaſs.

**COLONEL DUNDASS** *ſworn.*

I am Colonel to the regiment to which the priſoners belong; I have known the priſoner Thyn for about four years, two years and a half or nearly the other two; they have been all the while in my regiment; two of them are married, I believe it is Oates and Wamſley.

In general terms during the time you have known them what has been their character?——Three of the beſt men in the regiment ſince I have known them; ſince they have been in my command I never knew them in a fault, nor in any ſcrape; I came here to day attended by every officer of the regiment that are off duty, on purpoſe to give every teſtimony in their favour; they are men in whom I have placed great confidence, and I believe them perfectly incapable of doing any ſuch thing.

*Court.* The Jury will be as well ſatiſfied with the declaration of Colonel Dundaſs, as they will by all the officers.

ALL THREE NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* BARON EYRE.

The next Part will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
# JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 25th of OCTOBER, 1786, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of
The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VIII. PART IV.

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[PRICE SIX-PENCE.]

# THE WHOLE

# PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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781. WILLIAM SHERBERD, LUCY SHERBERD, THOMAS RANSOM, and ELIZABETH RANSOM were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Kidd, about the hour of twelve in the night, on the 5th day of June, and burglariouſly ſtealing therein, a feather-bed, value 20s. two bolſters, value 6s. two pillows, value 2s. three pair of ſheets, value 21s. two blankets, value 2s. a rug, value 3s. a counterpane, value 12s. thirty linen clouts, value 3s. two linen petticoats, value 2s. one marſeilles petticoat, value 5s. one ſilk gown, value 20s. three cotton gowns, value 36s. two bed gowns, value 2s. four aprons, value 4s. two ſhifts, value 4s. two pair of ſtuff ſlippers, value 2s. a pair of leather ſhoes, value 3s. a pair of ſilver ſhoe buckles, value 6s. three pair of cotton ſtockings, value 3s. two pair of worſted ſtockings, value 4s. two pair of ſilk and worſted ditto, value 4s. ſeven linen ſhirts, value 7s. a pair of nankeen breeches, value 2s. a looking glaſs, value 16s. a pair of fuſtian breeches, value 2s. a ſilk waiſtcoat, value 2s. a cloth coat, value 10s. two handkerchiefs, value 2s. fourteen pounds weight of ſoap, value 5s. two napkins, value 2s. a table cloth, value 1s. two felt hats, value 12s. and a leather pocket book, value 1s. his property, in the ſaid dwelling houſe.

*A ſecond count*, For breaking the ſaid houſe, on the ſaid 5th of June, about ten in the forenoon, no perſon being therein, and ſtealing the goods before mentioned.

*(The witneſſes examined apart.)*

MARY KIDD *ſworn.*

I am wife of Thomas Kidd; I live at No. 82, Brook-ſtreet, Ratcliff; I left my houſe on the 4th of June, on Sunday night, about ſeven o'clock; I left nobody in it; I ſecured the doors and windows, and every place myſelf; I went on board ſhip with my huſband; I returned on Tueſday following; the outſide door was faſt, and I could not get the key in; I lifted up the latch, and found the door was on the latch; there was a half hatch on the door; I bolted it when I went out on the inſide, about half way on the hatch; the bolt was burſted off and lay on the middle of the floor; there was no other faſtening to the hatch; the firſt thing I miſſed was a looking glaſs; I found my houſe had been rifled of a great many things; all the chairs were placed round the fire place, and the kettle on the fire; there was the appearance of people having been there; I do not know any thing againſt the priſoners; I once ſaw the priſoner Sherberd calling a coach to carry ſome priſoners to gaol.

*Mr. Peat, Priſoner's Counſel.* Had any perſon a key to the houſe beſides yourſelf?—No.

HANNAH WELCH *ſworn.*

Mr. and Mrs. Kidd were on ſhore on Sunday afternoon, about ſeven o'clock in the evening; they went on board again; I live in Glaſshouſe fields, I do not live in this houſe; on Tueſday morning ſhe came on ſhore for ſome clean things, and ſhe came to our houſe, and ſaid her houſe was broke open, and I went home with her directly, and the firſt thing we ſaw was a tinder box on the dreſſer, and the candle almoſt burnt out, and round the fire place all the chairs were ſet; we turned round and miſſed the looking glaſs; as we were going up ſtairs ſhe picked up a handkerchief and petticoat; I went up into the room, and there were two drawers laying, and one of them the bottom was knocked out; and we turned round and the bed and bed clothes were gone; the houſe was rifled; on the Saturday afternoon afterwards we went to Bow fair, me, and Mr. Kidd, and Mrs. Kidd, and there we ſaw the priſoner Mrs. Sherberd with a gown and petticoat on, which Mrs. Kidd claimed; we went round the fair; we did not ſpeak to her; the next day Mrs. Kidd and me went to place called Spice iſland, and there we found one of her huſband's ſhirts, all tore up in a tub of water, and part of an apron; that was at Mr. Ranſom's houſe; and the next morning they were brought before the Juſtice; I ſaw a few keys in Mr. Fletcher's hands; I know nothing about them.

Were theſe keys tried?—No.

*Mr. Peatt.* Did Mrs. Kidd go near to Mrs. Sherberd?——No, Sir; we were at ſome diſtance from her.

*Court.* How near?——We were not very cloſe.

Was you within one, two, or ten yards?——Oh, yes, we paſſed cloſe to them, and looked at them a good bit.

THOMAS DOBSON *ſworn.*

I am a pawnbroker in Butcher Row, Whitechapel; on the [illegible] of June, one John Orange came to my houſe with Mary Kidd and her huſband; I was not at home, and aſked for ſeveral things, which I ſhall now produce. (*Produced.*) I have two cotton gowns, a Marſeilles petticoat, one man's coat, one dozen and a half of clouts, one pair of ſtockings; that is all.

How came you by theſe things?——On the 6th of June, Elizabeth Ranſom brought one cotton gown, which ſhe pledged with me for two ſhillings and ninepence; this is it; on the 8th of June, ſhe brought the dozen and a half of clouts; on the 9th ſhe brought one pair of ſtockings; on the 10th of June, ſhe brought me the man's coat, the Marſeilles petticoat, and on the ſame day, Elizabeth Sherberd's ſiſter brought me a gown, which when ſhe uſed to uſe my ſhop, by ſending of her parents, ſhe always uſed my ſhop in the name of Bennett, but when ſhe brought this gown, ſhe aſked me twelve ſhillings upon it; I ſaid, I could not afford to lend no more than eight ſhillings; ſhe returned again in twenty minutes to take eight ſhillings, and deſired a duplicate, in the name of Elizabeth Smith.

(*Depoſed to by Mrs. Kidd.*)

*Mrs. Kidd.* The flounced coat belonging to one of the gowns was left; the gowns are both mine; the priſoner Sherberd had the cotton gown on at Bow fair; the coat is my huſband's, the clouts are my own work, made out of old things; I can ſwear to the piece of canvas that they are pinned up in; I know nothing of the priſoners; the gown that I ſaw at Bow fair was flounced down with a gore, and it has been altered; at Spice iſland I enquired after them, and I found where they lived; I remember it was the priſoner I ſaw calling a coach; I went to ſearch their houſe, at young Brocks's in Spice iſland; Mr. Fletcher had the keys; they would not let me have them to try them; there I found ſome ſtrips of ſhirts; young Brocks informed us where the priſoner Ranſom lodged; Sherberd lodged in his houſe; in Brocks's houſe, I found this piece of my gown, which had been cut off; they were found in the lower fore room; this piece would match; here are one of the ſleeves of a ſhirt which is ſtained by the ſugars; here are two more ſleeves, and the hind and fore part of a ſhirt, and the collar and waiſtbands tore away; they were admitted to bail before the Magiſtrate.

Is not it a very common pattern?——Yes; I never ſaw the woman priſoner before, but walking up and down; I was poſitive to the women when I ſaw them.

Do you know that piece of canvas from any thing but its general appearance?——No, but I am ſure it is mine.

*Court.* When you went out, where did you leave your tinder box?——On the middle of the dreſſer, the flint and ſteel were laying on the dreſſer and the matches on the ground, and the candle very near burnt out.

Then there was the appearance of its being uſed in your abſence?——Yes.

### JOHN ORANGE *ſworn*.

On Sunday the 11th of June, Mr. Kidd and Thomas Cole, John Fletcher and me in company together, went to the apartments of Sherberd, in Ratcliffe pariſh, at one Brocks's houſe; we knocked at the door, and finding nobody anſwer we broke it open; we found nobody there; in the afternoon Thomas Cole, I, and Brocks, went to Ranſom's apartments, and found nobody at home; there we got into the back window; in ſearching his apartment, we found a chiſſel, a center-bit, and file in the back room; it is a little hut with two low rooms; we retired from there to a public houſe oppoſite, the Green Man; there I was informed where theſe things were in pawn, accordingly I went to Mr. Dobſon's in Bakers-row, and he was out; I went again on the Monday morning with Mr. Kidd.

### WILLIAM SPRAGG *ſworn*.

I live at Ratcliffe-croſs: on the 6th of June, Mr. Sherberd brought me a pair of nankeen breeches to alter them, to take them in; he took them away from me altered; then the other man priſoner came in, and told me he had a job to do; he took a handkerchief and untied it, and produced this coat which is here; he ſaid a woman had it to alter before; and I altered it, and on the 8th of June he fetched it away from me; I never ſaw the nankeen breeches before.

*Mrs. Kidd.* Here is the half handkerchief which was taken off Mrs. Ranſom's neck; I know this by the border.

Do you know it only by the border?——No, but it is cut in half, and it was put round her neck, and never hemmed; as ſoon as I ſaid this is my handkerchief, ſhe gave it to me, and gave me a ſhove, and ſaid take it, I had it with the reſt of the things; then I looked at her, and ſhe had one of my ſhifts on, and a pair of cotton ſtockings on; I ſaid I ought to have them, and Mr. Fletcher made anſwer, would you ſtrip her here; I knew the ſhift, it had a very little boſom, and when I lay in, I had it cut bigger, and afterwards I ſewed it with coarſe groat thread; I have the fellow to the ſtockings on at that time.

But you know there are a thouſand dozens made that are all fellows; was there any work upon them?——I did not examine them.

### THOMAS COLE *ſworn*.

The Sunday after Whitſunday, we had information to go into a houſe; and we went to the houſe of Sherberd, where we were told he lived, nobody was at home; we ſearched his apartments and found nothing; in the afternoon I heard where Ranſom lived; me and Mr. Orange went there; we got in at the window, and looked over the houſe, and found a parcel of things laying about; I found ſome things in a waſhing-tub; I ſent for the proſecutor and his wife, and they came; ſhe looked out what ſhe thought ſhe knew; ſhe ſaid there were ſome things there ſhe could ſwear to; ſhe wrung them out of the dirty water, and took them; on the evening of the ſame day, we took Mrs. Ranſom into cuſtody, we brought her to the watch-houſe; Mrs. Kidd then came, and ſwore to thoſe things that ſhe took of the tub; a conſiderable time after we had information of the two men, we took them at Haggerſton gardens, in Sherberd's houſe, as he ſaid, little huts.

### JOHN FLETCHER *ſworn.*

I heard of this robbery, and at Bow-fair I ſaw Mrs. Kidd, ſhe told me ſhe had ſeen the people that had robbed her, with the clothes on their back; I believe they had got a hint, and was gone away; I found out on the Sunday morning where one of the parties lived; I knew him very well before; I broke open the door, and went in and ſearched the place, and found a piece of a gown, which Mrs. Kidd ſaid was cut off her gown; it had been cut ſhorter; Mr. Brook the landlord told me Shrebred lodged there; in the evening I went to Spice Iſland, where I found Mrs. Ranſom; two of our people had been there before me; on Saturday week receiving information where Ranſom and Sherberd were, we went to a little houſe in Haggerſton's gardens; there were Ranſom and Sherberd together; Sherberd ſaid it was his apartment; we ſearched it every where, and in the window I found this centre bit; they had been at breakfaſt; they were going to remove, they were packing up their things; I afterwards went to the apartment where Ranſom ſaid he lived, and I found nothing there; I verily and ſincerely believe Sherberd lived at Brooks's; Brooks came before the Magiſtrate, and ſaid Sherberd lodged there, but Sherberd was not preſent; I found no keys particulat; I ſaw two or three ſmall keys, they were not picklock keys, and I left them behind; I found them at Sherberd's.

They ſay they were a large bunch of keys?——No, they were not.

Were not they before the Juſtice?——Never.

Are you ſure of that?——Poſitively, I ſhould have apprehended they were very material, if I found any ſuch thing in their apartment.

### JOHN TANN *ſworn.*

I apprehended the woman, as a woman of looſe character.

Did you know where Sherberd lodged?——Yes, in Whitechapel, at his father's houſe, a good while.

Do you know Brook?——No, I never ſaw him before yeſterday and to day.

*Mr. Peatt to Mrs. Kidd.* You ſuppoſe moſt of the things that lay there to be your's, and your huſband's?——Yes.

You expect to have them home with you, do you not?——I ſhould wiſh it.

You would be very loth to go home without them, would you not?——Yes.

*Court.* Among the things that you loſt, was there a pair of nankeen breeches?——Yes.

Is your huſband a larger ſized, or a ſmaller ſized man than Sherberd?——He is much about the ſame luſtineſs; but the breeches were a great deal too big for my huſband.

### PRISONER SHERBERD's DEFENCE.

I know nothing of it.

What is your way of life?——A ſhoemaker.

### PRISONER LUCY SHERBERD's DEFENCE.

I leave it to my counſel.

*(The priſoner Lucy Sherberd called two witneſſes, who gave her a good character.)*

### PRISONER RANSOM's DEFENCE.

Since trade has been ſo dead, I have dealt in Roſemary-lane, in buying and ſelling old clothes; and I have ſufficient witneſſes that I do deal there.

### PRISONER ELIZABETH RANSOM's DEFENCE.

I leave it to my counſel.

*Court to Ranſom and Sherberd.* How come you to leave your lodgings?——Becauſe trade was ſo dead.

(*The priſoner Ranſom and his wife called three witneſſes, who gave them a good character.*)

*Priſoner Ranſom.* Mr. Fletcher has ſeen my wife buying and ſelling clothes in the fair.

*Mr. Fletcher.* I would rather not be called on for character; I cannot ſay I have, and if I was to be called on for character, I ſhould ſay ſomething that might not be proper.

WILLIAM SHERBERD, GUILTY, **Death.**

LUCY SHERBERD, NOT GUILTY.

THOMAS RANSOM, GUILTY, **Death.**

ELIZABETH RANSOM, NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

782. The ſaid LUCY SHERBERD and ELIZABETH RANSOM were charged on another indictment for the ſame offence.

There being no evidence, they were

BOTH ACQUITTED.

783. JOSEPH JAMES was indicted for ſtealing, on the 4th day of October, three quarters of a pound weight of Spaniſh wool, value 2s. the property of perſons unknown.

### ——AFFLECK *ſworn.*

I am a labourer, and watchman to the Eaſt-India Company; I ſaw the priſoner pull out ſome Spaniſh wool out of a bale on the quay, and I delivered him to Fowler, a watchman; Butler took the wool from the priſoner in my preſence; I never loſt ſight of him.

### LUKE FOWLER *ſworn.*

I am a watchman to the Cuſtom-houſe; the laſt witneſs brought the priſoner to me; I delivered him to Mr. Butler, the conſtable, and I ſaw him take the property from him.

### JOHN AYLESBURY *ſworn.*

I am a porter; I landed a parcel of Spaniſh bags; they were not entered; their property is unknown; I ſaw Butler take this wool from under the priſoner's ſhirt.

### JOHN BUTLER *ſworn.*

I took charge of the priſoner, and this Spaniſh wool, which I found inſide of the priſoner's boſom under his ſhirt; I have had it ever ſince.

### PRISONER's DEFENCE.

I ſaw this wool lay, and I picked it up.

GUILTY.

*Whipped.*

*Tried by the London Jury before Mr.* ROSE.

784. MICHAEL QUIN was indicted for feloniouſly ſtealing, on the 5th day of October, two men's hats, value 12s. the property of Joſeph Norville.

### Mrs. NORVILLE *ſworn.*

I live at No. 40, Cornhill; I believe on the 5th of October, on a Wedneſday, I loſt two men's hats; I was in a back ſhop; the door was open, and I ſaw the back of the priſoner going out; Lawley came in, and I aſked him after him; he brought him back, and the hats; they were brought in without any paper, which diſtinguiſhed them from the others; I gave them to Mr. Norville.

### SAMUEL ROWLEY *ſworn.*

I ſaw the priſoner in the ſhop with the hats in his hand; he walked paſt me; I thought he had bought them till Mrs. Norville called to me to ſtop the boy, which I did; I took the hats from him and left them on the counter; there were ſeveral parcels of hats on the counter.

JOHN JACKSON *ſworn.*

I live oppoſite Mr. Norville's; I ſaw the priſoner come out of the ſhop with the hats; I ſaw Mr. Norville's man take him; I only ſaw a parcel of hats.

JOHN CROUCH *ſworn.*

I am a conſtable; I took charge of the priſoner and theſe two hats, they were on the counter, the proſecutor declared them to be his property, I have had them ever ſince. *(Depoſed to by the Proſecutor, marked* 6 M. O. A.*)*

*Court.* Had you at that time any borrowed hats that were not your own?——No.

PRISONER's DEFENCE.

I was coming up Cornhill, and a boy was with me, and I ſaw the two hats laying on the ſill of the door, and I went to ſhew them to the other boy, and they came and called me: I have no friends.

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the London Jury before* Mr. ROSE.

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785. MARY LONG was indicted for feloniouſly aſſaulting Ann, the wife of Henry Trunkett, on the King's highway, on the 30th of September laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, a gold locket, value 20s. his property.

ANN TRUNKETT *ſworn.*

I am wife of Henry Trunkett; on the 30th of September, I had been out to Covent-Garden market, and was returning into Bloomſbury, between eight and nine, where I live, two girls paſſed me and returned into the middle of the ſtreet, and the talleſt of the girls ſtruck at me, I was on the foot-path, the talleſt of the two attempted to ſtrike me, I ſhrunk back, I received a blow on my noſe and the ſide of my face; ſhe ſtruck me again, and I received a blow on my neck near my throat, with her hand, with her fiſt; at the ſame time, the ſame perſon that ſtruck me tore my locket from my handkerchief, and my handkerchief all down, ſhe ran by me and went towards Covent-Garden; I was ſtupified with the blow for a moment, I did not call out for any aſſiſtance, but on recovering myſelf I turned round and ſaw ſhe had turned into the Pizzas, I ſaw my locket in her hand with a piece of my handkerchief, ſhe turned round and d—d me for a b—h, and held up her fiſt.

What time was this?——It might be half an hour or thirty-five minutes after eight.

You ſpoke of two of them?——Yes, the other ſtood by the ſide of me all the time, but did not meddle with me at all; ſhe did not offer to aſſiſt me nor make her eſcape.

Did ſhe go away when the tall one went off?——No, ſhe ſtood ſtill.

Have you any thing to ſay againſt the woman at the bar?——I will not ſwear to her, but I believe ſhe is the woman.

How ſoon after did you ſee her?—That was on the Saturday evening, and I ſaw her on the Monday night at the watch-houſe in company with two more; I ſaw the locket before the magiſtrate.

Did ſhe ſay any thing to you before ſhe ſtruck you?——Nothing to the beſt of my remembrance.

Had you puſhed againſt her, or any thing of that kind?—No, I ſaw them there and gave way; they came from behind me, they went on before to the dark part of the ſtreet, and turned back and met me, by that time I was got to the dark part of Hart-ſtreet, which leads into James's-ſtreet.

*Court.* Could you obſerve whether ſhe ſnatched at your locket?—It has a buckle in the back of it that goes through and through the handkerchief; it was tight in the handkerchief, it was pulled out.

What was the handkerchief?——It was muſlin, it is here I believe ſome part of it.

### ELIZABETH GARDNER *ſworn.*

As I was coming through the Piazzas on Saturday night, me and another girl, to the beſt of my remembrance a little after eight, the *gentlewoman* the priſoner called over to the other girl that was along ſide of me, I aſked her if ſhe would have any thing to drink, with that Mary Long and me and the other girl immediately croſſed over the way.

What is the other girl's name?—Margaret Holmes; then we croſſed all three of us into James's-ſtreet, and went to the wine vaults; I aſked the other girl if ſhe would go home, and ſhe ſaid yes; ſo, ſays the girl at the bar, I will go ſee you to the top of James-ſtreet, and before ever we got to the top of James-ſtreet, the lady laid hold of me; I aſked her what was the matter, ſhe ſaid ſhe was robbed of her handkerchief; then I went through the Piazzas and I met the priſoner, and ſhe ſhewed me the handkerchief pin, and ſhe wanted me to lay hold of it in my hand, but I would not: immediately then I went through the Piazzas and went home.

How came ſhe by that handkerchief-pin?——I do not know indeed.

Where was the priſoner before the lady laid hold of you?——She was in James-ſtreet, ſhe was about a yard and a half off, I ſaw her do nothing to the lady; the lady told me that the priſoner ſnatched the pin out of her boſom; ſhe ran away in the ſpace of two minutes before the lady laid hold of me, the lady was cloſe to me at the time the priſoner ran away; I did not ſee any thing done to her.

What became of that handkerchief pin?——I do not know.

What ſort of a thing was it?——I only juſt ſaw it in her hand, it was all round trimmed with white ſtones, it gliſtened very much, I thought it had been diamonds.

### JOHN DAVIS *ſworn.*

On Saturday evening, the 30th of September, I was croſſing the way, and I ſaw the priſoner come running down James-ſtreet, and as ſhe paſſed me I heard the lady cry out ſtop that woman, ſhe has robbed me; I immediately run after her, ſhe turned the corner of the Piazza, and I loſt ſight of her, I returned back to the lady, and ſhe was all of a fright, I ſaw no more of it.

Are you ſure it was the priſoner you ſaw running?——Yes, I had ſeen her before, I knew her by ſight.

Where do you live?——In Covent-Garden.

### JACOB FREEMAN *ſworn.*

The night after the robbery was committed, I heard there had been an information laid at Bow-ſtreet concerning this robbery, and I heard the priſoner's name mentioned, I went on Sunday morning and apprehended all the three girls according to information, the priſoner for one, and this little girl that has juſt been examined, and another, were in three ſeparate apartments and three ſeparate houſes; and knowing the priſoner I went firſt for her, I took her out of bed, and put her in cuſtody of one of the officers that were with me, then I went in ſearch of the others; the next I took was this little girl, ſays ſhe, you do not want me, you want Mary Long; ſays I, how do you know that, ſays ſhe, becauſe Mary Long has the pin, I have not got it; and the priſoner ſaid afterwards, if you will go back with me I will ſhew you where it is; ſhe took me back to her houſe, and in the two pair of ſtairs, in the window that had been blinded, no light in it, ſhe had hid the pin, ſhe felt about a good while and pretended ſhe could not find it, the window being very high I could not get up, ſhe called a little boy and he clambered up and found it.

*(The pin produced and depoſed to.)*

Here is the handkerchief I had from the lady.

You found no part of the handkerchief?——No, I did not.

### PRISONER's DEFENCE.

The man took me out of bed on Sunday

morning, between eight and nine, to go with him, I aſked him for what; he ſaid, there was a robbery done about a lady's pin; coming down ſtairs, it is a light window on the ſtairs, and he ſwept his hand along the window, and ſaid this is what I wanted; I did not give him the pin.

GUILTY, Death.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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786. PETER BINKS was indicted for feloniouſly ſtealing, on the 4th day of October, ſeven pounds weight of black lead, value 18d. the property of Robert Kirkby.

ROBERT KIRKBY *ſworn.*

I only prove the property; I am a merchant.

WILLIAM WOOLDRIDGE *ſworn.*

I am a weigher; I ſaw the priſoner on Cox's Quay take a large piece of black lead out of one of the tubs and put it under his coat; I am ſure it was black lead becauſe I was at the landing of it; he went with it up the counting-houſe ſtairs, I told the porter, who is here, I ſaw the porter go after him; I ſaw no more; I ſaw the priſoner's face, that is the man.

JOHN ASBURY *ſworn.*

On the 4th of October I had been landing a parcel of black lead belonging to Mr. Kirkby, and part of it remained on the quay; it was on a Wedneſday; it was on Cox's quay; the heads of ſeveral of the caſks were out, ſo that the lead was all in ſight; Wooldridge told me, and I called to the priſoner, he heſitated, and I jumped upon the hurdles and took up an empty anchovy barrel with three pieces of black lead.

Did you ſee any caſk in the priſoner's hand?——His hand was on the caſk when I called to him; I gave the lead to one George Duke, who is not here, and I took the priſoner into cuſtody.

Did you mark the lead?——No, I know the lead, it was locked up in a cellar of which I have the key, I took it out of the cellar, it is the ſame lead, I gave it to the conſtable. It was Mr. Kirby's lead I am poſitive, there was no other lead on the quay but his.

JOHN BUTLER *ſworn.*

I produce three pieces of black lead, which I received from John Aſbury with the priſoner, I have kept it ever ſince.

ROBERT KIRKBY *ſworn.*

I know there was no other lead on the quay but mine; I can identify it no otherwiſe, I was on the quay almoſt all day, but there is nothing particular about it.

PRISONER's DEFENCE.

It was after one o'clock, theſe pieces lay on the ground, and I took them and put them on the hurdles, and I put them into a little caſk for ſafe cuſtody, and my maſter aſked me to hand them to him and I did; I intended to keep them till three till the weigher came.

GUILTY.

*To be whipped.*

*Tried by the London Jury before Mr.* ROSE.

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787. WILLIAM KENDRICK was indicted for feloniouſly ſtealing on the 5th day of September laſt, one linen handkerchief, value 6d. the property of a perſon unknown.

RICHARD WILLETT *ſworn.*

I am a houſekeeper and patrol belonging to St. Sepulchre's, on Tueſday the 5th of September laſt, at Bartholomew fair, between ſeven and eight, I ſaw the priſoner put his hand in a man's right hand coat pocket, and take his white linen handkerchief, I immediately laid hold of his hand with this handkerchief in his hand; I found nothing at all about him but another handkerchief which he ſaid was his; I am certain he is the man; I took him directly into cuſtody, he was very reſtive; he had got or nine ten with him, he made ſeveral blows at me.

*Priſoner.* How far was you diſtant from me?——Not a yard; the gentleman was ſhuffled away. I heard an offer was made to Oſborne.

*Priſoner.* Why did not you call to him?——I did not.

Was it not dark?——It certainly was dark, but at the ſame time all the links were round, and a ſhew juſt by; I took him at the back of the ſhew.

### PRISONER's DEFENCE.

The handkerchief he ſays I took I exchanged with a young man for a ſilk handkerchief, and I had it in my pocket, and I pulled it out to wipe my face, and he came and took me.

### ——— OSBORNE *ſworn.*

I am a gun-maker; I ſaw the other witneſs ſhoot forward and ſeize the priſoner's hand with this handkerchief in it, I aſſiſted to take him, I caught hold of his right hand, the priſoner threw his arms about, and ſaid you ſhall not take me, the others joſtled us; the priſoner ſaid at the watch-houſe, that he had had one handkerchief ſix weeks, and the other three months; and he ſaid they were neither of them marked; and they are both marked; the next day he offered me ſome atonement if I would not ſay too much; and when he was fully committed, he promiſed to drop me a guinea or two, not to appear before the Grand Jury.

*Priſoner.* Did I ſhew you any money?——No.

*Court to Willett.* Did you hear any offer made to Oſborn by the priſoner?—I did at Wood-ſtreet Compter.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* ROSE.

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788. THOMAS SORRELL was indicted for ſtealing on the 2d of October, eight pounds of brown ſugar, value 3s. the property of a perſon unknown.

### ——— HUNTER *ſworn.*

On Thurſday, the 26th of September, I ſaw the priſoner in a lighter, they were landing ſugar, I called him out of the lighter becauſe he was not employed, I ſearched him, and ſound eight pounds of ſugar about him, four or five pounds, of it was good ſugar, the other was ſcrapings; this was a tool he had with him, it is not allowed, but ſometimes they have them to ſcrape their caſks.

Did you employ this man at all?—No.

*Priſoner.* Was any hogſheads ſhattered?——Yes, very much ſo, but not quite out, the priſoner had no buſineſs there.

### ——— WELLS *ſworn.*

I know no more than what Hunter has ſaid.

### PRISONER's DEFENCE.

I have nothing to ſay.

GUILTY.

*To be whipped and ſix months impriſonment.*

*Tried by the London Jury before* *Mr. Juſtice* HEATH.

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789. FRANCES HALL was indicted for feloniouſly ſtealing, on the 22d day of October, two pint pewter pots, value 2s. the property of John Hobcroft.

### A WITNESS *ſworn.*

On the 22d of laſt month, there was an outcry of a perſon ſtealing pots, I followed her and took her to my houſe, ſhe was ſearched by the conſtable, and the property of Mr. Hobcroft I ſaw taken out of her pocket, which were two pint pots; they were given to Morris.

### ——— MORRIS *ſworn.*

I apprehended the priſoner, and ſhe took the pots out of her pocket; they have been in my poſſeſſion ever ſince; ſhe told me ſhe picked them up in a court.

*(The pots depoſed to by the proſecutor.)*

I miſſed ſome pots every day.

*Priſoner.* I have nothing to ſay.

GUILTY.

*To be privately whipped, and confined twelve months.*

*Tried by the London Jury before Mr. Juſtice* HEATH.

*Court to Priſoner.* Is there nobody that knows you?—Nobody that I can ſend to.

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790. THOMAS WELLS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Mayhew, about the hour of two in the night of the 7th of September, and burglariouſly ſtealing therein a ſilver gravy ſpoon, value 10s. a marrow ſpoon, value 10s. eleven table ſpoons, value 5l. 10s. a ſilver ſoup ladle, value 15s. a ſilver ſoup ladle, value 40s. eleven ſilver deſert ſpoons, value 3l. 10s. a ſilver punch ſtrainer, value 40s. three ſilver cruet tops, value 15s. one ebony cruet ſtand with a ſilver handle, value 10s. one ſilver noſſel of a candleſtick, value 20s. a tea cheſt, value 20s. a knife tray, value 2s. 6d. two pound weight of tea, value 20s. a tea canniſter, value 12d. a quart of brandy, value 3s. and a glaſs bottle, value 3d. his property.

*The witneſſes examined ſeparate, the caſe opened by Mr. Silveſter.*

SARAH WALL *ſworn.*

I am ſervant to Mr. John Mayhew at Hornſey; on the 7th of September, I was the laſt up, I made the houſe faſt, in the morning I found our parlour window broke open, between ſix and ſeven, when I came down, the bottom ſhutter, which was of the inſide, was broke; they had burſted the window open and burſt the latch off the top; it is a latch that ſlips, it is a ſaſh window that lifts up from the bottom, and the bolt that divides the ſaſh was burſt to lift the window up.

Was the ſaſh up or down? It was a little way up, the ſhutter was burſt, ſo as to enable them to take off both the bars, and the bell was taken off; I found one bell and one bar outſide of the parlour window, and one bar on the carpet; I found one piece of candle by the window ſide-board, and another piece of candle by the ſide-board; the ſide-board door was broke open, and there was ſome plate taken away, there was a punch ladle and a ſilver ſtrainer, and eleven deſert ſpoons, and one tea ſpoon, and an ebony caſter with ſilver tops, and three pieces of ſilver belonging to the oil and vinegar, were all miſſing; ſome of the things were on the ſide-board, and ſome in the cupboard which they broke, and ſome of the ſpoons were in the knife-caſe; I went to bed at night between ten and eleven.

*Mr. Knowlys, Priſoner's Counſel.* At the time you got up in the morning it was perfectly light I take it?——Yes.

JOHN LUCY *ſworn.*

I was with Mr. Shakeſhaft when the property he has to produce was delivered up by Athill.

JAMES SHAKESHAFT *ſworn.*

Mr. Athill was taken into cuſtody on Tueſday the 12th of September, about ſome linens, he was before the magiſtrate on the 13th, we knew nothing concerning this plate, he voluntarily delivered it up, here are eleven deſert ſpoons, and eleven table ſpoons, the bowl of a ſoup ladle, a marrow ſpoon, a gravy ſpoon, a punch ladle, a punch ſtrainer, one tea ſpoon, four ſalt ſpoons, three tops of cruets, the noſſel of a candleſtick, and the handle of a cruet-ſtand; he gave them up on the next day.

*Court.* Where did he produce them from?——I went with him in a coach to Hope-ſtreet, Spitalfields, not to his own houſe, but about five or ſix hundred yards from his own houſe; I heard the magiſtrate tell him when he delivered it up, ſays he, Mr. Athill I promiſe you nothing, nor do I know I ſhall do any thing for you.

WILLIAM MAYHEW *ſworn.*

*(Depoſed to the plate.)*

Here are ſome of the ſpoons which are marked with a mermaid, that I bought at a ſale, and ſome ſpoons with my initial, an M. I know all of them to be mine.

*Mr. Knowlys.* Are all the pieces of plate marked?—There is no mark on the tops of the cruets, but they were miſſing.

*Sarah Wall.* I know them all, they were in the houſe the night before.

### WILLIAM ATHILL *ſworn.*

Where did you get all this plate, and when?—I bought this of the priſoner at the bar, on the 8th of September, on the Friday morning.

Was any body preſent?—Yes, one Ann Cockvine.

Was any body elſe preſent?—No.

Who is Mary Taylor?—A little girl who is not here, ſhe was not preſent in the room.

What is ſhe?—She is a kinſwoman of mine that I have kept ever ſince her mother died; I bought it between eight and nine in the morning on the 8th of September, at my chamber in Black Eagle-Spitalfields.

Are you ſure that is the man you purchaſed it of?——Yes, very ſure.

Did you know him before?—Yes, I have known him I dare ſay about ſix or eight months.

*Mr. Knowlys.* Mr. Athill, if that Jury had heard your evidence on a former occaſion I would not aſk you a ſingle queſtion.

*Jury.* We were here, and are well ſatisfied of his character.

*Mr. Knowlys.* Then I will aſk you only this queſtion; how much did you give for all that plate?——Nine guineas, I was to have three ſhillings and ſixpence out of it, which the priſoner ſaid one Thomas King would bring to my houſe.

### ANN COCKVINE *ſworn.*

I live with Mr. Athill, this is the plate that Mr. Athill bought of Mr. Wells on Friday morning the 8th of September.

Where did he purchaſe it?——In his own houſe, where we live; I was getting up in the morning when Mr. Wells came in, I was dreſſing myſelf, he pulled out a handkerchief out of his pocket, which was under a ſmock frock that he had on, he deſired me to take it, I laid it on a table, and I deſired Mr. Athill to get up and weigh it, it came to nine guineas all but three ſhillings and ſixpence, and he ſaid he had no ſilver, but he would tell Thomas King, who was with him, and he ſhould bring it; he ſaid, that where that came from there was a great deal to be had, but they had only time to go into two rooms; and he ſaid that they were obliged to poiſon a very large dog before they could get that; he ſaid it came from Hornſey.

*Mr. Knowlys.* You are the ſame lady that was here on a former trial?——I was.

*Court to Proſecutor.* Was your dog poiſoned?—Yes; he was very well the evening before, and in the morning I found him dead in the yard; I had him opened, and they took a parcel of arſenick out of his ſtomach, which was ſewed up in bits of liver, with white thread; the pieces of liver were cut in chequers; the ſurgeon ſaid, he did not ſuppoſe he lived half an hour after he took it.

*Shakeſhaft.* When we apprehended the priſoner he was in a ſmock frock.

*Mr. Knowlys.* It was on the 12th when you apprehended him?—I cannot rightly ſay; it was a week after.

### PRISONER's DEFENCE.

I never ſold him any; I am a labourer.

Was you at work with any body at the time this happened?—No, my Lord, I was out of work.

What part of the town do you live in?——I lived in Shoreditch.

Have you any friends to ſpeak for you?——My friends are all gone; they have been waiting theſe two or three days.

GUILTY, Death.

*Priſoner.* I hope you will have ſome mercy.

*Court.* The offence you have committed entitles you to no mercy, unleſs you can redeem yourſelf by making ſome diſcoveries by which you may be uſeful; otherwiſe your crime is of ſuch a nature, that the welfare of ſociety at large demands you ſhould ſuffer; I wiſh I could ſhew you any mercy with all my heart.

*Priſoner.* My Lord, I never was here before.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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788. JOSEPH THOMPSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Theodore Horſley, about the hour of four in the night, on the 17th of September laſt, and burglariouſly ſtealing therein, two cloth coats, value 3l. two waiſtcoats, value 12s. and a linen chair cover, value 5s. his property.

*A ſecond count*, Charging the priſoner with ſtealing thoſe goods, on the ſame day, in the ſame dwelling houſe.

*(The witneſſes examined apart.)*

ROBERT HORSLEY *ſworn.*

I am ſon of Theodore Horſley; my father lives in Rathbone-place; he is a ſurgeon; on the 17th of September, his houſe was broke open, between the hours of four and ſix in the morning; I heard the bell which was faſtened to the window which was broke open tingle two or three times; I thought the coaches going by might make the bell tingle.

Does that happen ſometimes?——Yes, ſometimes, according how the bells are fixed; about half an hour after the laſt tingle, I heard a craſh in the kitchen window where I lay; I heard the ſhutter fall in, and ſome plates fall; I ſleep in the kitchen below; and I got up, I put on my ſtockings and breeches, and went up ſtairs and rang the parlour bell; nobody came down; I went up and told my father that ſomebody had broke into the houſe, and I looked out at the garret window and I ſaw the ſhutters of the kitchen pulled off; about half an hour after, I went down in the two pair of ſtairs room, and then I heard the plates crack again, which I thought was ſomebody coming in; when I was opening the two pair of ſtairs door, I heard like the handle of a drawer go; I ſaid, there is ſomebody in the houſe, for they are at the drawers.

Where did that noiſe ſeem to proceed from?——From a room that adjoins to the parlour; my father and me went down ſtairs, and looked about the parlour; we went into the ſurgery, and found the door open, and a green ſlider taken from off the drawer; ſays I, there certainly muſt be ſomebody in the houſe, for they have pulled this drawer out; there was a ſhutter that gives light to this room; I ſaw ſome clothes packed up, and a chair cover; they were laying on a chair in the ſtudy; I was going into the ſtudy, and the door would not go back; ſays I, there is ſomething behind the door; I looked behind the door, and I ſaw the priſoner behind the door; with that he came out, and he ſaid, let me go out, let me go out; my father and me would not let him go out; he had a ſcuffle in the paſſage; and there is a hatch door with ſpikes, and he tried to pitch my father's head on theſe ſpikes; I had a piece of marble hearth in my hand, and I hit him over the head with that, and ſtaggered him; he recovered that, and ran to the ſtreet door, and tried to get out; my father ran to the door, and ſnatched the key out; then I ran to the parlour window, and opened it and let in a perſon; then he was quiet; he was taken into the parlour; in two minutes, he ſaid, let me go, you have not got a conſtable; I got a conſtable and took him to the watch-houſe; I examined the kitchen window, and the bar of the window was broke near the middle; the ſaſh was not faſtened, ſo that he lifted that up.

Is there an area to your kitchen?—Yes, he got down into the area; the bar is here; the things that were packed up were two coats, and two waiſtcoats belonging to my father.

Was it day-light?——It was day-light when he was taken in the houſe.

Was it day-light when he broke in?——It was twilight.

*Priſoner.* Did not the gentleman take his oath at the office that it was half paſt ſix?

ſix ?——I took my oath it was between the hours of four and ſix.

*Priſoner.* I deſire you will enquire into this young man's character; here are people now in Court to prove, that he has been committed for robbing a man of his watch.

*Court.* Have you the impudence to talk about a man's character, when you was caught in the houſe, how came you into the houſe? you ought to have ſome ſenſe of your own condition!

## THEODORE HORSELY *ſworn.*

What o'clock was it when you was firſt called?——It was paſt four, but I cannot ſay how much; he was taken and delivered into cuſtody in my paſſage, after fighting with me half an hour; I firſt ſaw him in my ſtudy; I certainly ſaw the clothes packed up, two coats and a waiſtcoat, in the third room; they were hanging upon the chair backs in the ſtudy when I went to bed; I want to mention that the dreadful horror when he came behind the door certainly had a great effect on my mind.

## WILLIAM WILKINSON *ſworn.*

On the 17th of laſt month, I got up to go to work; as I was coming down Rathbone-place, I heard a cry; I jumped into the parlour; I went through the parlour and aſſiſted to take the priſoner in the houſe.

Did you ſee the clothes packed up?——I did not; it was between the hours of five and ſix.

How much after five?—I cannot rightly tell to a minute.

## —— STINTON *ſworn.*

As I was coming up Rathbone-place on the 17th of September; the ladies at the window, at No. 4, were calling out for aſſiſtance; they deſired me to aſſiſt, and the ſon of the houſe opened the door and let me in; I met the priſoner coming out, either of the fore parlour or the ſtudy; I took the priſoner by the collar of his coat, and held him; after he was put into the watch-houſe I went back to the gentleman's houſe, and he took me into the back place and ſhewed me the clothes; I believe they were looſe when I ſaw them.

## GEORGE BOYDEN *ſworn.*

At about half after five, I received the priſoner into cuſtody; I locked him up ſafe; I attended the beſt part of the day, and in the evening I ſaw many different people there; in the evening I applied to our clerk to have aſſiſtance; I thought I ſhould not be ſafe; accordingly he ordered me to get three or four men; when I came back I got one Johnſon, one of our patrols, and ſeveral of our neighbours came along with me; when I opened the watch-houſe door, the iron wicket door was broke down on the ground; one of the ſtaples of the lock-up door was drawn; the croſs bar that goes acroſs, that was likewiſe knocked down; I looked at him, ſays I, my friend, you have been at work here, you muſt have ſome working tools; I muſt ſee what ſort of working tools you have; he looks through the wicket door at me, ſays he, d——n your eyes, the firſt man that enters in here to me ſhall be a dead man; and I ſays to our patrol, draw your cutlaſs, and we will ſee who is to be the dead man; he drew his cutlaſs, and I ſaid, if you ſee him lift up his hand, cut him; three of four of us went in and ſearched him, and I looked down and found this large iron crow; I imagine it had been handed through the door; the watch-houſe is contiguous to the ſtreet, and has iron bars about an inch aſunder.

*Priſoner to Boyden.* Did not you ſay, that if I would give you three guineas, you would let me go?——Never was any ſuch propoſal; I have been thirteen years watch-houſe keeper.

*Court to Priſoner.* What are you?——I am a ſhoemaker; my friends are in the country.

*Court to Proſecutor.* Are the clothes here?—No.

*Court to Jury.* If you wiſh to know the value, we will ſend for the clothes.

*Proſecutor.* One is a black cloth hardly wore, and the other ſuit is new brown, that I have not had three times on.

What value do you ſet upon them?——It is a tender point, as it touches life; I would be as humane as I could be.

Anſwer the queſtion, what are they worth to be diſpoſed of?——They may be referred to any gentleman; I am upon the point of taking a man's life though he had no mercy upon me.

What did you pay for them?——Four pounds ten ſhillings, when I have the breeches to them they generally put ſix pounds to me.

*Court to Jury.* In eſtimating the value, you will not go beyond the value.

*Jury.* We are ſatisfied in this buſineſs, my Lord.

GUILTY,

*Of ſtealing to the value of 40s. but not of the burglary,* **Death.**

*Tried by the ſecond Middleſex Jury before Mr.* BARON EYRE.

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789. **RICHARD FERRIS** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Davis, about the hour of one in the night, on the 3d of October, and burglariouſly ſtealing therein, four linen ſhirts, value 6s. one cloth coat, value 4s. a pair of nankeen breeches, value 12d. a pair of cotton ſtockings, value 12d. four table cloths, value 4s. a flannel petticoat, value 12d. and two linen ſhifts, value 12d. his property.

MARTHA DAVIS *ſworn.*

I am wife of John Davis in Little St. Andrews's-ſtreet, Seven Dials; on the 3d of this month, my houſe was broke open; my kitchen was locked with a padlock; in the courſe of the evening the padlock was ſtolen, and at night when we went to bed, my huſband went down ſtairs, and drove in this great ſtaple; I ſaw him do it; I ſaid to him, are you ſure it is ſecure? he ſaid, yes; before that I carried down a large bundle of linen to be waſhed; I went down myſelf, and ſaw it was ſecure; I could not get it open at all; I faſtened the back door, and the maid and me went to bed; this is a kitchen door at the bottom of a back pair of ſtairs; there was a ſtreet door which was on the latch; I have lodgers, and one of them is a Marſhal's Court officer, and he is out late ſometimes; the woman came in the morning as uſual; I went down in my ſhift and took a large hammer and a poker, thinking to undo the door, and I found the door open, and my linen gone; this was as I believe a quarter after five; my huſband told the waſherwoman to go home, and he followed her, and ſaid, let me look about your place before I go; he returned and found nothing; and a woman came in, and ſaid, miſtreſs, have you been robbed? ſays I, how came you to aſk that queſtion, I inſiſt upon knowing how you came to know; I threatened to ſend for an officer; then ſhe ſaid, it was one Richard Ferris, a barber, that he had a large bundle of linen on his back in the morning, and that he had poſitively declared he had *done* Mrs. Davis; I told my huſband that I had ſeen the priſoner ſeveral times at our ſhop; I ſaid, I will have him if he was above ground; I went many miles after him the next day, and coming down St. Martin's-lane I met him very drunk indeed; I laid hold of him by the collar; I ſaid, you are the man I have been looking for all day; he ſaid, what is the matter? ſays I, you know very well; I made him come along with me; when he came to the top of St. Martin's-lane, he wanted to get away; then I ſent for a conſtable and charged him with him; when I came up to the office he acknowledged to me he was the man that committed the robbery; it was at Litchfield-ſtreet office; they told me it was death; I ſaid, I would wiſh to ſave his life; this is the tool that was found upon the ſtairs when I went down in the morning.

*Court.* When you promiſed him to try to ſave his life, was it before he told you or after?——I did tell him I would endeavour to ſave his life, if he would tell me where my property was, and he told me where five ſhirts was; ſomebody found this tool on the ſtairs, I took it to be a ſcrew driver.

### ROBERT JONES *ſworn.*

I am a pawnbroker in New-ſtreet, St. Martin's; a man of the name of Ferris, came and pledged theſe three ſhirts with me on the 4th of this month for eighteen pence; it was about nine in the morning; I never ſaw him before.

Is that the man that pawned them?——I cannot tell; I did not know him; that is the man that I ſaw in the office; he was a ſtranger to me; I took the things in myſelf.

### JOSEPH SMITH *ſworn.*

I am a pawnbroker, No. 135, Drury-lane; I have a coat, and a pair of breeches and ſtockings; I received them of the priſoner on the 4th of this month in the morning; upon which I lent him ſix ſhillings.

### DAVID GORDON *ſworn.*

I am a pawnbroker in St. Martin's-lane; I produce two ſhirts which the priſoner pawned on the 4th of October in the morning before nine; I have known him for three or four years back.

### PATRICK DIVINE *ſworn.*

I am door keeper at the Rotation-office, at Litchfield-ſtreet; I live next door to Mrs. Davis, in Little St. Andrew-ſtreet, on the 4th of October I met Mr. and Mrs. Davis at the office, I directed them to get ſome printed bills; I heard no more of it till I was coming home, after the office was over; then I went into Mrs. Davis's, and ſhe gave me charge of the priſoner; I took him to the Rotation-office and ſearched him and found nothing upon him; he told me where ſome of the things were in pawn; he refuſed to give any farther account of any thing elſe, but on examining the other pawnbrokers we found the things.

*Mrs. Davis.* I can ſwear to all the things that are here.

### PRISONER's DEFENCE.

On that morning I was going to dreſs a gentleman in Oxford-road, and going paſt this door I ſaw the bundle lay, and I took it up, and being a little ſhort of money I parted with the things; I intended to return them to the proper owners.

What way of life have you been in?——A hair dreſſer.

*The priſoner called two witneſſes who gave him a good character.*

GUILTY,

*Of ſtealing, but not of the burglary.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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790. STEPHEN NEWMAN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Joſeph Banfield, about the hour of ſeven in the night, on the 4th day of October, and burglariouſly ſtealing therein, one iron japan tea tray, value 8s. his property.

### ELIZABETH BANFIELD *ſworn.*

Joſeph Banfield is my father; he lives at No. 6, London-ſtreet, Ratcliffe; I loſt this tea tray, on Wedneſday, the 4th of October, about ſeven in the evening, I was going to ſhut the parlour window; I always make it a rule to ſhut them myſelf; I unbuttoned the parlour door, and the window is almoſt before the door; I had a candle and candleſtick in my hand, and then I ſaw the window was about one pane up, and a man's hand in a blue jacket, and the tea tray half in and half out; I immediately cried out ſtop; the man turned the board, and drew it out directly; I put my two hands on the ſeat of the chair that lay next to the back of the window, and I gave a jump out of the window into the ſtreet, which is upwards of two yards from the ground; I have had it meaſured ſince; I came beyond the paving, I ſaw the priſoner running acroſs the ſtreet, ſwinging his hand; I cried ſtop thief, he cried ſtop thief, too; it was a very rainy night; I thought that I run down the middle of the ſtreet, as he ran down the pavement, I ſhould catch him, but before I met him, he was ſtopped by a young man.

—Did you recover the tray?——He let the tray fall; I did not ſee him put it down; and when the man was taken, I began to look for the tray, ſurely, ſays I, I am not miſtaken in the man, where could he put the tray? ſo the young man that caught him, ſaw him throw ſomething white over a wall; oh, ſays I, there nothing in the parlour but my cloak; they went and looked, and there was an old ſheet; here is a gentleman here that found the tray, as he was coming out of his door, almoſt oppoſite our houſe.

*Priſoner.* Pleaſe to aſk the proſecutrix, did not you ſay you believed I was not the perſon when I was firſt ſtopped?——No, Sir, I caught hold of his arm, and ſaid this is the man, do not let him go; and I ſaid aſſiſtance, aſſiſtance, as loud as I could.

### ——BLUNDEL *ſworn.*

I was coming along, I ſaw the priſoner running; Miſs Banfield was behind him; ſhe was crying out ſtop thief, and I juſt laid hold of him, and I ſaw him throw a bundle over the wall; then Miſs Banfield came up, and deſired me to take him into cuſtody; ſhe ſaid they did not know what they had loſt.

### WILLIAM MATTHEWS *ſworn.*

On Wedneſday, the 4th of October, about ſeven in the evening, I was coming out of my father's houſe, and cloſe by the ſteps of my father's door, I perceived ſomething ſtanding on its edge; my father's houſe is nearly oppoſite to Captain Banfield, near twenty yards acroſs the ſtreet; I generally make it a cuſtom to put my foot againſt the cellar window, to ſee if it is bolted, and there the tea tray ſtood; it is a japanned tea tray.

(*Produced.*)

*Miſs Banfield.* I could not ſwear to the face, but I can to the back, where my father put baize, becauſe it ſhould not ſcratch the table; I have no doubt of its being my father's property; he ſaid at Juſtice Staple's, he ſaw me jump out of the window.

### JOHN TRINDER *ſworn.*

I was coming by, and I heard the cry of ſtop thief; I heard the voice of a young woman crying ſtop thief, and a man like a ſeaman after him; he was ſtopped by a young man, and threw ſomething over the pales, and the gentlewoman came up immediately, then I croſſed over the ſtreet to him.

### JOHN ORANGE *ſworn.*

I was ſent for to take charge of the priſoner; when I came, he was in a box, with the tea tray before him, and an old ſheet; I ſecured him, and brought him to the publick office, Shadwell.

### PRISONER's DEFENCE.

I went down to Blackwall to go out in the King George Indiaman; I am a gunſmith by trade, and have a wife and three children; I was going to India; I have not been able to work ſince I was caſt away in the Halſewell Eaſt Indiaman; I heard the gentlewoman crying ſtop thief; I ſaid what is the matter; I run after him, and ſpoke to that good man; ſhe came up and gave charge of me; when ſhe came up, ſays ſhe, I cannot be poſitive whether that is the man or no; I ſpoke to her firſt, and aſked her what was the matter.

*Miſs Banfield.* He never ſpoke a word to me.

*Priſoner.* My friends are all at Plymouth; I have a wife and three children in the yard.

*Court.* There is no direct evidence that the priſoner did lift up the ſaſh.

GUILTY, *but not of the burglary.*

*Whipped, and confined twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

791. **MARY WARD** was indicted for feloniouſly ſtealing, on the 12th day of September laſt, one iron ſmoothing plane, value 1s. one goodge, value 6d. and two gages, value 6d. the property of Henry Hewit.

The priſoner came to beg ſome chips, and ſtole the tools, which were taken on her, under the chips.

GUILTY, 10d.

*Privately whipped, and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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792. **WILLIAM ELLIS** was indicted for feloniouſly ſtealing, on the 16th day of September laſt, one buſhel of apples, value 2s. 6d. one buſhel and an half of green peas, value 3s. one linen handkerchief, value 6d. and a claſp knife, value 6d. the property of Samuel Thornton.

The proſecutor was called on his recognizance, and not appearing, the priſoner was

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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793. **JAMES THOMAS** was indicted for feloniouſly ſtealing, on the 28th day of September laſt, one pair of cotton ſtockings, value 2s. one pair of worſted ſtockings, value 20d. and one pair of ſilk and worſted ſtockings, value 2s. the property of Robert Pinches.

Thomas Ward ſaw the priſoner take the ſtockings, and took him directly with the property upon him.

GUILTY.

*Whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

The Trial of William Flint, for a Rape on Elizabeth Dixon, and of John Hodge, for another Rape on Elizabeth Smith, will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

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AND ALSO
The Gaol Delivery for the County of *Middleſex*,
HELD AT
# JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 25th of OCTOBER, 1786, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of
**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY
**E. HODGSON,**
PROFESSOR OF SHORT-HAND,
And Publiſhed by Authority.

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## NUMBER VIII. PART V.

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M'DCC LXXXVI.

# THE WHOLE

# PROCEEDINGS

# UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

794. THOMAS PLATA otherwiſe PLATO, and FRANCIS PARKER, were indicted, for that they not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the Devil, on the 11th day of September, in the pariſh of St. Sepulchre, in the city of London, in a certain open and public market there, called Smithfield-market, where in the open and public ſtreets, there were divers liege ſubjects of our Lord the King paſſing and repaſſing, a certain bullock, price 10l. of and belonging to one Thomas Jackſon, which was wild and miſchievous, and then and there ſecured, unlawfully, wilfully, and of their malice aforethought, did ſet at large, well knowing the ſaid bullock was wild and miſchievous, and that they did then and there feloniouſly and wilfully, and of their malice aforethought, drive him with great force and violence along and through the ſaid public market, and along through a certain public ſtreet in the King's highway, called St. John's-ſtreet, by means of which ſetting at large the ſaid bullock, and driving him with force and violence as aforeſaid, the ſaid bullock with a certain horn on the right ſide of the head of the ſaid bullock did ſtrike, penetrate, gore, and wound one James Meſſenger in and upon the lower part of the belly, he being in the peace of God and our Lord the King, and being on the King's highway, giving him with ſuch ſtriking, penetrating, goring, and wounding as aforeſaid, one mortal wound in and upon the ſaid lower part of the right ſide of the belly of him the ſaid James, of the depth of five inches, and of the width of one inch, of which he languiſhed from the ſaid 11th of September till the 12th of the ſaid month, and languiſhing did live, on which 12th of September, he, the ſaid James Meſſenger, did die; and ſo the Jurors ſay, that they the ſaid Thomas Plata, otherwiſe Plato, and Francis Parker, the ſaid James Meſſenger, feloniouſly, wilfully, and of their malice aforethought, did kill and murder. They alſo ſtood charged on the Coroner's inquiſition with killing and ſlaying the ſaid James Meſſenger *.

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* William Nicholas ſerved this day in the room of John Smith.

THOMAS JACKSON *ſworn.*

I live at Stoke Newington; I bought a bullock, on the 11th of September, in Smithfield market, of Mr. Ireland; I went to breakfaſt between ſeven and eight, and when I came from breakfaſt about half after eight or nine, I met a butcher, and he ſaid, is this your Scot? it is a little wildiſh, I would have you take care of him; I ſaid I did not know of it; accordingly I went to the bullock, and the two priſoners ſtood at the hind part of the bullock, I looked at it, and either one or both of the priſoners perſuaded me to have it locked up at one of the inns, and I gave them a pint of beer to lock it up.

Can you tell which of them it was that perſuaded you?——I cannot ſay indeed; I gave the pint of beer to one of them, I cannot tell which, they ſaid they would put it into the Bell, I went to pay for it at the Bull's Head, and in about ten minutes I came to ſee about it, and I was told it was run away, when I had ſtood a minute or two, there was a mob of people coming back, with a poor man brought on a window ſhutter through Smithfield, which very greatly ſurprized me, I made all the haſte I could home, directly I rode after the bullock to Holloway turnpike, I enquired about him, and found it was gone to Holloway; I found it laid down by a little public houſe on this ſide Holloway, on the right hand ſide of the way, I underſtood it had run at ſome people, and there it fell; I ordered my man to cut the tail a little bit, and it bled a little, but we could not get it up till we killed it, and we brought it to Iſlington; I meant to order it to the Bell till my own drover, who was a careful man, came from Stoke-Newington, who would drive it carefully.

Theſe men had your authority and conſent to carry it to the Bell-Inn?——Yes.

What is the name of the butcher that gave you advice to take care of it?——Mr. Peach of Shoreditch; the perſon of whom I bought it ſaid he was not ſubpœned, and would not come; the ſaleſman ſaid he knew nothing of it, he told me repeatedly that he had not the leaſt knowledge of it's being vicious; but the priſoners did.

CHRISTOPH. BLACKWELL *ſworn.*

On Monday morning the 11th of September, I went to cheapen a bullock juſt by where this wild bullock ſtood, and this Plata, the priſoner, and another ſays, do not go nigh that bullock, it is mad, it is wild, for I am obliged to tie it up with a double rope, or it would run at any thing when it came into Smithfield; I ſaid to him if that is the caſe you ſhould ſecure it before you take it off from the rails, that it may not do any miſchief, he made no anſwer; I drew off for about half an hour, after that the two priſoners at the bar had got this bullock untied and looſe, one was at the head and the other at the tail of it after it was looſe from the rail, the priſoner Parker with a ſtick took and pricked it, and forced it almoſt upon me, indeed I was but a little way from it; after that he kept following cloſe, to the tail of it, and ſpurring it with his ſtick, forcing it away, forcing it on, with that I followed him, or ſaw what he was after, and he kept pricking it the ſame till he forced it away from the other beaſts, with that it took to its heels and ran up St. John's-ſtreet, and the two priſoners after it; I ſaid to the perſon that ſtood by, that bullock will do ſome miſchief which theſe raſcals are after; I had not ſpoke a quarter of an hour before the poor man, Meſſenger, was brought back with his bowels out, carrying to the hoſpital; I underſtood the bullock was followed to Holloway and brought back to Iſlington; I went up to Iſlington in the afternoon to ſee whether the bullock was the ſame, and I found it was the ſame, coming to the hoſpital to ſee how the poor man did, I ſaw Parker in Long-lane, Smithfield, and I ſaid to him you muſt be a very bad man to take this bullock out knowing it to be wild, whereby this poor man will loſe his life; he gave me a good deal of abuſe and ill language, and told me that he ſhould have one of mine hunted off before a month's time; I ſaid no more to him but I came away.

*Court.* Did Parker hear what Plato ſaid to you about going near the beaſt?——I do not know, he was not near at the time.

Is the pricking and goading of bullocks at all neceſſary to force them from the reſt of the beaſts?—In order to ſeparate them from the others, they do ſometimes.

Suppoſe for inſtance, they were going to put that bullock up at the Bell, would it have been neceſſary to prick it, and force it, to get into the yard?——No, my Lord, becauſe I ſhould take ſome others with it, and there were two other beaſts with it.

*Jackſon.* My Lord, they ſaid they would take two other beaſts with it, in order to ſecure it.

*To Blackwell.* Then there were three beaſts looſe in all?—Yes, I look upon it, that this bullock would not have gone away from the reſt, if it had not been forced by the ill uſage from this drover.

Then ſuppoſing their buſineſs was to have driven the three beaſts to the Bell Inn, in your judgement was they conducting them properly, in forcing them with their ſticks?——Undoubtedly they were doing wrong, for they forced it in ſuch a manner, that they forced it away from the others.

Where was Plato at the time that Parker was urging the beaſt on?——He was on one ſide of him; Plato was keeping them together.

Then according to you account, Plato was doing what he ought to do?—He was not doing any thing wrong in forcing it away, only knowing the bullock to be mad, he was forcing it from the rails.

Theſe drovers are dextrous fellows in the management of their beaſts?—They do a great deal of miſchief; they very often truſt too much to their dexterity; this man Mr. Jackſon loſt three or four pounds by the bullock; it was not fit for any uſe at all.

*Court.* How far did he follow the bullock in your ſight?—He followed it quite out of Smithfield.

## JOHN GOODWIN *ſworn.*

I am ſervant to Mr. Dickenſon, the brewer; as I was going to breakfaſt on Monday, the 11th of September, coming up my maſter's yard, I ſaw a bullock come running up St. John's-ſtreet, and I ſtopped a little, and the bullock ran by me; facing Ayleſbury-ſtreet he ſtopped, and headed that way; there were three bakers coming by with pails of yeaſt upon their heads, and another man ſtanding againſt the poſt at the corner of the ſtreet, daring the bullock.

What do you mean by *daring*?—Wavering his hat backwards and forwards, whether to keep the bullock from himſelf or no, I do not know: after it was dared a little time, the bullock ran between the poſt and the houſe, and this man that was behind the poſt, ſlipped on one ſide into the ſtreet, that goes into the high way, and the deceaſed was coming juſt to the corner, and the bullock caught him, and *ſmacked* him againſt the wall, and he tumbled down; and as ſoon as ever the bullock had done that, he ſet up the ſtreet as hard as he could run; and the man got on his hands and knees, and leaned againſt the wall, till aſſiſtance came to him; the man was taken to the hoſpital afterwards; I know the man's ſon very well, but I did not know it was the father till it was done; his name is Meſſenger; I ſaw him in the hoſpital after he was dead, the night the Coroner ſat upon him.

Look at the two priſoners, did you ſee any thing of them there?——I cannot ſay I did.

## THOMAS RAMSDEN *ſworn.*

On Monday the 11th of September laſt, a little after nine in the morning, I was deſired to attend an accident in St. Bartholomew's hoſpital; I immediately went, and found the deceaſed in bed, with a large wound on the lower part of the right ſide of his belly, through which about two-thirds of his inteſtines protruded; they were ſoon after returned, and the wound was ſewed up; he lay in great

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agonies, till between four and five the following day, and then expired.

Could you diſcover at the time, or have you diſcovered ſince, whether the inteſtines were wounded?—The inteſtines were not wounded.

That wound, I preſume, was in your judgement, the cauſe of the man's death? ——It was.

*Court to priſoner Plato.* You are charged with having maliciouſly looſened a bullock, and aſſiſted in driving it with violence through Smithfield, for the purpoſe of its injuring ſome of the king's ſubjects; in conſequence of which, this bullock wounded James Meſſenger, and of this wound he died; and this the indictment charges to be murder in you.

## Prisoner Plato's Defence.

I have been a drover theſe ſixteen years; we had ninety beaſts for Mr. Ireland the Saleſman; Jackſon came round, and he bought the bullock; I took off the tail; I told him he was wild; I borrowed two bullocks, and I took the bullock off; I did not think it neceſſary to hamper him; I looſened him to go with the two beaſts I had got; I drove them out very quiet; the reſt of the drovers might force it, and prick it; I got him to the place where the pigs is, and one of the pigs run betwixt his two fore legs, and he ſet off directly; then he ran clean out of the market; the bullock, had he not been pricked by the reſt of the drovers, would have gone quiet enough; he ran that way, and miſſed me, and flew into the pig-pen; I followed him up St. John-ſtreet, to the corner of Ayleſbury-ſtreet, there he ſtopped; I ſaw three bakers with their pails, making game of him; they rattled their pails at him; I deſired them to get out of the way; he run into the path; he miſſed the two bakers, and catched the deceaſed; I followed the bullock all the way to Holloway, and there I roped him.

*Court.* How came you, after the caution you had, when you knew that the bullock was wild, how came you to looſen it, without it's being properly ſecured?——Mr. Jackſon knows that he told me, if I would take it off for him, he would be obliged to me.

The queſtion I aſk you is, why you looſed him wholly, why you did not hamper him immediately?——That bullock, if he had been left to myſelf, I could have drove him twenty miles with any two or three beaſts, had he not been pricked about the market; the bullock was not half ſo wild as they ſay he was, when he was againſt the rails; here is a man at the door who tied him up; Mr. Jackſon gave me a penny three farthings, and promiſed to give me more.

Did not Parker lend you a hand to drive him?—He lent me a hand to put it up in the yard, but it was more than we both could do.

## Prisoner Parker's Defence.

I was ſtanding by the beaſts, and this beaſt was coming by, and I held up my ſtick, which had no pricker in it; I run with the two beaſts to get them to go after the bullock, but they were too heavy; as to touching the bullock with a ſtick, or meddle with him, I never did.

*To Mr. Blackwell.* Do you frequent the market much?——Yes, I am in the market every day.

## WILLIAM LEE *ſworn.*

I know Plato; he drives for the ſame man I do; he is a drover to Mr. Ireland.

How many men does he employ?—According to the quantity of beaſts he has; all I know about it is, that the bullock was a little wild in the evening we marked him; he did not ſeem to be any way outrageous; I had not diſcovered him to be more outrageous than any of the reſt; there were twelve of that ſort; when we came down we tied him up; we had ſome ſuſpicion; he made ſome reſiſtance when he was firſt tied, and we put on another tie; being wild ſometimes we do ſo for fear the tie may break; they often reſiſt when they are not wild; he ſtood very quiet; Mr.

Jackſon came round and bought him; when he came down in the market again, Plato told him it was ſkittiſh and wild, and he had better lock him up, for it would be cooler for his feet; Mr. Jackſon aſked him if he could get him locked up for him, and he told him he would if he could, he would borrow ſome beaſts and get him locked up; accordingly he borrowed two beaſts of William Smith, a drover, that were going home to a butcher's ſhop, to keep company with the bullock; then they went and untied the beaſts; Smith helped to drive them; and he went away with the other two beaſts, and I ſaw no more of him.

Where was Parker when the beaſt was looſened?——I did not ſee Parker near the beaſt all the morning.

Where is Parker's proper ſtand?—Juſt below mine.

Did not Parker help Plato to drive this beaſt?—Not that I ſaw; William Smith went with him to lock the beaſt up; he is at the door.

How far was you from this beaſt before it was looſed?——Not above a yard or two, cloſe behind him.

Then you was cloſe when he was untied?——Yes.

And when the three beaſts ran off?--Yes.

Did not you ſee Parker there then?——I did not ſee Parker nigh; I did not ſee Mr. Blackwell.

Where they went to you did not take notice?——No, I did not; they went towards the Ram Inn; I did not ſee them afterwards till I heard of the accident; I never ſaw Parker at all.

Did you watch the beaſts off to ſee which way they went?—I did; I watched them about ten yards or more; I never ſaw Parker at all; I watched them I can ſafely ſay ten yards.

Conſider what you ſay, my friend?—I do Sir, I do.

Did they ſeparate?——They continued to go on together.

And all that time you did not ſee Parker?——I did not ſee Parker.

## WILLIAM SMITH *ſworn*.

I am a drover; I was driving two cattle out of Smithfield, the day that this accident happened; for Tom Plato's maſter, Mr. Ireland, he came to me and aſked me for two beaſts, ſays Plato, I have got a beaſt here that is wildiſh, I wiſh you would help me, for the butcher has given me a pint of beer to lock him up; he did not ſay what butcher; nor I did not go; I lent him two beaſts, and in going along the carts and coaches made ſuch a noiſe, that it drove one of mine along with it, and it took up St. John's-ſtreet, and mine with it, and I went and fetched mine back; preſently the man was brought back killed; I verily believe Plato is innocent of it; he begged and prayed of the people not to make a noiſe, but to let it alone; I never ſaw any thing of Parker; nor to my knowledge I never ſaw him at all with the bullock.

Did you ſee Mr. Blackwell?——No, Sir, I did not.

*Court to Blackwell.* Did you ſee that man there?——No, Sir, I did not ſee him at all.

Was there nobody to take care of theſe other two beaſts?——I do not know that there were; I ſaw nobody but the two priſoners after the three beaſts; I have ſeen Lee in Smithfield; I do not know his ſtation; nor I do not remember ſeeing Smith in Smithfield at all.

*Court to Smith.* Who was you employed for?——For Meſſrs. Boys and Ure, in Roſe-ſtreet, Newgate-market.

*Priſoner Plato.* It being Saturday, there is no other butcher here; Mr. Blackwell knows me very well; I have been in the market ſixteen years; I have a wife and three children.

*Blackwell.* As to his general behaviour I do not know any thing at all; they are all very bad fellows, and ſometimes they act with a great deal of cruelty to the cattle, and if we ſay any thing to them, we only get ill will, and abuſive language.

*Court.* Is it a very common thing to

tie beaſts, or do they depend on their ſkill in general?——If they take them out they generally cut them down or diſable them, or hamſtring them, or tie them by the horn of the head; but the proper method when a bullock is mad as this was, is to have him confined; Plato told me it was wild, and ſays he, I am obliged to tie it up with two ties.

*Priſoner Plato.* I declare to God, I never ſaw Mr. Blackwell, ſo help me God Almighty.

*Lee.* The bullock was wild at Boſton, in Lincolnſhire; he ran at a country drover, ſo he told me over night; but the bullock was pretty well then; it came very well along with the reſt of the beaſts; we had a bullock yeſterday, and after his fellow bullocks ran away from him, he was as mad as a March hare almoſt; he was killed directly; we always tell a butcher when he is wild.

*Court.* Gentlemen of the Jury, this is perfectly a new caſe in practice; though the principle of law is by no means new; the principle of law undoubtedly is, that if any man wilfully and maliciouſly drives a beaſt which he knows to be wild and miſchievous into a crowd of people, meaning to do miſchief, that ſuch a man will be anſwerable for all the conſequences that that act produced, and that if a paſſenger is gored paſſing by, by a bullock under thoſe circumſtances, and dies of a wound, it will be murder in the perſon who is the cauſe of it, by that wilful and malicious act, which had a neceſſary tendency to do wilful and bodily harm to whoever ſhould meet that beaſt: This is certainly a principle of the law of England; at the ſame time, that I do not know that there has been any inſtance that has fallen within that principle in my experience; it is therefore extremely neceſſary to be careful what to do; to underſtand very well the correct ſtate of the matter of fact; and alſo to attend cloſely and minutely to the principle of law; now this indictment ſeems to me to have very properly ſtated the charge, by way of application to that general principle, and it therefore ſtates, that theſe two men did wilfully and maliciouſly, knowing this to be a wild and miſchievous beaſt, looſen him, and drive him, and goad him through the market, by which this miſchief was conſequently produced; that the beaſt by being ſo drove, ran againſt this unhappy man, and gored him in the belly, of which he died: the conſtituent parts of the charge are firſt, that they knew this beaſt was miſchievous; in the next place, that they looſened him for a miſchievous purpoſe, intending to do miſchief; and in the next place, that having looſened him, they drove him in a malicious and miſchievous manner through the market, which irritated him ſo as to induce him to commit the miſchief as followed. As to the matter of fact, the repreſentation of the fact is unfortunately very different, by different witneſſes; therefore you are to aſcertain the fact in the beſt manner you can, as you muſt, where it does happen that the repreſentation differs, as I am afraid you will find it does in this caſe: You muſt therefore judge for yourſelves, and determine what is the preciſe ſtate of the fact before you can go a ſtep farther. According to the account given by the priſoners two witneſſes, the priſoner Parker, who is charged by the witneſſes on the part of the proſecution, as moſt active and miſchievous, appears not to be there at all, which flatly contradicts Mr. Blackwell, who repreſents Parker, as taking pains to get him to do miſchief; you have therefore the diſagreeable circumſtance to collect the fact, and to apply it to the rules of law, upon which the quality of the offence muſt be tried and determined; there is no remedy but patient and cool conſideration of the evidence, to ſee where the truth is moſt likely to lay; you muſt do that in this caſe; you muſt firſt of all determine whether you believe Blackwell, or theſe two drovers; if you believe theſe two drovers, I hardly think there is any room to impute any offence whatever to the priſoners; becauſe though the beaſt was a wildiſh beaſt, yet the manner of taking two other beaſts to go along with him, ſeems a reaſonable care, if not quite ſufficient: It is not very unreaſonable, if their repreſentation be true, to believe that the drovers did really think they ſhould be able to manage the beaſt very well, and that no harm would enſue: on the other hand if you ſhould be of opinion that the repreſentation made by Blackwell is the truth, and that the drovers have ſworn falſely; to be ſure that alters the caſe; and if you ſhould be perſuaded that the priſoner Parker (for Blackwell does not charge Plato with any thing more than a knowledge that the bullock was wild) had ſo infernal a miſchief in his head, as to wiſh to provoke this beaſt, in order to drive him mad, in order to make him do miſchief to ſome perſon, for the abominable entertainment it would afford him and the mob; I do not ſee how the crime can fall ſhort with reſpect to him of that of murder; but with reſpect to Plato, the moſt that can be urged againſt him is, that he knew the ſtate of this beaſt, and to be ſure where the neglect is very groſs, it will ſometimes amount to the crime of manſlaughter, as where a man drives furiouſly along the ſtreet and drives over any perſon; but you muſt ſuppoſe him to drive *at* people to make it amount to murder; on the other hand, if the true complection of the caſe is, that Mr. Blackwell has ſeen it in a little too ſtrong a light with regard to Parker, and that he is not warranted in his concluſion, to uſe that expreſſion which he uſed, "of ſeeing what he meant to be at;" and that Parker, though not ſo careful as he ought to have been, only tried to get the beaſt to the place of his deſtination; then there would be a ground to take the middle courſe, and to ſay, that as to Parker, he would be guilty of the other crime of manſlaughter, and as to Plato, if you ſhould be of opinion, that he cannot be excuſed for truſting to his dexterity, he may be guilty of manſlaughter alſo; it ought to be a very ſtrong plain caſe of wilful and intentional miſchief, that ſhould lead you to carry this to the utmoſt ſtrictneſs againſt theſe priſoners: To the nature of their buſineſs ſome indulgence ſhould be given; men like them fall into habits of unneceſſary ſeverity, very often without much malignity of heart; men in ſuch ſituations acquire dangerous and bad habits; they are not to be tolerated to be ſure, but at the ſame time, when the queſtion turns upon the malignity of the heart, there are ſome allowances to be made; you would not underſtand their language nor perhaps their actions exactly in the ſame manner as thoſe of perſons in a different ſituation; and if the caſe admits of any ſhadow of doubt and of difficulty, it will be a reaſon for you to moderate it into that, which is moſt likely to be the caſe nine times out of ten; that is the caſe in which they drive their cattle, incautiouſly truſting to their own ſuperior ſkill in managing them, and behaving criminally negligent. It ſeems as if it would ultimately reſolve itſelf into a queſtion for your conſideration; whether theſe priſoners can be ſaid to be free from all blame, ſo as to lead you to acquit them all together; or whether they are guilty of manſlaughter. Not guilty generally would be the opinion that my mind would go to principally: You however are the judges; if you find clear wilful deliberate malice againſt every body, in their conduct; and that they, with a view to do miſchief, let this beaſt looſe, on purpoſe to enjoy the fun of doing miſchief, and this man loſt his life in conſequence of it; undoubtedly they may be reached to the full extent of the crime of murder: If you think it approaches more to the other crime in which there is neglect and incaution and raſhneſs, but not deliberate malice; then they will be reſponſible for the crime of manſlaughtef: If you are of opinion that they have acted with a reaſonable degree of caution, though not with all the caution that every prudent man would take, and that the beaſts ran wild by others exciting them, and not by the priſoners themſelves, then I think the priſoners will be entitled to your acquittal.

THOMAS PLATA otherwiſe PLATO, } NOT GUILTY.

FRANCIS PARKER, GUILTY

*Of manſlaughter, and guilty on the Coroner's inquiſition.*

*He was burnt in the hand in open Court, and ordered to be impriſoned twelve months in Newgate.*

*Tried by the London Jury before Mr. Baron* EYRE.

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795. ISAAC KENNEDY, JACOB UDNEY, and SAMUEL GRENON were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Leachman, about the hour of one in the night, on the 30th day of March laſt, and burglariouſly ſtealing therein, one eight day clock, value 5l. a quart ſilver tankard, value 3l. and a table ſpoon, value 10s. his property.

*(The witneſſes examined apart.)*

THOMAS LEACHMAN *ſworn.*

I live in Brick-lane, in the pariſh of St. Matthews, Bethnal-green; I am in the turnery way, and making utenſils for weavers; in the night, between the 30th and 31ſt of March, my houſe was broke open; I do not remember the day of the week; it was ſome time in the night, one, two, or three; I loſt a table clock, a ſilver tankard, and ſeveral other things, by whom I know not; I never advertiſed it; I was called up that morning at five, before the ſhop was open; I obſerved the back window ſhutter was wrenched, the bar wrenched off; it was put on with large nails; then they got the ſhutters out of the place, and the bolt, and broke a pane of glaſs, got the ſaſh up, and got in at the window.

Do you know whether that window ſhutter was ſhut up that night?——I do not know it of my own knowledge, but here is a man that does.

Have you any thing to ſay againſt theſe three men?——None at all; my clock is here, but the other things are made away with.

MORGAN LLOYD *ſworn.*

I lived with Mr. Leachman in March.

Do you know that that window, that was found broke open in the morning, was faſt over night?——Yes, it was faſt over night; the outſide door lock next the cellar was burſt open, and we never ſaw *him* ſince the cobwebs were bruſhed away.

JOHN ARMSTONG *ſworn.*

I produce this clock; I had an order, when Mr. Athill was under examination, to go to Mr. Athill's houſe, where I ſhould find a clock; I went there, and found it, and I was bound over to produce it.

*Proſecutor.* I am pretty poſitive this is my clock; to the beſt of my knowledge it is.

How long have you had it?—Fourteen or fifteen years.

Have you any doubt about it?—None at all.

*Mr. Garrow, Priſoner's Counſel.* What is the maker's name of your clock?——Smith, that is upon the plate at bottom.

Is there ſuch a name on this?—I do not know. *(Looks at it.)* The name here is Ward.

Was there any number or direction?—I do not know.

Was there Smith, London, or Smith, Alderſgate-ſtreet?—I cannot ſay that.

JAMES RANGER *ſworn.*

I know this clock; it is the property of Mr. Leachman; I repaired it for him; the name was Smith, but it has been broke open, and another name has been put on; the name has been taken out, I can diſcover that very plain; it has been filed out.

*Jury.* Is it a name piece?——Yes, it is.

Then it may be another name piece ?—No, it is the ſame.

(*Shewn to the Jury.*)

*Jury.* It has been freſh filed no doubt.

*Mr. Garrow.* That is what you call a name piece ?——Yes.

It is eaſy to put on a new name piece ?——Yes; but this is on the ſame name piece.

Would it not have been very eaſy to put a new name piece, with a new name, and in which there would have been no ſcratching, if any body had wiſhed to have done it ?——Yes.

*Mr. Garrow to Proſecutor.* It was a great while after you was robbed, before you had any intelligence at all of this clock ?—Oh, ſeveral months.

How long have you known Athill ?—I have known him by ſight ſome time, but did not know what he was, any further than he told me he was a weaver.

Had Athill occaſion to come to your houſe ?——He had.

Had he been there frequently ?—Yes.

How frequently before your houſe was was broke open had he been there ?——Several times for one thing or another, but whether he had been there two or three days before, I cannot ſay.

Was he there frequently after the robbery ?—Mrs. Athill has been there ſince, but I do not remember ſeeing him ſince: Mrs. Cockvine uſed to come there before.

You never ſuſpected Mr. Athill of ſtealing your clock ?—No, Sir, never.

You did not know ſo much of him then, as you do now ?——No, Sir.

Did you ever mention the loſs of your clock to him ?—Never till I went to New Priſon; I ſaid I valued the clock more than any thing elſe; I have ſaid ſo to Athill no doubt.

How near did he live to you ?—Within a hundred yards, or thereabouts.

It was impoſſible for any body within one hundred yards not to know it ?——They adviſed me to advertiſe it, but I would not.

Did Athill ſo adviſe you ?——I do not know.

WILLIAM ATHILL *ſworn.*

I delivered this clock to Mr. Armſtrong.

How came you by it ?—I bought it of the priſoners at the bar; they were all three preſent when they brought it to my houſe the latter end of March, or the beginning of April, I cannot be certain, it was in the night time; it was dark I think.

What part of your houſe did they come to you ?——I have a bell at the chamber window, and I heard it ring, and I went down and opened the ſtreet door, and the three priſoners were at the door, and they had this clock with them, and ſome other things; and they came up to the chamber to me; there was a ſilver tankard, and ſome ſpoons, and a pair of ſalts, and ſeveral other things that I cannot recollect now; they aſked me to weigh the ſilver, and I did, and paid them for it; then they aſked me if I would buy the clock; I told them I could not pay them any money for it, becauſe I did not know the value of it; they ſaid they would leave it with me till I did; when they were going away, they deſired me to get the things out of the houſe as ſoon as I could, for they came from a near neighbour of mine; I aſked them who it was, and they ſaid Mr. Leachman; they ſaid they broke into the window-ſhutter; and Udney ſaid he was obliged to creep over a great deal of lumber in the cellar, and his coat was all over cobwebs; I met Udney three or four days after, and I paid him fifty ſhillings for the clock, at the White hart, in Webb-ſquare, Shoreditch.

How long have you known theſe men ?——A good many years.

All of them ?——Yes.

Where was Mrs. Cockvine during this time ?——She was in the room with me, but not when I paid for the clock.

Did ſhe ſleep in the ſame room ?——Yes.

Was ſhe up, or in bed ?——She was ſitting up in the bed.

She did not get up then?—No, not at that time.

You went down and let them in?——Yes.

*Mr. Garrow to Jury.* Do you know this gentleman? have you ſeen him before?——No.

*Mr. Garrow.* Then it was the other Jury; I muſt aſk him a few queſtions for your information.

*Mr. Garrow to Athill.* How many trials have you been a witneſs on this ſeſſion?—This is the third trial I believe.

On each of thoſe trials, you told us you was a notorious receiver of ſtolen goods?—I own I have been very bad, and my Lord knows it.

Who is Mrs. Cockvine, is that my old client, the wife of William Athill?——I fancy it is.

Fancy! why do not you know whether it is or no; I could tell him myſelf, but I am afraid, I am bound to ſecrecy: you told my friend the other day I believe you had been in trouble?—I did.

You have been in cuſtody very often?—I have.

In your youth, you told him you had been very bad indeed; then you got a little better, then became very bad again for the laſt twelve months?——I own to the Court that I am not a perſon that has done right.

Do not you own to the Court that you are a perſon to whom no ſort of credit is due?——I cannot ſay any thing about that.

In the courſe of the laſt twelve months, how many burglaries have you planned, and recommended.

*Court.* That is not a fair queſtion.

*Mr. Garrow.* You gave fifty ſhillings for this clock?——Yes.

The full value?——I do not know.

Is it worth leſs than ten pounds?——I really cannot tell; I do not know the value.

This little bell at your window, it is to give an alarm in caſe of fire?——No, it was in caſe I was wanted.

Why are you a public officer?—No.

Do you mean it as the bell for thieves to ring at, when they have brought ſtolen goods?——They did ring at it.

How long had the bell been up?—At that time, about three or four months.

How far did the proſecutor live from your houſe?——How far!

Ay; is it as far as from here to Newgate? that is a diſtance you know?——A couple of hundred yards.

How long have you known the proſecutor?——Five or ſix and twenty years; I have been at his houſe ſcores of times; I never heard from him that his houſe was broke open; I heard it talked in the neighbourhood.

Did you give him his clock again?—No, I did not.

When for the firſt time did you tell it?——I told it when I was apprehended; I voluntarily delivered it.

Upon your oath, did not you diſcover that clock to ſave the life of yourſelf and Mrs. Cockvine? did not you know if it was found in your poſſeſſion, you were liable to be indicted for the burglary?—I made a diſcovery as ſoon as I was apprehended.

Upon your oath, did not you make the diſcovery for fear of being hanged?——I did not do it to ſave my own life, nor Mrs. Cockvine's; I did not think of being hanged.

Had you ever told any body that Leachman's was a good houſe to *do*?—No, Sir, upon my oath I never did.

How lately had you been there before it had been robbed?—I cannot recollect.

Was not you there the evening of the day preceding the robbery?——No, Sir, that I was not in the evening.

Was you not there in the courſe of the day?——I cannot ſay.

The day before?——I cannot ſay.

Had you any talk about Mr. Leachman's houſe with Mrs. Cockvine in your life?—Never in my life.

Did you ever ſay he does not keep his doors faſt; it is very likely his houſe may be robbed?——No.

What made you go to Leachman's?——To buy bobbins.

As you are very much intereſted in what his Lordſhip has ſaid to you, did you attend to him?——Yes.

Did you hear his Lordſhip obſerve to you, that no queſtions that we could put to you, could make you more infamous than your own account of yourſelf?—*(No anſwer.)*

I hope this is the laſt trial you are to come upon?—I hope ſo, Sir.

*Court to Athill.* I will ſay to you, in conſequence of the laſt queſtion that was put to you, that I hope it will be the laſt time, becauſe you never can come as a witneſs any more, and therefore you muſt come as a criminal, and if you do, the world cannot ſave you; therefore remember, let nothing tempt you to do wrong again?—No, my Lord, never.

ANN COCKVINE *ſworn.*

I lived with Mr. Athill; I know this clock.

How came it to Athill's houſe?—The three priſoners brought it ſix or ſeven months ago, as near as I can ſay.

By day or by night?——By night.

How got they in?—They rung a bell at the door, that leads up to the chamber window.

Whoſe chamber window?——In the chamber where we lay.

Who do you mean by *we*?—Mr. Athill and myſelf; when they rung the bell, we got up; Mr. Athill went down ſtairs, and let them in.

What part of the houſe did they come in?——They came in at the ſtreet door, and came up one pair of ſtairs where we lay.

Did you get up?—I did not, I lay ſtill in bed; the priſoners, I cannot ſay which of them it was, pulled out of his pocket, a ſilver tankard, and two table ſpoons, a tea-ſpoon or two, a pair of ſalt-cellars, and this clock beſides; the plate was bought and paid for, and the clock was not.

Why was not the clock paid for?—He ſaid he was not a judge of ſuch things, till he ſhewed it to ſomebody that was a better judge than himſelf.

As it was not paid for, did they leave or take it away with them, till it ſhould be paid for?—No, they left it.

Was it paid for?—I cannot ſay, I did not ſee the clock paid for afterwards.

Had you any knowledge of theſe men before?—Yes.

Which of them?—All three of them.

*Mr. Garrow.* I have only one or two queſtions to aſk you; how long have you lived with Athill?——Fourteen or fifteen years.

You have known all his dealings exactly?——Yes, I was not preſent when the money was paid; I heard mention where the clock came from.

How many clocks had you when he was apprehended?——Only this and a little one in the kitchen.

What reaſon did he give you for his keeping this?——No reaſon.

Did he not tell you it would be convenient to have a piece of evidence againſt theſe men to ſave his life?——No.

Who chriſtened it?——I do not know.

Was it done at home or abroad?——I believe it was taken out.

Who performed that operation?——I really do not know.

Was this clock at home when he was taken into cuſtody?——It was not.

Where was it?—At an acquaintance's.

Who is that acquaintance?——Why, Sir, he is a good way off from here.

I do not care where he is, I want to know who he is?——It was at my ſiſter's huſband's.

Where does ſhe live?—Down at Shadwell; his name is John Tindall, he never was in trouble an hour.

It was at her houſe when you was taken in cuſtody?——It was, I ſent for it; I took it home myſelf from their houſe, nobody deſired me to take it, I took a coach and took it home from my ſiſter's.

Was it chriſtened before you took it to

your ſiſters?——Yes, it was; it had been there three or four months; I had not made a preſent of it, I gave it her to ſee if ſhe could find a cuſtomer; my ſiſter is dead and buried, ſhe kept a chandler's ſhop; he is a waterman and lighterman.

So you thought that a good ſituation to get a cuſtomer for this clock?——I do not know.

How long was it at home?—Not a week in all.

Who told you it would be better it ſhould be found at your houſe than at any other place?—Nobody.

Upon your oath did not Athill tell you ſo?—He did not ever upon my oath.

Did not he mention it till he was in cuſtody?——I do not think he did; I was bailed out becauſe I had two children dying.

Did you find any of the plate?—No, Sir, it was ſold; I have been at the proſecutor's houſe many times for ſome bobbins when I wanted them.

How long is it ſince this houſe was *done*, that you and Athill had the converſation about the faſtenings?—I never had any converſation about the faſtenings, I did not know any thing at all about it's being *done*, not before the priſoners told me, when they brought the things, that they had *done* it juſt before they came; I heard the converſation paſs, I recollect it perfectly.

PRISONER KENNEDY'S DEFENCE.

I am innocent of it; I know nothing of the people, I never ſaw them in my life.

What have you been?——A weaver; they might know me by my father's working in the pariſh.

*Court.* Can you ſatisfy the Jury by irreproachable witneſſes that you have borne a good character; you cannot be expected to ſhew where you was at that time, it is too long ago?——I have three people attending here.

*(Called but nobody anſwered.)*

PRISONER UDNEY'S DEFENCE.

I think this man is more likely to do a robbery than me; my friends are in the country; I have been a weaver but have ſince been a waiter.

*The priſoner Udney called one witneſs to his character.*

PRISONER GRENON'S DEFENCE.

I am as innocent as a child unborn.

ISAAC KENNEDY,
JACOB UDNEY,
SAMUEL GRENON, } GUILTY,
Death.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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796. ELEANOR YOUNG was indicted for feloniouſly ſtealing on the 4th day of October, four pair of pattens, value 3s. the property of Joſeph Serjeant.

*Joſeph Till* took the priſoner with the pattens.

GUILTY,

*To be privately whipped, and impriſoned ſix months.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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797. GEORGE CLEMENTS was indicted for feloniouſly ſtealing, on the 25th day of October, one ſmock frock, value 2s. one ſhirt, value 2s. one pair of trowſers, value 12d. one waiſtcoat, value 12d. one pair of worſted ſtockings, value 12d. and an hempen bag, value 1d. the property of Elizabeth Warner.

The proſecutor not appearing the priſoner was

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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798. WILLIAM THOMPSON and JOSEPH THOMPSON were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Jane Layton, ſpinſter, about the hour of one in the night, on the 31ſt day of Auguſt laſt, and burglariouſly ſtealing therein ſix ſilver

table ſpoons, value 30s. five ſilver tea-ſpoons, value 8s. a ſilver candleſtick, value 21s. a ſilver cruet-ſtand, value 20s. two ſilver ſalt-holders, value 30s. two ſilver ſalt-ſpoons, value 2s. a ſilver ladle, value 2s. a punch ladle, value 5s. a linen gown, value 12s. and a gauze toilet, value 6l. her property.

MARY KING *ſworn.*

I live in St. George's-row, through Oxford-ſtreet Turnpike, with Mrs. Jane Laton, as her ſervant; ſhe keeps the houſe.

How many have you in family?——Five.

Who are they?——My miſtreſs, three young ladies, and myſelf; our houſe was broke open; I do not know the day of the month; it is two months ago next Friday; I came down in the morning about half paſt five, it was quite day-light, I found the houſe broke open, the garden door that goes into the parlour was broke open, I found the bar on the floor and the ſtaples broke out, the door had been drove open, the ſtaples drove out, and the bar thrown down.

Was you in that room that night?——Yes, I ſhut up all the houſe before I went to bed, and that door in particular, it was ſafe when I went to bed; I cannot rightly tell what my miſtreſs loſt.

Did you miſs any thing?——I miſſed the plate off the ſide-board, and a table-cloth.

Was the ſide-board in that parlour?—It was next to that door which was broke open.

Can you mention any pieces of plate that was loſt?——I miſſed the ſpoons and the ſalts, the breakfaſt cloth and the table-cloth; I miſſed four tea-ſpoons and the cream pail, and a ladle, off the tea board.

Where did the tea board ſtand?——On the dreſſer in the back kitchen.

How did they get into the back kitchen?——They came out of the parlour into the back kitchen.

You did not hear them in the night?—No.

You do not know who did this?—No.

Do you know any thing of either of theſe two men?—No.

JOSEPH BURGESS *ſworn.*

I was in company with the priſoners at the bar the latter end of Auguſt, I think the 31ſt, they ſaid they were going towards Paddington that night.

Where was you in company with them?—At the lodging of William Thompſon at No. 7, Lambeth-hill; I ſaw them again two days afterwards, and they ſaid they had got into a houſe in St. George's-row, and were in the houſe ſome time; they ſaid they eat ſome mutton or lamb there; they ſaid they had taken out ſome things that fetched them eight or ten pounds, what things I know not, any more than ſome India painting that I ſaw afterwards, which they ſhewed me, gauze, or ſomething of that kind; they aſked me if I knew what it was, I told them I did not; they ſaid they would take it down to Mr. Ephraim in Off-alley, in the Strand; and one of them aſked me if I would take it in my pocket; I took one of the pieces in company of William Thompſon, and there I left it; I ſaw no more of it till I ſaw it at Sir Sampſon Wright's on Wedneſday laſt.

What are you?——Why, Sir, I am not in any buſineſs now, I ſometimes go out to wait at different places.

What have you been?——I kept a public houſe in the city, the Blue Laſt in Diſtaff-lane.

How long have you been out of buſineſs?——Four years out of that buſineſs, but I have been ſince in the fiſh buſineſs.

How came you acquainted with theſe men?——I have known one of them for three years and upwards.

I obſerve you do not charge yourſelf with having been out with them?--Never.

If you did not ſometimes run the ſame riſque with them, I ſhould be glad to know how they became ſo communicative to truſt you with a ſtory that would hang them?——I was in company with William Thompſon promiſcuouſly; I was aſked by a perſon to take part of a ſupper; which I did, and whilſt I was taking part of that ſupper ſome of Sir Sampſon Wright's people came in, and took a perſon priſoner of the name of Hamilton, and Mr. Thompſon got away, and I walked away, I did know what was the matter; after that I had not ſeen him for two years till I ſaw him in the Temple, about two months ago; he has told me of his practices before.

Now, how have you got your living ſince?——As a waiter at different halls.

What halls?——Why, Mr. Angel, the cook, often employs me, he knows me very well; I lived at Cordwainer's hall with Mr. Athawes' eleven years.

Mr. Angel does not know you kept company with Thompſon?——If he was here, he would give me a very good character; I ſuppoſe if I had had them taken I ſhould have bore as bad a character or worſe.

JOSEPH EPHRAIM *ſworn.*

I live in Off-alley, Strand, No. 1.

What buſineſs are you?——I am a jeweller.

Was there a piece of gauze found at your houſe?——On the 1ſt of September, William Thompſon and Joe Thompſon came to my houſe with ſome plate and offered it for ſale, I bought it of them; about two days after they brought ſome painted gauze India painting.

Who brought it?——Mr. Burgeſs brought one piece, and Bill Thompſon came with him; here it is.

How came it here?—I brought it here.

Has it been in your cuſtody ever ſince?——Yes.

What became of the plate?—Why, I made away with that.

In what manner did you make away with it?——Why ſome I worked up and ſome I turned into money.

What do you call working up?—Why for uſe; we have jobs at times, and I have occaſion for a little plate.

Did you melt it, do you mean that?—Yes, Sir, I melted it.

How much of it might you ſell?—About thirty ounces.

Who did you ſell it to?——I do not know in particular; I had people come ſometimes which I oblige with two or three ounces and ſo on.

Can you ſpecify what particular pieces of plate they were?—Yes, there was a cruet-ſtand, a pair of ſalts, four or five table ſpoons, four or five tea ſpoons, a punch ladle, and two odd bottle-ſtands, I have one of the ſalt ſpoons now, there were three ſalt ſpoons to the beſt of my knowledge.

Have you any thing more to ſay?—Nothing more.

So of the plate you have only that one ſpoon left, and this gauze?——Nothing more.

How did it come out that you had got this gauze?—My Lord, Mr. Jealous and Carpmeal came to my houſe, and deſired I would go up to Sir Sampſon; and when I came there upon reflection I thought it neceſſary to bring this robbery to light?

How long have you known Burgeſs?—About two months; between two or three months, pretty nigh as long as I have known Thompſon, within a week or a fortnight.

Did they generally come together?——Generally.

Have you dealt with them both?—Yes.

Why, Mr. Burgeſs tells me he is a very honeſt gentleman?——I do not know how honeſt he may be, but they never went to do any robberies that ever I could hear of, but what Burgeſs uſed to carry the tools for them, both out and in; William Thompſon came with Burgeſs with the gauze.

*Priſoner Thompſon.* Aſk him what he has been for theſe two years; he is a perſon that was concerned at the Moorfields riot; he was confined five years for that; ſince that he has been ſent down to the ballaſt lighter.

*Court.* Have you been at the ballaſt,

Mr. Ephraim?——A twelvemonth, my Lord.

I am afraid it will not end there; your fate will be to come to the gallows I doubt?—I am not afraid at all my Lord; I have done nothing ſince.

THOMAS TING *ſworn.*

There was an information came that William Thompſon, whom we call carrotty Thompſon, was at Ephraim's houſe; we went down there and took him, and we brought him up to Sir Sampſon's; I found nothing upon him; I know nothing more.

*Jury.* Would your Lordſhip pleaſe to aſk the maid what ſhe found in the garden.

*Court to King.* What did you find in the garden?——Tinder and matches, and a bit of flint, or ſtone, or ſomething.

Did you obſerve whether any thing had been eat?——Yes, my Lord, a roaſt loin of lamb had been cut.

Do you know any thing of that gauze?——No, I never ſaw it in the houſe; I found the drawer open where it was taken from, as I heard my miſtreſs ſay; that was a drawer in the bureau, in the dining parlour.

JANE LAYTON *ſworn.*

*She being deaf,* ELIZABETH HADDOCK *ſpoke in her ear, but ſhe anſwered herſelf.*

Do you know that piece of gauze?——Yes.

Whoſe property is it?—Mine.

How long have you had it?——Ten years.

Where did it uſe to be kept?—In the bureau drawer in the parlour.

When did you loſe it?——I loſt it when the houſe was broke open.

How long before that had you ſeen it?——I cannot recollect; not long.

Had you ſeen it within a week or a fortnight before?——About ſix weeks before.

Had you any occaſion to open that drawer?—Yes.

Did you ſee a parcel lay in the drawer like that wrapped up?—Yes.

How long before the houſe was broke open had you opened that drawer?——I cannot ſay, it might be ſix weeks or a month.

How long had the piece of gauze lain in the drawer?—Three months.

Are you quite ſure it is your gauze?—There may be duplicates of the ſame; it looks like mine; I believe it to be mine.

There is no particular mark upon it?—No.

Is there any mark upon it which you know it by?——It was papered with lawn paper, but that was taken off; it never had been made up.

Look at that ſalt ſpoon?——I know this.

Is there any mark upon it?——Yes.

What is the mark?——I. L.

Was that ſpoon loſt the night that your houſe was broke open?—Yes.

Where did that ſalt ſpoon uſe to be?—On the ſideboard with the other ſalts.

How many ſalt ſpoons did you loſe that night?——Two.

How many table ſpoons?——Six.

How many tea ſpoons?——Five I believe.

How many candleſticks?——One ſmall candleſtick.

Any cruet ſtands?——One ſolid ſilver cruet ſtand.

Any cruet top?——The top of another cruet ſtand.

*Court to Ephraim.* Can you deſcribe any of the marks on any of the plate?—I. L.

On all of it?—All in general.

*To Proſecutrix.* How was your plate in general marked?—I. L.

Was there a mark of I. L. on all this plate that was loſt?——Upon the ſilver caſters; at the bottom of the caſters.

On any more?—The ſpoons were marked I. L.

*Priſoner Joſeph Thompſon.* Mr. Ephraim ſaid he had three ſalt ſpoons; the gentlewoman ſays, ſhe only loſt two.

*Ephraim.* To the beſt of my knowledge, I ſaid, the plate was ſo broke that I could not tell whether there was two or three ſalt ſpoons.

*Priſoner Thompſon.* I am not guilty; this Mr. Burgeſs is a very bad man, and bears a very bad character indeed.

*Court.* Can you ſhew that you bear a good one, that will be the beſt contradiction; and if he is ſo bad a man, how came you to be found at Ephraim's houſe in company with him?—I called there and he aſked me to drink a glaſs of brandy, and then he ſent for people to take me; Mr. Burgeſs came to me ſeven months ago, and he aſked me if I would go and rob Cordwainers hall; I told him no, I was going to work; and I met him about ſix weeks after in the Temple, and he aſked me then if I was at work, and I told him, yes; and he ſaid he had got a good job for me to do; and he aſked me, if I would go and rob *(God bleſs my heart, I have forgot the name)* it is an office in Bell-yard, the Bankrupts office; I told him, no, I would not, I was going to work; he ſaid, he had ſeveral jobs for me to do in the city, if I would do it; I told him I would not.

What is your way of living? becauſe all this is of no uſe to you; if you had been a man of any character, he would not have propoſed to you to go robbing?——My Lord, I am a carpenter by trade.

Can you ſatisfy the Jury that the ſtory that Burgeſs has told is falſe?—My Lord, I have not a friend in the world.

Why if you was an honeſt induſtrious man, and was going to work at theſe times, there would be people enough to give you a character?—I worked laſt with a Mr. Waters, in Ivy-lane, Smithfield.

JOSEPH THOMPSON'S DEFENCE:

I have nothing to ſay; I do not know any thing at all about this robbery.

WILLIAM THOMPSON, } GUILTY,
JOSEPH THOMPSON, } Death.

*Tried by the ſecond Middleſex Jury before Mr.* BARON EYRE.

*N. B.* Joſeph Thompſon was tried this ſeſſion for another burglary, and capitally convicted.

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779. JOHN WHITE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of David Brownley, about the hour of one in the night, on the 5th day of October, and burglariouſly ſtealing therein, a mahogany knife tray, value 1s. a table, value 10s. nine knives, value 2s. and twenty-one forks, value 4s. his property.

DAVID BROWNLEY *ſworn.*

I live at No. 4, South-ſtreet, Mary-le-bone; I keep a public houſe; on the night of the 4th of October, when I went to bed, I made the houſe faſt and ſecura, about half after ten; and I was called up at five in the morning.

Was it dark?——It was beginning to be light; then I was informed my houſe was broke open; I came down ſtairs and found my houſe was broke open, and the ſhutters beat to pieces, of the room at the bottom of the houſe; on the firſt floor, in the front room, we found the ſaſh had been wrenched up with a pick ſeemingly; the ſhutters were on the inſide; I had the ſaſh well ſecured down with two braſs ſcrews, which are here; after the ſaſh was wrenched up, the pick was put in juſt under the bar, and there was a very deep impreſſion upon the ſhutter with the pick; it had been wrenched very ſtrong; it could not be broke eaſily; after the pannel was in two, the priſoner had put in his arm and pulled out a ſtrong iron ſpike, and then the ſhutter was at liberty; I loſt a table, nine knives and twenty-one forks, and a knife tray; and the cuttal of the window was found in the priſoner's pocket by the conſtable of the night; the priſoner was taken up by the watch; he told me there was a man taken up with ſuch things as I had loſt; I went to the watch-houſe and directly ſaw they were my things; the priſoner was in cuſtody, and all the things.

JOHN WILSON *ſworn.*

I am ſerjeant of the night of Mary-le-bone pariſh; when the men went off at five in the morning of the 5th, I was going up Portland-road, and I ſaw the priſoner come down Portland-road with that table on his ſhoulders, and a knife tray in his hands, and I obſerved ſomething in his pocket; I aſked him where he had fetched that table from, he told me from Mr. Gibbons's; I aſked him where he was going with it; he ſaid, to Carnaby-market; I told him he was not ſuch a ſtranger in the pariſh, but he knew we had particular orders not to let any thing be carried in watch-houſe, but what ſhould be examined into; he ſaid, he had a right to get a ſhilling; I took him from Portland-road, as far as Cavendiſh-ſquare, till I came to the end of old Portland-ſtreet, when he threw the table at me and tried to make his eſcape; I ſprung my rattle, and Thompſon, a watchman, came out of Oxford-road, round the corner, and he made his eſcape into Red-lion-mews, in Portland-ſtreet; there we followed him and took him again; in the time of running down the Mews, he tore off his pocket, and as we were juſt taking him at the bottom of the Mews, and he threw down thoſe knives and forks, which were in the bottom of his coat, and the cuttal of the window was in his pocket with the knives and forks; when Mr. Brownley ſaw it, he ſaid, it was what he had faſtened the window with. *(The knives and forks produced and depoſed to.)* This is the pocket of his coat which I ſaw him tear off. *(Depoſed to.)* Nobody elſe was in the Mews.

*Priſoner.* Why did not you produce that cuttal at the Juſtice's?——It was produced, the book at the Juſtice's will ſatisfy that it was.

*Proſecutor.* The Juſtice had it in his hands.

PRISONER's DEFENCE.

My Lord, that morning one George Gibſon came to me at five, and ſaid, he owed ſome rent, and I went to help him to move, and he gave me ſome things, and told me to take them to the Butcher's Arms, in Carnaby-market; he ſaid, he ſhould follow; I told the proſecutor the ſame when he took hold of me; I know no more of the houſe being broke open than the child unborn; I have not a friend in the world; I get my living by jobbing; I live cloſe by the proſecutor; he knows me very well.

Will he ſpeak for you?——I dare ſay he will.

*Court to Proſecutor.* Do you know any thing of him?——He lives with a parcel of people of very bad character; and he has a very bad character himſelf.

GUILTY, Death.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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800. ROBERT BEALE was indicted for feloniouſly ſtealing, on the 10th day of September laſt, one bay gelding, price 20l. the property of Hemmings Laver.

HEMMINGS LAVER *ſworn.*

I am a farmer; I live at Stamford Lee-hope, in Eſſex; I loſt a ſorrel gelding, black tail, and mane, out of my paſture ground, cloſe by my own houſe; I miſſed it on the 11th of September in the morning; I ſaw it over night; I found him in Clerkenwell, in a ſtable; I am ſure it was the ſame I loſt; I know the priſoner; he did ſome harveſt work for me; he was a ſtranger to me before; he was in my neighbourhood on Sunday morning; but I did not ſee him.

JOHN MINSHALL *ſworn.*

I led the horſe to the Juſtice's, and he was advertiſed the next day with five pounds reward; and I went to inform the proſecutor of it.

How came you by the horſe?——Mr. King had charged the conſtable with the priſoner on ſuſpicion of ſtealing it; I was at Beggars-buſh fair; I led it to the Juſtice;

tice; we went to Mr. Blackborrow's; he was put up at livery, at Mr. Smith's, in Ray-ſtreet, Clerkenwell.

**JOHN KING** *ſworn.*

The priſoner had this horſe to ſell at Beggar's fair; he offered him to ſell to me; he aſked fifteen guineas for him; he rode him up and down, and we made an agreement for ten pounds; after that I had a ſuſpicion that he had ſtole it; I did not pay for it; and I ſays, look you here, if you know any body hereabouts that will give you a character that you come honeſtly by him, you ſhall have your money; he ſaid, he lived ſo far off he could not come at any body; a man offered to ſell me a horſe, and the priſoner looked out of the window, and he ſaid, no, he is too big, he is ſnotty noſed; then I offered to ſell him a little horſe for three guineas, and a gentleman came in, and he ſaid, King, be careful, and not let that man go; and ſomebody ſaid, I could not ſtop him without a warrant; then the priſoner ſaid, I will be d——nd if I ſtopped him; I ſent for a conſtable; this is the ſame horſe that Minſhall took away.

*Priſoner.* I bought the horſe at Harley-buſh fair, on the 11th of Auguſt.

Have you any witneſs of that?——No.

Have you any body to ſpeak for you, to give you a character?—No.

What account do you give of yourſelf, what have you been?——I am a weaver by trade.

**GUILTY, Death.**

*Mr. Akerman.* My Lord, here is a letter and a receipt on a ſtamp, for the horſe; the priſoner begged I would give it into Court.

*(Handed up to the Court.)*

*Court to Proſecutor.* Is this your letter?——I have not ſeen it ſince I came here.

Did not you write this letter to this man, telling him, if he could raiſe the money to ſave your recognizance, you would not appear againſt him?——No, my Lord.

You wrote ſomething very much like it.

*(Reads the letter.)*

"I received a line from your hands, "ſignifying your wiſh that I ſhould not "appear againſt you, but as I am bound "in a bond of forty pounds, I muſt, with-"out you have friends that will diſcharge "my recognizance, and make up my loſs; "I have not the leaſt objection to hold "the hand of mercy out to ſave the life "of any man; though I cannot think "you innocent; and it is very hard that "men ſhould be rifled of their property."

*Court.* It was not a very wiſe thing in you to write ſuch a letter, not an honeſt thing, it was ſelling mercy for forty or fifty pounds, not recommending it; does it become a man do you think that means to protect his property, and that of other people's by proſecuting, to behave in ſuch a manner! you have acted very ill, and very fooliſh indeed; let this letter be put into the Recorder's hands.

*(The letter and receipt given to the clerk of the Arraigns, to be ſhewn to the Recorder.)*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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801. **JOHN TAVERNOR** was indicted for feloniouſly ſtealing, on the 9th day of October, two glaſs lamps, value 3s. ten pounds weight of glaſs, value 1s. the property of Joſeph Lucas, and Chriſtopher Spencer.

**EDWARD WESTON** *ſworn.*

I am a watchman in New Cavendiſh-ſtreet, to the Dean of Windſor; his houſe is in Harley-ſtreet; between ſeven and eight on the 9th of October, the priſoner took a lamp lighter's ladder from the Dean's wall; I ſaw him take it, and he took down a lamp directly that was out; I thought at firſt he was taking it down for ſafety; then I ſaw him take down two more; he had another with him; and they went into the field; in half an hour they returned with the ladder; I ſtopped the priſoner with one lamp, and the broken glaſs; he ſaid, he was a lamp-lighter.

*Thomas Tuckey* Depoſed to the glaſs, being marked.

*(The lamps depoſed to by Mr. Moore, and Mr. Chard.)*

*Priſoner.* I was in liquor; I know nothing about it.

*Court to Weſton.* Was the priſoner in liquor when you took him.

*Chard.* He owned it before the Magiſtrate.

*The priſoner called four witneſſes who gave him a good character.*

GUILTY, 10d.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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802. **ANN the Wife of WILLIAM WHITTAKER** was indicted for feloniouſly ſtealing, on the 14th day of September laſt, two linen ſheets, value 3s. 6d. three ſhifts, value 2s. 6d. an apron, value 4s. two table cloths, value 3s. two pair of ſtockings, value 2s. 6d. two frocks, value 2s. 6d. a handkerchief, value 1s. 6d. the property of Iſaac Solomons.

The priſoner was ſervant to the proſecutor, and ſhe was taken with ſeveral of the things upon her, the reſt were found at the pawnbroker's.

*Priſoner.* I had been drinking; I intended to get them again.

GUILTY,

*Privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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803. **MARY HOPKINS** was indicted for feloniouſly ſtealing, on the 25th day of September laſt, one velveret waiſtcoat, value 6s. the property of John Norton, privily from his ſhop.

**ANN CROW** *ſworn.*

I took the priſoner four doors off with the waiſtcoat upon her.

GUILTY, 12d.

*Whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

**The next Page will be publiſhed in a few Days.**

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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# THE WHOLE

# PROCEEDINGS

# UPON THE

# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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804. **WILLIAM TUCKEY** was indicted for feloniouſly returning from tranſportation, and being found at large on the 17th day of September laſt, without any lawful cauſe.

**JOHN FLETCHER** *ſworn*.

This is a certificate I received from Mr. Shelton, of the conviction of William Tuckey, and Francis Gardiner.

Is that Mr. Shelton's hand writing?—Yes.

*(Read.)*

**GEORGE FORRESTER** *ſworn*.

I know the priſoner.

Do you know whether he is the perſon that was tried here with Gardiner upon an indictment for ſtealing coals?——I was not here when he was convicted; I only took him at his mother's concealed in a cloſet, on Sunday the 10th of laſt month; I remember he was committed from our office.

**GEORGE OLIVE** *ſworn*.

I know the priſoner; I was preſent at the taking of him when he was convicted in this Court.

Was you preſent when he was convicted?——Yes.

What was he convicted for?——For a quantity of coals.

Who was he convicted with?—I cannot recollect.

Whoſe coals were they?——Mr. Wright's.

What ſeſſion was it at?——I think it was in April, or May, 1784, to the beſt of my knowledge.

**WILLIAM ELBY** *ſworn*.

I know no further than apprehending Tuckey, in March ſeſſion I believe it was; I mean the firſt time; this man was tried for ſtealing Mr. Wright's coals; I was preſent when he was tried; I found him at large with Forreſter and ſome more, at his mother's.

**JOHN OWEN** *ſworn*.

I am ſervant to Mr. Akerman; the priſoner was tried in April 1784, for ſtealing coals, with one Francis Gardner, the property of William Wright; for that offence he was ordered to be tranſported, after that he had a pardon on condition of tranſporting himſelf, and ſhe was delivered upon that condition, he was diſcharged by Mr. Akerman in conſequence of that.

*Mr. Garrow to Mr. Forreſter.* You had no information that he was doing any miſchief?—None at all, only that he was come home, and that we found him at his mother's.

## PRISONER's DEFENCE.

Pleaſe you, my Lord, our ſhip was homeward bound the 13th of May, 1784; I was diſcharged from Newgate on the 23d of May; I went to Oſtend, from thence to South Carolina in America, from South Carolina I went to Antigua, and from Antigua I came home; I ſhipped myſelf on board of a ſhip, the Britiſh Queen, going to Greenland; I proceeded on the voyage and came home; then I ſhipped myſelf on board the ſhip called the Emmett, bound to the South Seas, and in the paſſage home I was caſt away on the coaſt of Ireland, and a brig belonging to Dublin took us up, there were only five of us ſaved out of ſeventeen; the brig that picked us up was called the Lion, Captain Jennings, and from Dublin I got my paſſage to Liverpool, I ſtaid there for a while, and got my paſſage to Graveſend, and from Graveſend I ſhipped myſelf on board the Mary, Captain Bell, bound to Greenland, and I came home in the ſame ſhip; on my homeward bound paſſage I heard of my father's death, and that my mother was left in great diſtreſs; with a few pounds I had earned by my induſtry, when I came to Deptford, I went home and gave ſome money to my mother to aſſiſt her; I had not been at home above a week and three days, and during the time I was at home, I never was out of my mother's houſe once, and I had got a ſhip on the Sunday morning I was apprehended, and on the Monday morning I was going away to Guinea for the ſpace of three or four years; I cannot tell how long the ſhip was going for.

*Mr. Garrow.* Inform my Lord who was going to ſhip you on board that Guinea ſhip?——Mr. Robert Stratton.

*Court.* How much of this are you prepared to make out in fact?—We have Captain Bell and Mr. Stratton.

*Court.* That will rather apply in the ſhape of a recommendation, becauſe he has been in this kingdom by his own account ſeveral times.

GUILTY, Death.

After the ſentence was paſſed Mr. Stratton was examined.

ROBERT STRATTON *ſworn.*

I am a lighterman and waterman; I know the priſoner, I have been informed that he underſtood his father was dead, and his mother in great want; laſt Auguſt application was made to me as attending a vaſt number of veſſels bound to Africa, by his brother and brother-in-law, to get him a ſhip to go to Africa; I aſked one Captain Swann of the brigg Favourite to take him, and he informed me he would take him; he was ſtationed on the coaſt of Africa for three years; by the time the ſhip got to Blackwall he was apprehended.

*Court.* He was not actually ſhipped, nor had he ſigned the contract?—No.

Was there any time fixed for him to go on board?—As ſoon as convenient he was to be there.

How came he not to be on board?——He was apprehended before the veſſel got there.

Do you know it was ſeriouſly intended that he was to go on board that ſhip?——Yes, my Lord, I know it was ſeriouſly intended that he ſhould go on board that ſhip.

Did you ſee this Captain after this man was apprehended?—I ſaw him by going with the veſſel to Blackwall, and he aſked me where the young man was that was to go with him, and I told him he was apprehended; it was my intention to have got a note from the Captain, but he is gone abroad.

*Mr. Garrow to Fletcher.* Have you made

enquiry how he ſpent his time?—Yes, I have, I was informed he went abroad within the time limited, and I verily believe he has been at ſea, he has been in an honeſt way; I do not believe he has been in any ſcrapes, or had any implements of houſe-breaking.

*Mr. Garrow.* My Lord, Captain Bell is not here.

*Court.* If Mr. Bell comes I will hear him: This man's caſe ſhall certainly ſhall be repreſented.

The next day Captain Bell attended, and informed the Court, that the priſoner went with him two years to Greenland, and returned the 26th of Auguſt laſt, that he behaved exceeding well on board his ſhip, and did his duty, and he had no objection to take him with him again: he ſaid he lived at No. 25, Shakeſpear's Walk, Shadwell.

*Court.* If his Majeſty ſhould think proper to extend his mercy to him, he ſhall be ſent to you.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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805. JAMES RUDD and JAMES GIGGS were indicted for feloniouſly aſſaulting John Turner, on the 19th day of October, on the King's highway, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a ſilk purſe, value 6d. ſix guineas, value 6l. 6s. a leather pocket-book, value 1s. a knife, value 6d. a felt hat, value 4s. a leather ſhoe, value 1s. a ſtock, value 1s. and a ſtock buckle, value 2s. his property.

JOHN TURNER *ſworn.*

I am a haberdaſher in Biſhopſgate-within; a fortnight ago, I believe it was the 19th, I was robbed; I ſhould ſuppoſe it was not quite eight in the evening, I cannot tell to half an hour; it was about two mile on this ſide Harrow on the Hill, I was walking on foot, no perſon was in my company but the priſoner Rudd, he was going to ſhew me a public houſe near the Black Horſe, where he thought I might get a lodging.

How came you there at that time of night?—I had been at Brentford the day before, and I came to North-hall and then to Pinner, and then to Harrow; the people at the Swan told me their bed was taken up, and they could not accommodate me with a bed, but thought I could get a bed at the Black Horſe, a houſe about half a mile diſtance; the two priſoners ſat drinking in the room, I called for ſomething to drink; I believe I might be in the houſe half an hour or three quarters; Rudd told me he was going that way, and he would ſhew me where the Black Horſe was, as I was a ſtranger; accordingly he went out with me for that purpoſe, and I had not walked with him but a little way, but a few minutes, before I received a blow which deprived me of my ſenſes; nobody was with me then but Rudd to the beſt of my knowledge; when I came to my ſenſes I found my hands tied behind me, and my legs tied together, then I perceived Giggs on my left hand and Rudd on my right; they beat me very much, beyond what I am capable of ſaying, they beat me ſeveral times, I believe it might be ten minutes before I was robbed, or ſome ſuch diſtance of time, I cannot be exact; Giggs unbuttoned the waiſtband of my breeches, and took my purſe out of my right hand pocket, my penknife out of my left hand waiſtcoat pocket; there was ſix pounds odd ſhillings in my purſe, as near as I can recollect it was ſix pounds five ſhillings.

In what money?——In gold and ſilver.

How many guineas?—I cannot be exact, there were ſome guineas, ſome half guineas, ſome ſhillings, and ſome half-crowns.

What ſort of a purſe was it?——A ſilk purſe with ſome orange in it, and the inſide of it at one end is lined with ſome linen; they took ſome papers out of my left hand pocket, giving an account of the price of pins, my pocket-book was alſo taken out, my ſhoes were taken off, and my hat, ſtock, and ſtock-buckle.

What happened then, Sir?—Nothing but beating, that I can recollect particularly.

What did they continue beating you after they had robbed you?——Yes, it appeared to me to be a club; one of the ſticks that they beat me with I have great reaſon to believe was the ſtick I walked with.

Was you ſtruck with more ſticks than one?—I received their blows with a ſtick with a club at the end, which ſeemed like the ſtick I walked with; Giggs was on my left hand when he beat me with the ſtick; I do not know what Rudd ſtruck me with, but he ſtruck me ſeveral times; I remained in this ſituation till one of them went away, that was Rudd, the other continued beating me till the landlord and landlady from the Swan came to my relief, then Giggs was ſtanding by me; the landlord unbound me and conducted me to their houſe, where I ſtaid all night; when they came up Giggs was cloſe to me.

Did he ſtay there?—A very little time; the landlord and he had ſome converſation, then he went away.

Did Giggs go away before you was unbound or after?——I believe he did, I will not be particular.

Did the landlord ſpeak to you before he unbound you?——I cannot ſay; I ſpoke to him, I aſked him whether they were people of that place; he ſaid, yes; I begged of him for God's ſake to unbind me, they unbound me and conducted me to their houſe.

Did you receive any perſonal hurts by their beating?—Very bad, my Lord, ſo that nobody could ſuppoſe that I could ſurvive it, in my head, my ſhoulders, my arms, my eyes, I am under the ſurgeon's hands now.

Was you ſober or in liquor?—I was ſober at the time; I do buſineſs at North-hall, and at Harrow, and at Pinner; I could not get a lodging at Harrow, I called at one houſe there, Mr. Foſter's: after he had taken my knife and unbuttoned my breeches, he cut off a part of the waiſtband, and cut off my pocket; and juſt as he had cut of part off my breeches, he took hold of my private parts with the knife in his hand.

What, as if threatening to wound you?——I expected it, but I received no wound there.

Which of them did that?—Giggs; I have my breeches and my ſhirt in Court.

Did they ſay any thing at the time they did that?—They had a great deal of converſation, but I was ſo beat about the head I cannot recollect the diſcourſe.

Did they give any reaſon for that?—No.

Did you and Rudd go out of the public road?—No, this was on the turnpike road, or on the graſs adjoining to the turnpike road.

*Mr. Garrow, Priſoner's Counſel.* Mr. Turner, where did you ſay you lived?—In Biſhopſgate-within.

Are you married or a ſingle man?—Married.

Your wife lives there?—Yes, in Clark's Court, Biſhopſgate-within; I keep goods there ſometimes; I have part of a houſe.

Are you the houſekeeper?——We are lodgers.

With whom do you lodge?—With Jonas Gandell, I have lived there about four months.

Have you lived in London long?—About two years.

Did you ever keep houſe in London or a ſhop?—Never.

How long had you been from home when this accident happened?—I went out of town on Wedneſday about four.

Where might you lay on Wedneſday night?—At the Red Lion at Brentford; I was at North-hall, three miles from Pinner, I walked from Brentford to North-hall, from thence to Pinner, and thence to Harrow, and from thence to the place where this happened; I was very ſober, I had not been drinking at all.

How many miles do you take it to be?—I do not know.

Is it two or twelve ?—It is not twelve.

Is it five ?—I cannot tell.

Is it three ?—Yes.

Is it four ?—I cannot tell.

What time did you leave Brentford ?—In the morning between ten and eleven.

Where did you dine?——At a village between Brentford and North-hall; I do not know the name of it, it is near a common near the main road.

How many miles from Brentford ?—I do not know, I never was that way but once before; I believe it is three or four miles; I had no buſineſs there, I dined there.

What time did you get there ?—I do not recollect, it might be between eleven and twelve, or ſome ſuch time that I dined, I bought half a pound of ſauſages at Brentford.

What time did you arrive at the Swan at Sudbury Green ?—I do not know.

Had you ever been at Sudbury Green in your life before ?—Once before.

At the Swan ever ?——I called there once; I do not know the ſign at Harrow where I applied for a lodging, it is kept by one Fotter; I ſuppoſe it was a little ſix, it was a very clear evening.

Cloſing in by that time I ſhould think? —It was clear enough for me to ſee any body.

That was not the object of my queſtion; you aſked no where elſe but choſe to walk on to Sudbury Green ?—I went out with the priſoner Rudd.

You had a ſtick ?—Yes.

How did you carry it, under your coat ? ——No.

Do you recollect any converſation of this ſort, that if he would go with you and be your mate, you would give him nine ſhillings ?——No ſuch thing.

You told my Lord that when the landlord and landlady came to you that Giggs was there ?——Yes.

Did not you inſtantly ſay to the landlord, for God's ſake ſecure that villain, he has been murdering me almoſt ?--No, I did not.

Who fetched the landlord and landlady? ———I do not know.

Upon your oath, did not Rudd fetch them, and do not you know it ?---I did not ſee Rudd there the next morning; he was gone long enough to fetch the landlord and landlady.

Do you recollect ſtriking Rudd at all ? ——No, I did not.

Will you ſwear you did not ?——Swear, I did not if I had not a moment to live; I ſwear that poſitively, not at all.

Now you deſcribe the cutting of your clothes, and another act which you deſcribed; what converſation paſſed previous to that ?——There was a converſation between them, but I cannot recollect what it was.

Do not you recollect what Rudd ſaid to Giggs about you before that ?——No, I did not; I heard them converſe together; I muſt hear them ſpeak, but I cannot recollect what they ſaid, I was very much intimidated.

How long had you been drinking with them ?——I did not drink with them; I aſked the landlord if he knew theſe two men, for I did not like the looks of them; he told me they were neighbours which he had known many years; I thought myſelf very ſafe as they were very well known in the neighbourhood; he did not recommend them.

It was perfectly well known in the houſe that Rudd was gone out with you? ———Rudd deſired Giggs to leave me; Giggs replied with an oath he would not.

What expreſſion was uſed ?——He ſaid let us leave him.

What was ſaid beſides ?——It was let us leave him.

Upon that he went away, and Giggs ſtaid there doing nothing till the landlord came ?—Yes.

Did you cry out at all ?——I did not cry out much; I ſaid, for God's-ſake do not murder me.

How far had you got from the houſe ? ——Some little diſtance, it might be two or three hundred yards.

Did not it occur to you that it was right to call out for aſſiſtance?——It did not, he had left off beating me when the landlord came.

Did either of the priſoners go back with you in the courſe of the evening?—Not that I heard of; I ſaw them the next morning in the parlour, in the cuſtody of the conſtable; I was not at their apprehending.

## TIMOTHY LOVELL *ſworn.*

I keep the Swan on Sudbury Green; I ſaw the proſecutor before.

What was his buſineſs, did he come to drink?——He came for a pint of ale.

Was he alone or with any body?——By himſelf.

What time did he come in?—Betwixt ſix and ſeven, as near as I can tell; he aſked me if he could lodge with me; I told him he could not; I told him my beds were full; a neighbour in the houſe told him he might get a lodging at the next public houſe; I told him where that was, at the Black horſe on Sudbury Green.

How far was that off?——About half a mile back, towards Harrow; the proſecutor wanted ſomebody to go with him, and Rudd ſaid, he would go with him if he would give him a glaſs of any thing.

Was it dark?—Yes, it was ſtar-light; then the priſoner Rudd ſaid, he would go; Turner called for a pint of gin hot, and treated him; they drank and ſet off together; it was then near upon eight.

Was Rudd a neighbour of yours?——Yes.

Where did he live?——At one Mr. Joſeph Hodſon's, Sudbury Green; Giggs ſat in the ſame room drinking.

What is he?——He is a day labourer; he worked at the ſame place; he was thraſhing for one Mr. Jones.

Were Rudd and Giggs in company together?——Yes, they were drinking together.

Now you ſay that Rudd and the proſecutor went out together?——Yes.

What became of Giggs?—He went out ſoon after.

What happened next?——In about an hour and an half, as near as near as I can recollect, James Rudd came back again with a hat, and a ſhoe, and a pocket book; he called to me and told me that he had taken a footpad; I aſked him, where? he told me the man that went out with him; I let him in, and my wife looked at the pocket book that he brought back, and there was one John Turner's name, the place where he lived, Biſhopſgate-within; we told him we thought he had been uſing the gentleman ill; he ſaid, he had not; and we told him if he had not, to take the things back again, and to aſk the gentleman's pardon, and let him go about his buſineſs; ſo he went out of the houſe directly; my wife and I went out ſoon afterwards, and liſtened to hear if we could hear any thing, and we could hear talking up the road; my wife and I went up and found the gentleman with his hands and legs tied.

Standing or laying?——Laying on the ground in the public road, by the ſide of the high road from London to Harrow.

How far was it from your houſe?——I cannot ſay, Sir, juſtly; it might be three hundred yards.

Was there any body near him?——Yes, Giggs was ſtanding by him with a ſtick in his hand.

When you came up firſt who was the firſt perſon that ſpoke?——I ſaid to William Giggs, I am ſorry to ſee you uſe a ſtranger in that manner, and his anſwer was, what did he go to rob Rudd for? and the gentleman aſked me, if I was a neighbour in the place or no; and begged of me to releaſe his arms, which I did.

How were they tied?—With a garter; with James Rudd's garter; he owned it was his garter.

Were his legs tied?——Yes, his legs were tied with a thong; I lifted the man up directly; Giggs was ſtanding by all the time; my wife picked up his pocket book and his ſtock buckle, and both his ſhoes, and my wife and I led him home.

What became of Giggs?——He went to his home I believe; I do not know what became of him afterwards.

What anſwer did Giggs make you when you told him you was ſorry to ſee him uſe a ſtranger ſo?——He ſaid, what did he go to rob Rudd for?

Was that all?——That was all; when I got him back to my houſe I ſent for a neighbour to ſit up with him, and I put him to bed; he appeared to be very much hurt at firſt; he could not ſee; the bruiſes was all on his face and very bloody.

Did he complain of any other part?——They beat him about his ſhoulders and arms very much; I ſaw them the next day; they were very much bruiſed.

Had he any money when he came to your houſe firſt?——I never ſaw any money or purſe; he complained when he was brought back that they had taken his money from him.

How ſoon did he begin to complain of their having taken any thing from him?—Not till he got home.

What account did he give?——He ſaid, they had taken his money, and he ſhould be very glad to go to bed; Mr. Putnam of Harrow was a man that he knew; he came the next morning at twelve; I ſaw no more of Rudd that night, or Giggs; I ſaw them again the next morning, they were brought to my houſe after they were taken; I was not preſent when they were taken; I know nothing more.

*Mr. Garrow.* What time of day was it that Turner came to your houſe before?——I believe it was in the afternoon, I cannot be ſure; it was in the middle of September; he had a pint of ale, and then went away.

This Black-horſe is in the road from your houſe to Harrow?——It is the next public houſe; it was above half a mile.

Had you lighted candles before Mr. Turner came in this evening?—Yes, we had; it was got dark; I found him two hundred yards from our houſe.

When Rudd came back, he ſaid he had taken a foot-pad, and brought your wife the book to look at, to ſee who he was?——Yes.

Did he tell you how he had ſecured this footpad, or where he had left him?——No, he told me that Giggs was with him, that he was juſt by.

What ſtick had Giggs in his hand?—I cannot ſay; I obſerved a walking ſtick in the hands of Turner when he came in, I never ſaw either Giggs or Rudd with a ſtick.

You knew that Rudd was going with this gentleman to ſhew him the way?——Yes, they went together.

Were they all ſober?——They were chearful, merry.

Theſe two priſoners had been from their work ſome time?—I do not know, I was not at home when they came in; Mr. Turner was very ſenſible; he was not diſguiſed in liquor at all.

Did he deſire you to take Giggs when you came up?—No, Sir, if he had, I could not.

You knew theſe two men very well?—Yes.

How long have you known them?——Ten or eleven years; Giggs has lived in our place all the time; I believe they were farmers men.

What became of the pocket book?——My wife gave it to Rudd, and the ſhoes, to take back to the gentleman; when we came back, I found the ſhoes; they were laying by the ſide of the road by him.

Where was this pocket book that was found?—Near to him, juſt by him, there was his buckle likewiſe.

Did you obſerve any thing particular about any part of Mr. Turner's dreſs?—His ſhoes were off.

Did any body point out any thing to you, before you untied him?—No, Sir, his hands were behind him, and I untied him.

Did you obſerve any thing about his dreſs?——No, Sir.

Were his knees unbuttoned?——No, Sir, his ſhoes were off.

Were his ſtockings down?——His breeches were down; his breeches were undone in the waiſtband.

What do you mean by undone?—We could not tell till we got home, then we ſaw the button part of his waiſtband was cut away.

### ANN LOVELL *ſworn.*

Mr. Turner came to our houſe, and called for a pint of beer, and aſked for a lodging, we had none; a perſon in the houſe ſaid, he might get a lodging at the Black-horſe; and Rudd ſaid if he would give him a glaſs of any thing, he would ſee him ſafe there; he treated him with a pint of gin-hot; they both went out together, and Giggs followed him, in about five minutes after; they were gone ſome conſiderable time; then Rudd came back again, and ſaid they had taken a footpad; my huſband aſked him where, and he ſaid the man that went from our houſe, and he ſaid as how he knew he was a footpad; I aſked him whether he had fire arms; he ſaid he had fire arms; I told him he ſhould not come to our houſe; I aſked him where he was; he ſaid Giggs was with him; I thought they had him in the yard; I aſked him who was with, then I opened the door; he had Mr. Turner's hat on his head, and ſhoe in his hand, and his pocket book; I told him I was afraid they had uſed him ill; he ſaid he had not; then my huſband told him, if he had not uſed him ill, to take his ſhoes back, and aſk his pardon, and let him go, and he ſaid he would; and we went out to hear if there were any words, and we heard Rudd go to him, and call Giggs away, and Giggs did not leave him; Rudd went up, and laid the things down, and went away; then we found the things laying by him, after Rudd went up to him; and my huſband ſaid he was very ſorry he had been uſed in that manner.

When you came up to them, what did you find?——I found Giggs ſtanding by Turner, with a ſtick in his hand.

What was Turner doing?—He laid on the ground; he was tied hands and legs; Giggs d———d my huſband, and ſaid how did he know he had uſed him ill; my huſband ſaid it did not appear to him, that he had uſed him very well, by ſeeing him in that ſituation; then Mr. Turner ſpoke to my huſband, and aſked him if he belonged to the place, and I told him yes; he ſaid thank God there were ſome neighbours in the place that had ſaved his life, or elſe he ſhould have been murdered; we lifted him up, and when he could ſtand, I ſaw ſomething lay on the ground white; I thought it was his handkerchief, but it was his ſtock, which was tore off his neck, and the ſtock-buckle was in the ditch, and his hat, and his pocket-book were there; Giggs was there, and he went away, and ſaid he would come in the morning, and bring the club-ſtick with him that Turner had, and then he would come and clear that point up, and he went towards home; Giggs ſaid he found it under Turner's coat; then we brought Turner home, and ſent for a woman to waſh him, and ſit up with him all night.

*Mr. Garrow.* Mr. Turner never ſpoke till after the converſation with Giggs?——No.

Giggs produced the club?—It was a knotty ſtick; it did not appear to be like a club; it was two foot long, and a knot at the end of it; I do not know whoſe it was.

Did Rudd deſire you to look to ſee if there were any bank notes in this pocket-book, or any thing of that kind?——No, Sir, only to ſee where the gentleman lived.

How long have you known theſe young men?—Above a twelvemonth; I thought Turner as ſafe with them, as if he was in my houſe.

### JAMES PUTMAN *ſworn.*

I am a plumber and glazier, and deal in haberdaſhery; I live at Harrow; I know the proſecutor; he called at my houſe this day; I was not at home; I dealt with him for hoſiery.

How long have you known him?——Near a twelvemonth; he ſent for me, and

I came and ſound him beat and abuſed; and deſired he would ſend for a conſtable, and have the men taken up.

What time did you come to him?——Between five and ſix, as near as I can gueſs; I got a conſtable, and found the priſoners in a field, about a mile from the farm.

Were they at work?—No, they had run from their work; I followed them for near a mile; they aſked me if the gentleman had got his purſe and money; I told them no; and they ſaid they gave it to Stephens the hay-binder, to carry it him; when we came to Lovell's houſe, the proſecutor deſired me to aſk them if they had not a knife; and I aſked Giggs, and he pulled a knife out of his pocket, and gave it to the conſtable, that is all I know.

*Mr. Garrow.* I aſk this man no queſtions.

### DAVID HUNT *ſworn.*

I was at the taking of the men, about a mile from the farm where they work.

Were they running away?—Yes, they were.

Do you remember any thing being ſaid about a purſe?——One of the men aſked my maſter whether the man had his money again; and coming along the fields, Giggs ſaid the money was in the rick-yard, laid down by the ſide of the rick; he did not ſay who had it; he ſaid he aſked Stephens, being at hay in the morning, and he would have no concern in it; I went into the rick-yard, and the hay-binder gave it me; he picked it up in the ſame place where he told me, juſt on the ſide of the rick, I ſaw him pick it up; and I ſaw Giggs produce the knife.

### WILLIAM WELLS *ſworn.*

I am the conſtable, I took the priſoners; one of them ſaid he met with this gentleman's purſe in his pocket in the morning, and had put it in the rick-yard, that was Giggs; here is the pen-knife, the tobacco-box, and hand-bills, which I found on Giggs, after we got them to the public houſe.

*(The things produced.)*

*Proſecutor.* That is my purſe, and my knife, and here is my hand-writing on the bills; my tobacco-box I do not ſwear to; this is my ſtock-buckle.

*(Produced with the end of the ſtock tore off.)*

*Court to priſoners.* Here is a charge of a moſt grievous outrage againſt you; what have you to ſay.

### JAMES RUDD'S DEFENCE.

I ſhall leave it all to my counſel.

*Court.* You was the perſon that went out with this man; if you have any excuſe to make to the Jury, you had better ſtate it?——*(No anſwer.)*

### WILLIAM GIGGS'S DEFENCE.

I leave it to my counſel.

### JOHN STEPHENS *ſworn.*

I am a day labouring man; I work for the ſame farmer theſe two men work for; I remember the day this gentleman was beat; the two priſoners came over to me the ſame morning, between ſeven and eight; they had the purſe in their hands; they aſked me if would I carry it to the Swan, I ſaid I would have nothing to do with it; they turned their heads and ſaw the conſtable, and the other two men coming, and they threw the purſe down; there was all the money which was loſt; I have known theſe two men; they were born in the place; Giggs at Pinner, and the other at Wilſdon; they are hard working, honeſt fellows; I never heard any thing amiſs of them in my life; I have worked with them.

### JAMES WATERS *ſworn.*

I am a hay-binder; I remember their aſking me to carry the purſe to the rick-yard, and they aſked Stephens; I have kown Giggs ſometime, and have worked with them, I never knew any thing amiſs.

### VALENTINE TOWNSEND *ſworn.*

I live at Weſtbourn-green, Paddington; I have known Giggs ſixteen years, and

Rudd about a dozen years; I never heard any thing before this happened, but that they were hard working induſtrious men; I never ſaw any thing ill-natured by them.

### WILLIAM SUTOR *ſworn.*

I formerly lived at Harrow, and have a houſe there now; it is in diſpute; I have more knowledge of Giggs than the other; he kept a public houſe at Harrow, and I have frequently ſeen him; they were both quiet good ſort of men: if they had been tried yeſterday, there were twelve or fourteen capital inhabitants to give them characters which was well known.

*Court to Jury.* This man has been extremely ill uſed and abuſed; and has met with very violent and outrageous treatment, under circumſtances as extraordinary as ever came before a Court of Juſtice; and I wonder the priſoners have not given any account of this behaviour of theirs; nothing can be more clear, than that they have taken from this man his purſe, and theſe different articles; and his ſtory unexplained, would certainly conſtitute the crime of robbery; and were it not that there are two or three extraordinary features in the caſe, I ſhould ſtate it to you, as being clearly againſt the priſoners; but there are two or three extraordinary features in the caſe that puzzle me, and leave my mind in ſome degree of uncertainty, as to what was the object of theſe two people; for ſuppoſing it to be a concerted plan to rob this man; this conduct was ſo extraordinary, that it ſeems almoſt impoſſible that men ſhould have acted as they did: for you find that after having tied this man hand and foot, beating him, and abuſing him, and taking from him all theſe things, inſtead of going off with the money, and endeavouring to conceal what they had done; the firſt ſtep they took, was ſuch a one as muſt lead to a diſcovery; they came back to the houſe, and gave notice, that within two hundred yards of the place they had taken a footpad; when the landlord remonſtrated with him about the improbability of this man's being a footpad; he went and carried the things back, and it ſeems by the evidence of Turner, as if Rudd had done more, and adviſed Giggs to go away; it is equally extraordinary that when the landlord and his wife came up, Giggs ſhould ſtay there to be preſent, to give them an opportunity of ſeeing him there, and conſequently of convicting him. I do not find that there was any reaſonable ground for taking the proſecutor for a footpad.

JAMES RUDD, } GUILTY,
WILLIAM GIGGS, } Death.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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806. **JOHN KEENE** was indicted for feloniouſly ſtealing, on the 13th day of October, one half guinea, value 10s. 6d. and 5s. and two ſixpences in monies numbered, the property of Thomas Wormill, privily from his perſon.

### THOMAS WORMILL *ſworn.*

I drive one of the Bath coaches; between the 13th and 14th of October, between one and two, I loſt my money; I was ſubpœned up as an evidence on a trial, in the Marſhalſea Court, by a gentleman from Bath; I was willing to get home as ſoon as poſſible; I thought to get a lodging near the Glouceſter coffee-houſe, where the coach went from; and I went into the Coach and Horſes, in Piccadilly; the landlady ſaid their beds were full; I had an acquaintance there, I drank with him; the priſoner ſtepped up to me, ſays he, Thomas, how do you do? ſays I, Jack, how you do; ſays he, I am low in circumſtances, and I gave him ſome beer; and going along, he ſaid he had no money, he wanted three-pence to pay for a ſhirt, he did not know what to do; I ſaid Jack, you ſhall never want three-pence while I have ſixpence; I gave him ſixpence; and he took me to a houſe, which I think was the Brown-bear; the woman aſked me a ſhilling for a bed; and the priſoner ſaid damn the houſe, do not give a ſhilling there, I will take you to a ſafe houſe; and he took me to the Red-lion; and to the beſt of my knowledge, we had two glaſſes of gin and water; he ſaid you may go to ſleep if you like it; ſays he let us have another glaſs; ſays I, I will be obliged to you, if you will ſtay by me, and take care nobody comes near me, and whatever liquor you chuſe to have, if it comes to five ſhillings, I will pay for it; ſays he, Tom, ſo help me God if ever a fellow, if ever a bloody thief was to come, he ſaid *how* he would murder him; and I went to ſleep, with him by the ſide of me; it was about twelve when we went into the houſe; I had been in ſleep but a ſhort ſpace of time before I awaked, and miſſed my money, which was half a guinea, two ſixpences, and five ſhillings in ſilver, but I do not ſwear to that poſitively; the money was in my right hand breeches pocket; I alſo miſſed my hat, but that I could not charge him with; when I awaked, I ſaid ſomebody has robbed me of my money, and my hat; a young man who is here, ſaid the man that ſat by me was the man; he ſaid to two hackney coachman, damn his eyes, I have done him out of the bit, and he has more in the ſack; I ſearched after the priſoner, with a young man, and Lucas the conſtable, and found him on the high ground, St. Giles's, at the Coach and Horſes faſt aſleep; this was in the afternoon, between three and four; he was taken away to Cork-ſtreet mews, and he run up ſtairs, and I found him hid in a one pair of ſtairs; when the runners came, he took up a knife, and defended himſelf for ten minutes before they could take him; when he was taken, he had ten ſhillings in ſilver upon him.

*Court*. I ſuppoſe in going about in this manner from houſe to houſe, you got a good deal in liquor?—Not in the leaſt, nor was I when I fell aſleep; I had come above a hundred miles that day, and was weary.

*Priſoner*. Did you put your hand in your pocket, after you had been with five women?——I was in company with no women, nor ever converſed with any one of them; I went out, and I came in again, but I was not in any woman's company.

*Court*. Do you happen to recollect the laſt time you put your hand in your pocket, before you fell aſleep?——I paid my reckoning before I went to ſleep, and am very ſure I had my money in my pocket; I buttoned my breeches pocket up before I went to ſleep, and the money I had in my pocket, was half a guinea, and eight ſhillings and ſixpence.

JOHN MEGGS *ſworn*.

I was at the Red-lion; I ſaw the proſecutor there; he ſat on the left hand of me; I ſat next to him; I ſuppoſe a yard from him, on his right hand; there was no other perſon between him and me; I do not know how long they were in the houſe; they came in after me; I was ſober; I ſaw the proſecutor laying on the table; I ſuppoſed he was aſleep; and while he was aſleep, I ſaw the priſoner put his arm round his waiſt, with his hand in his right hand breeches pocket, and I ſaw the priſoner draw his hand out of the proſecutor's pocket.

Could you ſee whether he had any thing in his hand?——No, I did not obſerve that; preſently after he got up, and ſaid ſomething about *the bit* out of his ſack, but I did not know what the word meant; and he treated ſome coachmen that were there, and went off with them.

*Priſoner*. Was the witneſs aſleep or awake when we came in?——I was aſleep, I awaked and lifted up my head juſt at the time that the priſoner had his hand in the proſecutor's pocket.

*Court*. How many people were in the houſe?——There were ſeveral people; I believe it was between one and two in the morning.

What are you?——I am a coachman.

Do you know the names of the coachmen that he went off with?——No, I never ſaw them before.

Did you tell the proſecutor what you ſaw?——Yes, I told him in the morning; I ſaid, do you know the perſon that ſat by you? and he ſaid, he did; that was about four or five, or ſomewhere thereabout.

*Jury.* Was you acquainted with the proſecutor before?——No, Sir, I knew nothing of him nor the priſoner.

RICHARD SPENDLOVE *ſworn.*

I keep the Red Lion; and the proſecutor and priſoner came in together; they called for two glaſſes of gin and water; ſeveral people were there; I cannot tell whether Meggs was there; I ſaw him there in the courſe of the evening; I believe they had two glaſſes of gin and water a-piece; the proſecutor laid down his head to ſleep, and I awaked him twice; there were ſome company in the parlour; I went in there and came out again, and awaked him; then he roſe up and ſaid, he had loſt his money, and his hat; I ſaid, then the man that ſat next you muſt have it; there was a man ſat next to him; I do not know who he was; he ſat on the right hand ſide of him.

Who was on the left hand ſide of him?—The priſoner.

But after the priſoner was gone?—Nobody, Sir.

Where was Meggs?——Meggs directly ſaid, no, it was not that man, but he would inform him who had the money; ſays he, I ſaw the man's hand in his pocket; the man that is gone out; the man that was with Wormill, he had left his hat; it was the priſoner's hat; it was afterwards known by two perſons; Meggs ſaid, he ſaw him ſitting on the left hand ſide of him, and put his hand round his waiſt, and take his money out of his pocket.

*Court to Proſecutor.* What became of your hat?—I found it laſt night in Wood-ſtreet, with one of Mr. Mountain's coachmen; he ſaid it was put on his head while he was aſleep and another taken off.

Is that perſon here?——No.

Is the perſon here at whoſe houſe the half guinea was changed?——They can be fetched from the Pilgrim in Holborn.

Where was Meggs then, when he told you he ſaw the man take the money?——He ſat oppoſite; he ſaid, he was afraid to tell me before; he ſaid, the priſoner was ſuch a terrible man, he was afraid.

*Priſoner.* How could he ſay I was ſuch a terrible man, when he never ſaw me before; there were five people in the houſe; I paid the reckoning; the publican will tell you ſo; I have had a broken arm eleven weeks laſt Sunday.

*Court to Publican.* Did theſe two men drink together?—They had each of them a glaſs.

*Proſecutor.* I paid it.

*Priſoner.* Do not ſay ſo, Thomas; when I had juſt gone to work at the Coach and Horſes, in the High Ground, this man came with a bundle under his arm; it was about half after nine; he ſpoke to me; I did not know him; it was juſt candle light; I ſaid, I did not know him at firſt; ſays he, let us have a glaſs of gin a-piece; he paid for it; he wanted a bed; he ſaid, he was a ſtranger, and enquired if the beds were full; I took him to the Marquis of Granby's, which he ſaid was the Brown Bear; they aſked him a ſhilling; he ſaid, d—n my eyes, if I do not ſit up and ſpend the ſhilling; we had a pint of purl, and he paid for it; I ſaid, go over the way, you will get a bed for ſixpence; ſays I, you had better put your bundle in the bar, it will be ſafe there; he gave it to the landlord; ſays he, what ſhall we have to drink; ſays he, we will have a glaſs of crank warm; he leaned down his arm on the table; ſays I, do not ſleep Thomas, for I muſt go; ſo we drank; ſays he, I muſt borrow ſome money to carry me home; I am very ſhort; I gave the publican ſixpence, and he gave me two-pence; I finiſhed the glaſs of crank; ſays I, Tom, good night; ſo then I went and bid the landlord good night.

*Court to Priſoner.* How do you get your living?——I am a coachman, and was a waterman, at the High Ground, where this man met me, and to the Brentford coaches likewiſe; I got the money that was found on me by watering; the place I had was between three and four ſhillings a day at the leaſt; I have been in the neighbourhood twenty years; I did not know of my trial coming on.

ANN BROWN *ſworn.*

I live at the Caſtle and Falcon, in High Holborn; I have ſeen the priſoner before many times; I remember his coming to our houſe in October, between one and two in the morning; I cannot tell the day of the week; it was either the ſame night, or the night before; he drank part of a pot of hot, and had a toaſt and butter; two others that were with him paid for it; they each changed ſixpence, and paid fourpence halfpenny a-piece; I changed half a guinea for the priſoner, and he aſked me to weigh it which I did.

*Priſoner.* My Lord, one Thomas Williams owed me two ſhillings, and I met him and aſked him for it; and I got that half guinea by my work.

*Court to Proſecutor.* When did you diſcover he had changed half a guinea with this woman?——I went immediately to the houſe where this young woman lives, and ſhe informed me within two hours after I had loſt the money, that ſhe had changed the half guinea.

*Court to Brown.* Was it the ſame morning or the morning after that you ſaw the proſecutor?——I think to the beſt of my knowledge it was the morning after the night, it was between one and two; it was the very next morning.

GUILTY,

*Of ſtealing, but not privately.*

*To be privately whipped, and impriſoned one month.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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807. ISAAC SYMONDS was indicted fo feloniouſly ſtealing, on the 11th of October, a leather trunk, value 1s. a gown, value 30s. a callico gown, value 10s. 6d. two dimity petticoats, value 10s. the property of Frances Blackmore, widow.

*(The witneſſes examined apart.)*

FRANCES BLACKMORE *ſworn.*

I loſt a trunk this day fortnight in St. Paul's church-yard; I employed a porter to take it to the Caſtle and Falcon, from Charlotte-ſtreet, Black-fryar's road, to go by the Shrewſbury waggon; there was the things in the indictment; the trunk was directed to Mr. Blackmore, Drayton, near Shippenham, Shropſhire, to be left at Mr. George Herds at Shippenham; the porter is here.

——— JACKSON *ſworn.*

I was employed to carry a trunk for Mrs. Blackmore to the Caſtle and Falcon, and going along St. Paul's church yard, the priſoner called to me at a goldſmith's door, and deſired me to call him a coach; as I was going round, I ſaid, I would, he told me he would give me the price of a pot of beer; I brought a coach, and he gave me a ſhilling to get change at the paſtry cook's, and they gave me ſixpence and ſixpennyworth of halfpence; I put down the trunk off my head; while I went to get the change, he took the trunk and put it into the bottom of the coach; he objected to the halfpence, and before I returned again, after changing the halfpence, he was gone with the trunk; when I returned with the halfpence the firſt time, he told me he had put the trunk into the bottom of the coach to keep it from the wet; and when I came up to the door the ſecond time, the people told me I had loſt my trunk, and I ran after him, and overtook him in cuſtody, in Newgate-ſtreet, and the trunk.

WILLIAM BENNETT *ſworn.*

On the 11th of October, between three and four, I was ſtanding in Mr. Parker's parlour, in St. Paul's church-yard; I ſaw two men ſtand at the door, and a poor man came up with a trunk on his head; and a coach drove up; the old man put down the trunk; one of them came and ſtood by the door, and put it further into the ſhop; then the other went and opened the coach door and put the trunk in; that was the priſoner; he ſeemed in a great deal of agitation; he whipped open the door again and jumped out; the old man came back again; where he had been I cannot tell; they ſent him back again, and the moment he was gone, the priſoner whipped out the trunk, and ran up the church-yard; I followed him, and overtook him in Newgate-ſtreet; I ſtood facing the Queen's Arms door, and I ſaw the priſoner turn up and go round Bagnio-court, and he was taken; the priſoner uſed very bad words, and ſwore he would do for me in every ſenſe of the word.

*(The trunk and things produced and depoſed to.)*

*The priſoner called one witneſs to his character.*

GUILTY.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the London Jury before Mr. Baron* EYRE.

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808. **JOHN CALDER** was indicted for feloniouſly ſtealing, on the 12th day of September laſt, one thouſand iron nails, value 2s. and twenty pieces of deals, value 8s. the property of Thomas Weatherall.

THOMAS WEATHERALL *ſworn.*

I live in Cheapſide; I am a carpenter; in conſequence of ſome information I received, I got a ſearch warrant, and ſearched the priſoner's apartments, and there I found the things now in Court, and a great quantity of other goods, at a houſe in Bull-head-court, Newgate-ſtreet; I had ordered my man to watch the priſoner home, and went to his lodgings; the priſoner opened the door with the key which was in his pocket, and we found the things in the indictment; there are ſome clean deals which were planed a day or two before for a job; and the others were cut in different pieces, and we have the fellow pieces, moſt of them I can ſwear poſitively to; there were about twenty different pieces of deals, value about eight ſhillings.

GEORGE PIERPOINT *ſworn.*

I am conſtable; I ſearched the priſoner's apartments, and found theſe things.

PRISONER's DEFENCE.

My Lord, and Gentlemen of the Jury, if I was on my death bed, I would take my oath that they have forſworn themſelves; I have had this ſtuff by me a long time; I have been a hard working man ever ſince my youth; I was always very induſtrious, and have bought ſtuff at ſeveral timber yards.

THOMAS MUSGRAVE *ſworn.*

Depoſed to one of the three pieces which he planed.

*The priſoner called three witneſſes who gave him a good character.*

GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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809. The ſaid **JOHN CALDER** was again indicted for feloniouſly ſtealing, on the 11th of September laſt, five glaſs bottles, value 10d. two quarts of Madeira wine, value 6s. three quarts of red port, value 5s. a bacon ham, weight eleven pounds and a half, value 5s. the property of Thomas Langley.

The priſoner was ſent by Mr. Weatherall to work at the houſe of the proſecutor Mr. Langley, and there he ſtole the ham and wine mentioned in the indictment, which were found in his apartment, and were depoſed to by marks.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr. Baron* EYRE.

810. JAMES CAREY was indicted for feloniouſly ſtealing, on the 5th day of October, two linen ſhirts, value 2s. two ſhifts, value 1s. a waiſtcoat, value 1s. the property of William Crofts.

The priſoner was detected in the neceſſary, the things being removed off the lines, and bundled up in the neceſſary; he eſcaped into the next yard, and was taken.

GUILTY, 10d.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

811. REBECCA DAVIDSON and SARAH BURDOE were indicted for feloniouſly ſtealing, on the 6th day of September laſt, three guineas, value 3l. 3s. and one half guinea, value 10s. 6d. the property of Robert Taylor.

ROBERT TAYLOR *ſworn.*

I am a cabinet maker; I loſt this money in Rupert-ſtreet, the 6th of September, I was going down Coventry-ſtreet, about eleven, or a little paſt; there was a diſturbance in the ſtreet, and I ſtopped and looked on, and the priſoner Burdoe aſked me to give her a glaſs of gin; I ſaid, with all my heart; ſhe went firſt, and I followed her into the Bunch of Grapes; Burdoe aſked Davidſon to come with her; I ordered ſixpennyworth, and ſomebody came up with a bowl of negus, and aſked eighteen pence for it; I ſaid, I would not have it; it was put on the table, and I paid eighteen pence for it; then Burdoe aſked me to lay with her, I ſaid, no; then they unbuttoned my breeches, and one fell down on the ſofa, and the other puſhed me upon her; and I found my money was gone; I charged them with the watch; they were ſearched and nothing found.

*Priſoner.* He was very much in liquor.

*Proſecutor.* I was as ſober as I am now.

*Priſoner.* I wanted him to go back and ſearch the room.

*Proſecutor.* I ſaid there was no occaſion for that, my money was in my watch pocket; the beadle of the night went directly, and ſearched, but there was none there.

THEOPHILUS BUTCHER *ſworn.*

I was taking this woman to gaol, and going along, Burdoe ſaid it was hard ſhe ſhould ſuffer innocently, when the other woman had the money and gave it to her man: the other woman was ſearched and nothing was found.

PRISONER DAVIDSON'S DEFENCE.

I never was in this Court before in my life; this gentleman aſked this woman and I to go and drink a glaſs, and we went to the Jeruſalem tavern; there was a woman uſing this woman ill, and he took her away; the two women made anſwer to Mr. Taylor, you are coming again; he treated us with a glaſs when we came out of the houſe, he ſaid let us go and have a ſhilling's worth, and he took us to this houſe almoſt the top of Rupert-ſtreet; he ſaid he had no more than 18d. and he paid it; he wanted to have connections with the other priſoner, and he went from ſopha to ſopha, he would neither do one thing nor the other, ſo we wiſhed him a good-night, and in about a quarter of an hour afterwards he took us both up; they ſtripped us to our ſhifts, we had not two-pence between us; in the watch-houſe he ſaid, Mrs. Davidſon, I am ſorry for you, let us have a gallon of beer; he went from one ſopha to another, his breeches was over his ſhoes.

*Priſoner Burdoe.* What ſhe has ſaid is truth.

*Court.* If it is truth, how came you to tell the man that was carrying you to gaol, that it was hard upon you, the other woman had the money?

Both Guilty.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* Eyre.

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812. **MARY ALLEN** was indicted for feloniouſly aſſaulting Hugh Harding on the King's highway, on the 14th day of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a watch with a tortoiſe-ſhell caſe, value 30s. a chain, value 2s. four gold ſeals, value 40s. a baſe metal watch key, value 2d. his property.

### HUGH HARDING *ſworn.*

I live No. 63, Leather-lane, Holborn; on the 14th of September, between five and ſix, I had been at my gold ſeal maker's, who has worked for me in gold ſeals ſeven or eight years, and coming home I came acroſs Chick-lane, and the priſoner laid hold of my hand, ſays ſhe, how do you do? ſhe had not ſaid ſo, before ſhe laid faſt hold of my chain, and my watch was out in one minute; I ſaw her as plain as I do now; ſhe run away, I run after her, ſhe had a cloak and bonnet on, that came off, ſhe got among five or ſix bad people, and I ſaw her put her hand behind her and give it to one of them, who I underſtand has been caſt this ſeſſion for ſomething elſe; the woman got away, and one Humphry Moore came up to me, and ſaid, do not make a noiſe Mr. Harding, I will get you your watch again; he got me into the Marquis of Granby's Head, and there I was robbed of ſixteen pounds worth of diamonds, and a pocket-book with a ten pounds bank-note, which is the ſubject of another indictment; this woman was taken that night, I knew her again; I was not drunk, I had been drinking.

*Priſoner.* He ſaid I was not the woman.——I did not.

### ANN WALLING *ſworn.*

I ſaw the priſoner take the proſecutor's watch and run away, he brought her back by the arm, but a parcel of bad people joſtled him and he loſt her; I am a header of pins.

### PHILIP BRISTOW *ſworn.*

I took up the priſoner by order of the proſecutor.

*Court.* He ſeems drunk, does not he?——He always is, my Lord, I never ſaw him ſober; I found a guinea and a half on her.

*Priſoner.* I never ſaw the man.

*Court to Briſtow.* Was he in liquor when he gave charge of her?——He was not really quite ſober, he was a little freſh, a little mellow, but not ſo as not to know a perſon.

*Court.* What is the priſoner?——She is a poor unhappy woman of the town.

Guilty *of ſtealing, but not violently.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* Eyre.

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813. **WILLIAM HODGE** was indicted, for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the Devil, on the 25th day of October laſt, in and upon one Elizabeth Smith, ſpinſter, in the peace of God and our Lord the King then being, feloniouſly did make an aſſault, and her the ſaid Elizabeth, againſt her will, did feloniouſly raviſh and carnally know.

*(The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.)*

### ELIZABETH SMITH *ſworn.*

How old are you?—Sixteen.

Only ſixteen?——No.

Where do your friends live?——At Horſley-down.

You was a ſervant, was not you?——Yes.

To whom?——To William Hodge; I had been a ſervant to him a fortnight.

Is he a ſingle man?——No, Sir, a married man.

How many are there in family?——A wife and three children.

Have you any lodgers?——One.

Where was it that this injury was offered to you?——In the fore-garret.

When was it?—I cannot tell you the day, it was on a Sunday.

How long ago?—I cannot tell exactly, a fortnight.

Tell me how it happened, and what he did to you?—He came up ſtairs at eleven at night, and broke open the door.

Was the family gone to bed?——Yes.

What time did the wife go to bed?——About half after ten.

Where did ſhe ſleep?——Two pair of ſtairs lower, in a back room; the lodgers lay in a room under me, they were man and wife.

Where did this man always uſe to lay?——With his wife.

Did you faſten your door of a night?—Yes.

Did you faſten your door that night?—Yes, double-locked it; I went up when my miſtreſs went to bed.

Where was your maſter then?—He was out.

Did you ſhut the ſtreet door?—Yes.

How got he in?——He let himſelf in with a key; I had not been long in bed, he immediately broke open the door, I got up in the bed, I did not hear him break the door, he came to the bedſide with a candle, and ſaid my miſtreſs wanted me, I told him I was coming directly; and juſt as I got out of bed, he puſhed me backwards and blowed out the candle, and got upon the bed to me directly; he got upon me; the bed was not big enough.

Did he undreſs himſelf?——He had his coat and waiſtcoat on.

Any part of his clothes off?——His breeches were off, and his ſhoes and ſtockings.

Where did he pull them off?—He pulled off his ſhoes and ſtockings in my miſtreſs's room.

How do you know?—Becauſe he put them on in the morning when he came down; he had his breeches on when he came up in the room to me.

Where did he pull them off?——In the room where I was; he got up in the bed and upon me, and put his private parts into mine, and I could not ſtir nor move, he would not let me, he told me if I made any noiſe, he would knock my brains out, I went to call out, and he put his hands before my mouth that I might not call out; he laid from eleven till ſeven in the morning.

Did not he pull his coat and waiſtcoat off in all that time?——No.

Nor did not he get into the bed?—No, Sir, the bed was ſo ſmall he could not do otherwiſe; the bed is but a ſide-bed.

He lay with you from eleven till ſeven?—Yes.

Did he ſleep any part of that time?——No, Sir, if he dropped in ſleep, when he felt me ſtir or move he was awake directly, and at ſeven o'clock he got away; and I came down ſtairs and told my miſtreſs; I got up directly afterwards; my miſtreſs ſaid ſhe thought he went out of doors, but ſhe could not get up to ſee, for ſhe was ill in bed, and I could not make any noiſe at all.

You certainly could have made a noiſe when he fell aſleep?—If I made a noiſe he put his hand before my mouth and ſtopped my breath.

You do not ſeem to have tried to make a noiſe?——Yes, Sir, I did.

*Mr. Garrow.* Mrs. Smith, he continued in this ſame poſition from eleven to ſeven?——Yes.

Exactly in the ſame poſition?—Yes.

You mean laying upon you with his private parts in yours?—Yes.

He would not let you ſtir?——No, I offered to ſtir, he threatened to kill me.

He was going to ſleep till you diſturbed him, then he got awake again?—He did not ſleep but very little indeed, only little bits.

But now putting all the little bits together, how many hours do you think he might have ſlept?—I cannot tell you.

Did this buſineſs hurt you at all?——Yes, it hurt me very much.

And continued to hurt you all the time?—Yes.

This bed is very narrow?—It is not above half the width of my coloured apron; he could not lay any otherwiſe.

They tell me it is a very ricketty bed too?——Ricketty!

Aye! makes a noiſe when you get in and out?——No, it does not.

You was hardly got into bed?——Yes, I had juſt dropped to ſleep; my door was double-locked with a ſpring lock, and it was broke open with theſe two chiſſels.

*(Produced.)*

The lock was puſhed back.

But you never heard him till he was at your bed-ſide?——No, Sir, I am very heavy to ſleep.

Did you get any ſleep during this night?——No, Sir, I did not go to ſleep all night long.

How high is your bed from the ground?—I never meaſured it; he had me lengthways upon the bed.

Why did you not put down your hands and tap for the lodgers?——He had hold of both my hands all the time, and one hand on my mouth.

Had ſuch a thing never happened to you before?—No, Sir, never in my life.

That you are ſure of; do you remember any thing about a table in a warehouſe?—No, Sir, there never was ſuch a thing done before.

Upon your oath has there never been ſuch a thing done againſt a table once?—No, Sir, never:

Did he pull off his breeches before he put out the candle?——No, after he put out the candle.

Did you help him to pull off his breeches?—No.

Are you ſure you did not help him?—I did not.

How did he do it?——I cannot tell.

Did you not go down before he did?—Yes.

Did not you go for his ſhoes and ſtockings?——No, I did not, I went down to do my buſineſs, and to tell my miſtreſs; I left him in the work-ſhop without ſhoes or ſtockings.

Did not your miſtreſs ſay to you, what have you been laying with your maſter all night?—No, Sir, ſhe did not.

Then you never told her that you had not lain with him all nigh?---No, Sir, I told her immediately of it, when I came down in the morning.

Upon your oath, did you never tell your miſtreſs that you had never lain with him?—I ſtand by that.

What did you ſay the firſt thing to your miſtreſs?——I aſked her if ſhe did not know whether my maſter was with me; ſhe ſaid ſhe did not, ſhe ſaid ſhe thought he was out of doors.

What you ſaid, pray, Madam, do not you know my maſter has been with me all night?—Yes.

Your miſtreſs turned you away, I believe?—No, ſhe did not, my aunt took me away, Mr. Hodge went and made his brags at the public houſe the next morning, that was the way my aunt knew of it, a man let my aunt know of it.

How often have you and Mrs. Marſhall and her huſband talked this over in the courſe of laſt week?—I never did talk any thing at all about it.

That you ſwear poſitively, that you did not talk it over yeſterday what you ſhould ſay in Court?—Sir, he never did teach me, nor his wife.

How long was it day-light before this man got up from you?—It was not day-light long.

Did he ſay any thing to you when he got up?--No, Sir, only if I would get his ſhoes and ſtockings for him, he would go out, I did not go for them.

Mrs. Me[illegible] is the lady that lived in the floor under you?——Yes.

Did not you tap at her door as you went down?—No, I did not tell her till a good bit after.

When did you tell her?——I told her it before my aunt came.

So this man as ſoon as he got his ends of you, lay quiet till the morning?——He would not let me move.

Did he move himſelf?——No, he did not from that time till the morning.

ANN MARSHALL *ſworn.*

I am aunt to this girl.

When did you hear this girl's having received any injury by this Hodge?——The next morning a man came and told me to come up to my niece, that Hodge had ruined her; I went directly up ſtairs, and made the beſt of my way to the priſoner, where I ſaw the girl ſweeping the ſhop; I cannot ſay whether it was ten or eleven in the morning; I went into the parlour to Mrs. Hodge, and Mr. Hodge's father, as I was told, was there; I ſaid it was a very ſad affair, and they ſaid a very ſad affair indeed; I bid the girl look up her clothes, and come with me, my huſband and I took her up before a Magiſtrate directly, the ſame day.

How came you to take her before a Magiſtrate?——Becauſe ſhe ſaid her maſter had been the ruin of her, and had been in bed with her; when I came from the office, I came to take her things.

Did you examine the girl?—No, Sir.

Nor look at her linen?——No, Sir.

Was ſhe never examined by any ſurgeon?——Not to my knowledge, nor I dare ſay ſhe was not.

*Mr. Garrow.* You thought it was a ſad thing that this girl ſhould have theſe liberties taken with her?——Yes.

And therefore you took her away?—Yes.

Did ſhe tell you how often this ſort of thing had happened to her?——I heard nothing but what ſhe ſaid at the Juſtice's.

Did you hear any thing of a table in the workſhop?——No.

Did you ſpeak to the girl before you ſpoke to the miſtreſs?—I cannot tell what I ſaid to her.

Did not you tell her ſhe was an impudent huſſey, to ſuffer men to do theſe things?—I might ſay, it was a ſad thing; I cannot ſay her anſwer.

Have you ever ſeen this bed, where this is ſuppoſed to have happened?—I did go up ſtairs, but I was alarmed; I cannot give you any particular deſcription.

You are a married woman?——Yes.

Do you think it poſſible to have lain all night in that ſituation by the ſide of her, or in any other way without her conſent?—I cannot ſay; it is a ſmall bed, like a child's bedſtead; I did not go cloſe to it.

How old is this girl?——I cannot be punctual whether ſhe is fifteen or ſixteen.

Is not ſhe nineteen?——I cannot be punctual, I do not think ſhe is ſo much.

SARAH FULLER *ſworn.*

I am aunt to this girl; ſhe is between ſixteen and ſeventeen.

Is not ſhe more?——No; I know nothing about this matter.

Did you examine her?——No.

Nor her linen?——No.

*Court to Jury.* Gentlemen, do you wiſh to proceed any further?

*Jury.* No my Lord, we are ſatisfied.

*Court.* It is a very brutal thing, for which this fellow deſerves to be puniſhed in a way more ſevere than he has been, or will be; to be ſure, taking any method to perſuade a girl, his ſervant, of this age, in his houſe, under his protection, he having a wife and three children, one cannot preſume any thing more brutal and beaſtly than his conduct; but as to a rape, there is no pretence.

**NOT GUILTY.**

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

The next Part will be publiſhed in a few Days.

# THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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## NUMBER VIII. PART VII.

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M.DCC.LXXXVI.

[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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814. **EDWARD DARBY** was indicted for feloniouſly ſtealing, on the 5th day of September laſt, one mare, price 10l. the property of James Pearſon.

*(The caſe opened by Mr. Silveſter.)*

JAMES PEARSON *ſworn.*

I am a farmer; I live at Weſton Underwood; I loſt a mare; I miſſed her on the 4th of September, before ſeven in the morning, out of my grounds; ſhe was a black mare, with a ſtar in her forehead, with a bit of white under her belly, two white heels behind, and a long tail; I purſued her to London; I heard of the man and mare at the turnpike, but I could not find them; the priſoner uſed to milk, and go to plow for me; he ran away from me on the 29th of June; I ſaw my mare on the Tueſday following, which was the 7th, at the Cock at Barnet; I am clear it was my mare.

JOHN GRANT *ſworn.*

I am a ſheriff's officer; I was going to Barnet fair; going along the chace, I ſaw a woman coming out of a hedge, crying out, ſhe had loſt a ſhirt; I purſued the man, and took him; it was the priſoner; he had this mare; I ſaid by the look of him, you have ſtole this mare; he ſaid no, he had bought it of Mr. Pearſon, at Weſton Underwood; and the Juſtice committed him for ſtealing the ſhirt; and I ſaid you will ſave us a deal of trouble; and he ſaid, I ſtole the mare from the man I mentioned.

*Priſoner.* I have nothing to ſay.

Would you have me aſk Mr. Pearſon about your character? —— No.

GUILTY, Death.

*He was humbly recommended to mercy by the Jury on account of his youth.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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815. **FRANCIS MARTIN** was indicted for feloniouſly ſtealing, on the 9th day of October, a black gelding, value 26s. the property of George Kirkman.

BENJAMIN SMITH *ſworn.*

I am a horſe-boiler: on the 9th of October, I was going to bed, about twenty minutes after ſeven, the priſoner brought a large horſe with a bridle, to the top of Sharp's Alley to be ſold, to be knocked on the head; a perſon called, I ran directly; the man ſtood with the horſe at the Crown door; he aſked a guinea and half for it; he ſaid he brought it from Mr. Knowland, a cow-keeper at Haggerſton; I told him I was ſure he did not bring it from there, on account I had that perſon's horſes and cows what dropped; I ſaid if you brought it from him, I will go with you now directly, and buy it of your maſter; he refuſed, and ſaid he would take it to his own ſtable in Caſtle ſtreet, Whitechapel; I thought it was an odd affair; going along Long-lane, he ſaid he had been at Bennet's, at Cripplegate, and they had bid him twenty-eight ſhillings for this horſe; I called at Bennet's to know about it; they looked at the horſe and the man, and they ſaid the horſe had not been there all night; the horſe was all of a ſweat; I told him I was ſure the horſe was ſtolen; he told me, you may detain me if you pleaſe; I took him to Mr. Girdler's; what was ſaid there was taken down in writing; I advertiſed the horſe three days in the papers, and had it cried in the market to be owned; the horſe had been thrown down under a cart, and had his knees hurt, and the ointment was upon it.

**PHILLIP BRISTOW** *ſworn.*

I took the priſoner into cuſtody.

**GEORGE KIRKMAM** *ſworn.*

I ſaw this black gelding in the poſſeſſion of Smith; I deſcribed it before he brought it up to me; I can ſwear to it; I bought it about May, in Smithfield; I miſſed it either on the 12th or 13th of October, going over my grounds; for he had been thrown down under a cart, and we had turned him out to get better, but he never will be well any more.

Had you ſeen him two or three days before you miſſed him?——No, I had not; I know nothing of the priſoner; I never employed him as my ſervant; I have no doubt about the horſe.

PRISONER's DEFENCE.

As I was coming down Long-lane, leading to Smithfield; I overtook a man who aſked me where Parker lived, and while I was gone there, this man came and aſked me what I was to have for the horſe, I told him a guinea and a half, and the other man ſtood on the other ſide of the way; they took me, and I never ſaw any more of the other man.

GUILTY, Death.

*He was humbly recommended to mercy by the Jury and Proſecutor.*

*Court.* This is not a flagrant caſe, becauſe the horſe is not of any value, only fit for boiling.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

816. **FARRELL KEARNON** and **ELIZABETH KEARNON**, alias **PRICE**, were indicted, for that they, on the 8th day of October, did take away, with intent to ſteal, embezzle, and purloin, one iron frying-pan, value 9d. a flat-iron, value 6d. three blankets, value 6s. a pair of linen ſheets, value 5s. a bed quilt, value 18d. a copper ſauce-pan, value 2s. the property of John Davis, being furniture, which by contract they were to uſe in a lodging let to them, againſt the ſtatute.

**MARTHA DAVIS** *ſworn.*

I live in Little St. Andrews-ſtreet, Seven Dials; I am wife of John Davis; the priſoners paſſed as huſband and wife; they took a lodging of me; the woman came firſt, ſhe ſaid, ſhe had a huſband who was a ticket porter; ſhe was to pay me four ſhillings a week, and to come in the next day; ſhe was to have a ready furniſhed apartment, every thing except crockery; next day her huſband and ſhe came together; they ſtaid till the 8th of October; then they robbed me of every thing in the room but the chairs and tables; they took the things mentioned in the indictment; they were taken into cuſtody.

*William Aldridge, ——— Jordan, William Hudſon, and another, being pawnbrokers, produced the various things depoſed to.*

PRISONER FARRELL'S DEFENCE.

I know nothing of the things; this woman waſhed for me, and I came there different times.

PRISONER ELIZABETH'S DEFENCE.

I am a lawful married woman; my huſband and me had been parted for the ſpace of three months, and he found me out and perſuaded me to pawn theſe things; this man is quite innocent; I have a ſick baby now a dying.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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817. ROBERT MILLS was indicted for feloniouſly ſtealing, on the 15th day of Auguſt laſt, a ſilver watch, value 42s. a ſteel chain, value 2d. the property of James Dyts, in his dwelling houſe.

*(The caſe opened by Mr. Silveſter.)*

JAMES DYTS *ſworn.*

I am landlord of the Talbot in the Strand; the priſoner lodged with me; I was ill in bed at the time.

KETURAH DYTS *ſworn.*

I am wife to John Dyts; when I firſt came to the houſe, I hung the watch up in the bar; it hung for a conſiderable time; on the 15th of Auguſt my huſband was taken ill; the priſoner was ſitting in the kitchen reading the newſpaper, about four yards from where the watch hung; I went out and returned, and the watch was miſſing; I ſuſpected the maid, and threatened to take her up; the priſoner ſaid, if you take us all up, my pretty face muſt go before the Juſtice; I did not ſuſpect the priſoner; I took him to be a gentleman of five hundred a year; I loſt a punch ladle before on Thurſday night the 18th of Auguſt; we found the watch at one Mr. Purſe's.

*Mr. Garrow, Priſoner's Counſel.* How long have you kept the Talbot?——Juſt come there; we kept the Opera coffee-houſe before.

The road to the rooms that are moſt frequented, (you underſtand me without more explanation) is through the bar, is it not?——If you was to come there you would go through the bar.

*Mr. Garrow.* I never ſhall be that way I aſſure you; how long had this gentleman of five hundred a year been at your houſe?——He came on the 10th; he ſtaid a week.

Was it you that preſented the bill of ſeven pounds for his week's board?——No, Sir, my huſband; but then he had three or four gentlemen eat and ſlept with him; he always had one or two, ſometimes three gentlemen ſlept with him.

Did not he refuſe to pay it?—I do not know.

Was you preſent when your huſband ſaid, if you do not choſe to pay that bill, I ſhall charge you with ſtealing a ſilver watch?——He was taken up on the 18th and carried before a magiſtrate; he was at large from Friday till Monday; there were advertiſements with a reward to find the watch; he was taken up again on the 30th of September.

Did he continue at your houſe after this?——No.

ELIZABETH BALLITER *ſworn.*

I was ſervant at this inn; I remember the time the watch was loſt.

Who went through the bar at that time?—Mr. Mills, and nobody elſe.

*Mr. Garrow.* Was not you taken up?—No, Sir, another ſervant was; I was only a daily ſervant.

How near is the bar to the place that the ladies and gentlemen go to?——It is very near.

GEORGE

### GEORGE PURSE *ſworn.*

I am a pawnbroker in the Strand; about five minutes walk from the Talbot; I received this watch from the priſoner on the 15th of Auguſt, in the afternoon; I am poſitive to the priſoner; he brought it to pledge.

*Mr. Garrow.* Do you take in newſpapers from Bow-ſtreet?——No, I never ſaw this watch advertiſed.

*(The watch depoſed to.)*

*Proſecutor.* I am ſure it is mine.

*Court to Priſoner.* Young man, what do you ſay for yourſelf, you are proved to have pawned this watch the very day it was loſt.

*Priſoner.* I know nothing at all about the watch, nor never ſaw it, nor was I through the bar that day, I can ſolemnly deny that I ever pawned a watch for theſe two years paſt but one, and that was my own.

*Purſe.* I have no doubt about him; I knew him before.

*Mr. Garrow, to Proſecutor.* After this man was taken up and diſcharged, he brought an action againſt you for falſe impriſonment?——Yes.

That action is ſtill depending?——I was ſerved with a copy of a writ to anſwer the 6th of November; the term is not yet begun.

*(The priſoner's witneſſes called, but none anſwered.)*

GUILTY

*Of ſtealing to the value of* 39s.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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818. MARY BURCH was indicted for feloniouſly ſtealing, on the 3d day of September laſt, a ſilver watch, value 50s. a ſteel chain, value 12d. a key, value 1d. three trinkets, value 2d. one guinea, and one ſhilling, the property of William Field, in the dwelling houſe of Thomas Hickey.

### WILLIAM FIELD *ſworn.*

I am a gunſmith; I had been drinking with my ſhop-mates at Charing-croſs; I loſt my watch and money in Crown-court, in a houſe of Mr. Hickey's; I was a little in liquor, and the priſoner picked me up; I did not know her before; I went with her into a front garret, and went to bed; nobody was there but her and her child, my watch was in my fob; I put my breeches under my head, and when I awaked in the morning, ſhe was gone, and my watch and money; I am ſure I had my watch and money in my pocket, when I was undreſſing myſelf, it wanted eleven minutes to three; I ſaw the priſoner and my watch the next morning.

### RICHARD BROOKS *ſworn.*

About half after ſix on the Sunday morning, the 3d of September, I took charge of the priſoner, and found the watch in her boſom.

*(The watch produced and depoſed to.)*

### RICHARD JAMES *ſworn.*

I am a watchman; the priſoner came into the houſe where I lodged, between ſix and ſeven; ſhe was in liquor; ſhe ſaid, ſhe had a watch to ſell for half a guinea; ſhe ſaid, ſhe found it; I detained her and ſent for an officer.

### ANN HICKEY *ſworn.*

The priſoner rented a room of me; on the Sunday morning as I lay in bed, I heard a man ſay he was robbed in our houſe.

### MARY ALFORD *ſworn.*

The priſoner came into my houſe on Sunday morning between ſix and ſeven, and aſked me to buy a watch; I keep a public houſe.

### SAMUEL PRESTON *ſworn.*

The priſoner came on Sunday morning about ſeven to my houſe, to have half a pint of raſpberry ; I keep the Black Dog, in Bloomſbury, ſhe brought two men with her, and deſired me to let them have what they wanted ; ſhe gave me a guinea to change, and aſked me to give her two ſhillings, for ſhe was going to carry the raſpberry to ſomebody that was ſick ; and Mr. Brooks came in after ſhe was gone, and deſired me not to give her the change.

### THOMAS BARRY *ſworn.*

Between ſix and ſeven I came to the Royal Oak public houſe, where the priſoner was in cuſtody, and ſhe ſhewed me the watch in her boſom.

### PRISONER's DEFENCE.

I was going out on Thurſday night for a pint of beer, and I picked up the watch ; when I came back again, the door was faſt ; I never was in the houſe that night ; the guinea I had ſaved up to pay my rent.

*Court to Jury.* This partakes rather of the nature of ſtealing from the perſon than in the dwelling houſe ; for in theſe ſort of caſes, where the property is not left in the houſe, which is the ſecurity for it ; but the man has it about his perſon ; this is not that ſort of caſe to which this law does apply.

GUILTY, 39s.

*Privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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819. THOMAS PERRY and JAMES SMITH were indicted for feloniouſly ſtealing, on the 10th day of September laſt, four pair of ſtirrup irons, plated with ſilver, value 40s. a double rein ſnaffle curb bridle, value 20s. two ditto with a martingal, value 20s. the property of John Thompſon.

### JOHN THOMPSON *ſworn.*

I keep the Pied Bull, at Iſlington ; on Sunday, the 10th of September, I miſſed the things mentioned in the indictment, out of the ſtable ; I know nothing of the priſoners.

### WILLIAM DINES *ſworn.*

I am ſervant to Mr. Thompſon ; I had the care of theſe things in the ſtable ; I miſſed them about five in the morning. *(Deſcribes them.)* One of them belongs to Mr. Mence ; I never ſaw the two priſoners, till I ſaw them before *his Majeſty.*

### JOSEPH DINMORE *ſworn.*

I ſtopped the priſoner Smith on Sunday morning the 10th, in Turnmill-ſtreet, with theſe things in his apron ; Perry was with him, but run away ; I took from him all theſe things.

*(Produced and depoſed to.)*

### WILLIAM POOL *ſworn.*

About a quarter after eight, on the 10th of September, I was in my ſhop ; I heard the cry of ſtop thief, and I ſaw Perry running up the ſtreet ; he came to my door and ran through my paſſage ; he dropped one of the ſtirrup irons at my door ; one in the paſſage, and the other on the ſtair-caſe ; he ſaid the officers were after him for a baſtard child, and begged me not to detain him.

*(The ſtirrup irons depoſed to.)*

### RICHARD GASKIN *ſworn.*

I took Perry in Mr. Pool's houſe ; he ſaid, it was for a baſtard child.

### THOMAS ISAACS *ſworn.*

I took the priſoners on the Sunday morning ; Smith had this bundle tied up in this brown apron ; Perry got away and was brought back.

*James Dallard*, a ſadler, depoſed to ſome of the things.

### PRISONER PERRY's DEFENCE.

On Sunday morning I met Smith ; he told me he found theſe things, and while I was looking at them, Iſaacs came up ; I was frightened, and ran away into a houſe and dropped them; I am a white-ſmith, and have tired out all my friends with waiting.

PRISONER SMITH's DEFENCE.

I was going to get ſome blackberries, and I found theſe things behind a buſh, and put them in my apron, and coming home I ſhewed him theſe things, and Iſaacs came up.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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820. THOMAS BRITT was indicted for feloniouſly ſtealing, on the 11th day of October, thirty-two pounds weight of Glouceſter cheeſe, value 10s. the property of Rees Williams.

The priſoner was purſued inſtantly, and dropped the cheeſe.

GUILTY.

*Whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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821. HENRY SMITH, otherwiſe BROWN, otherwiſe ROWLES, was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of John Stephen Schnitker, between the hours of eleven and three in the night of the 15th of May laſt, and burglariouſly ſtealing therein one green cloth coat, value 5s. one linen waiſtcoat, value 2s. one pair of nankeen breeches, value 3s. and one pair of gloves, value 2d. his property.

(*The caſe opened by Mr. Garrow.*)

JOHN STEPH. SCHNITKER *ſworn.*

I am gardener to Mr. Godfrey at Iſleworth; I have a houſe in my own occupation in which I reſide, it is a houſe of Mr. Godfrey's, but it is a ſeparate dwelling for me and nobody elſe.

*Court.* How far from the dwelling-houſe?—About three or four hundred yards, not adjoining to any part of his dwelling: on the 6th of May, in the morning, a little before ſix, I ſlept at that time in the great houſe, in the dwelling-houſe, the night before I ſaw my own houſe ſecure, and the garden every where locked round; when Bowley called me, I found one of the panes broke and the ſaſh open, ſomebody had introduced a hand and put back the ſpring, the door was faſt; I miſſed a brown cloth great coat, and a dark green cloſe bodied coat, almoſt new; two white waſhing waiſtcoats, a pair of buckſkin breeches, a pair of nankeen breeches, two pair of leather gloves, ſome neck and pocket handkerchiefs and ſtockings; I never ſaw the priſoner before.

*Court.* Had you no ſhutter to your windows?——No.

Where did they look to?——Into the melon ground where the houſe is.

Is your melon ground incloſed by a wall?—Yes, he got over two walls and a hedge, with ſpikes beſides, with a ladder from a neigbouring lady's garden, and ſo came over to my houſe.

WILLIAM BOWLEY *ſworn.*

I am under gardener to Mr. Godfrey, I ſaw this houſe window open, I went up to it, and I ſaw two dirty waiſtcoats laying on the ground, and an ink-ſtand thrown down on the outſide; I ſaw a claſp knife in the window, that I knew was not my maſter's, I never ſaw it before; I alarmed Mr. Schnitker, and he came and miſſed his things; I never ſaw the priſoner.

ROBERT PYCOTT *ſworn.*

I am a day-labouring man, I did live at Iſleworth; Richard Rowland and me were walking out one day, and we ſaw an old pair of breeches laying in a hedge, about half a mile from Mr. Godfrey's garden-houſe, we left them there, we found an old shirt and two old handkerchiefs and ſeven duplicates.

Where were theſe duplicates?—In the pockets of the breeches; I gave the duplicates to my landlady, Jane Hitchins.

### RICHARD ARNOLD *ſworn.*

I was with the laſt witneſs, and ſaw him find the things; I took out the duplicates myſelf and delivered them to Mr. Hitchins.

### JANE HITCHINS *ſworn.*

Received the things from the laſt two witneſſes, and gave them to Ann Rampen; who being ſworn, ſaid ſhe gave them to the proſecutor.

### JAMES MULCASTER *ſworn.*

I am a pawnbroker in Chandler's-ſtreet, Groſvenor-ſquare, on the 14th of December laſt, a coat was pledged with me, in the name of Henry Smith, ſome time in May, but I am not poſitive to the time; one of the officers from Bow-ſtreet along with the proſecutor, brought a ticket of this coat, and deſired if the perſon who pledged it came again, that I would ſtop him; on the 30th of September, the priſoner came for the coat, he ſaid he had loſt the duplicate; I had not a perſon in the ſhop, ſo I ſent him to make oath of the loſs of the ticket, and that the coat was his property, and in the mean time I got people to be preſent; when he came I wrote, received of William Mulcaſter a coat, and he wrote his name, as he was writing his name I apprehended him; when he came for the coat, I aſked him where he lived at the time of pledging it, he ſaid at Kenſington; I looked at my book and found it was ſo entered; the ticket that was given at the time of pledging this coat, was found among the others.

*Proſecutor.* I went with this ticket to Mr. Mulcaſter's, it was one of thoſe given me by Rampen.

*Hitchins.* I received this ticket of Pycoat and Arnold.

### ROBERT MORRISON *ſworn.*

I am ſervant to Mr. Davis, a pawnbroker in the borough; I produce a pair of nankeen breeches and a white waiſtcoat, which were pawned at our houſe, but I do not know by whom, for the man that took them in is gone away; I do not know the priſoner.

Have you your book with you?—No.

Have you any means of knowing what ticket was given with that pair of nankeen breeches?—Yes, I know the hand-writing if I ſee it.

### PATRICK MACMANUS *ſworn.*

I took theſe things of the priſoner at Bow-ſtreet, on the 30th of September, there is a ſhirt, a coat, a pair of gloves, and there is that duplicate that that pawnbroker ſpeaks of I found upon him, that is the duplicate of the nankeen breeches.

### JOHN SHALLARD *ſworn.*

I went with this duplicate to Davis's, and found a pair of breeches and a waiſtcoat.

*Morriſon.* I can ſwear to this ticket, it is the writing of our man; he went away two days after.

*Proſecutor.* This dark green coat was found on the priſoner's back, it was almoſt new, they are my property, the gloves are mine, the ſhirt has my mark, the ſtock I am in doubt about; I know the breeches and waiſtcoat.

*John Deechman,* the proſecutor's taylor, depoſed to the coat and breeches being his work.

*Court to Mr. Garrow.* What do you ſay to its being the dwelling-houſe of Schnitker?

*Mr. Garrow.* My Lord, I was thinking of that, it ſeems to be the dwelling-houſe of Mr. Godfrey.

## PRISONER's DEFENCE.

In May I went down into Suffolk, where I was bred and born, I received a letter that my father was very bad, he died the 2d of June; in July I came to town to ſee my brother; I had got a little money and I bought the things I had on in Roſemary-lane; I had nobody with me when I bought them.

*Court to Priſoner.* You might have had witneſſes to prove when you went down to Suffolk to ſee your father, that will be ſufficient for you, if you can make it out that you was in Suffolk at the time this robbery was committed.

*Priſoner.* My friends have been here two days, they went away laſt night.

*Court to Morriſon.* When was that ticket dated?——The ſeventh of Auguſt.

**Guilty**

*Of ſtealing, but not of the burglary.*

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* Eyre.

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822. ELEANOR KIRVIN alias KARAVAN, widow, was indicted, for feloniouſly making, forging, and counterfeiting, and cauſing and procuring to be falſely made, forged, and counterfeited, and willingly aiding and aſſiſting in the falſe making, forging, and counterfeiting, on the 14th day of March laſt, a certain will and teſtament, partly written and partly printed, with the name Samuel Druce thereto ſubſcribed, purporting to be his laſt will and teſtament, as belonging to the ſhip Magnificent, by which will the ſaid Samuel Druce gave to his mother all his wages, and which ſaid will was witneſſed by Charles Payne and Hugh Flannagan, with intention to defraud our Lord the King.

A *ſecond count* for uttering this will, with the like intention.

A *third* and *fourth count*, with intention to defraud Richard Bennett.

*The indictment opened by Mr. Fielding, and the caſe by Mr. Baldwin.*

SAMUEL HAWKINS *ſworn.*

I am a clerk in the Prerogative Office, Doctors Commons (*produces the will*), this is the original will from the Prerogative Office.

*Mr. Sheridan, Priſoner's Counſel.* Where did you find this will?—It was delivered to me by Mr. Watſon, the record-keeper at the office.

*Court.* Was it delivered to you at the office?—Yes.

CHARLES FORD COGAN *ſworn.*

I am clerk to Mr. Nathaniel Biſhop; he is a proctor in Doctors Commons.

What is that paper?—A will; I did not receive it, I have ſeen it in our office.

Who produced it there.---I cannot tell.

Is there a jurata in the back of it?—Yes.

Who wrote the jurata?---I wrote part of it.

Who ſwore it?——I cannot tell.

Who attended the perſon?—I do not know.

Did not you go with the perſon that ſwore it?——No, not that I recollect.

Who went with the perſon?——Either the other clerk or me.

Who gave you the directions to write the jurata?——The priſoner I ſuppoſe; I cannot poſitively tell, I do not recollect.

Did not you go with her after you wrote the jurata?—Not that I recollect; I believe I did not.

Did you ever ſee that young woman before?——Oh, yes.

What is her name?——I do not know, ſhe has two or three names.

How often have you ſeen her?——I cannot tell.

When did you firſt ſee her?—I do not know exactly.

Where did you ſee her?—At Mr. Biſhop's office.

What purpoſe did ſhe come there for?—About buſineſs; about other buſineſs beſides this; I do not recollect when I ſaw her upon this buſineſs; I have ſeen her about other buſineſs.

Was not you examined before the Alderman at Guildhall?——Before the Lord Mayor.

When was that?——I do not recollect the day.

When was the month?——I do not recollect the month.

Was you examined upon oath?—Yes.

Was that young woman there?—Yes.

What did you ſay then?

*Mr. Garrow.* I object to that.

*Court.* It is more properly croſs examination to be ſure.

*Mr. Silveſter.* Was your examination taken in writing?——I do not know.

Will you ſwear that that young woman did or did not bring it?——No, Sir, I cannot ſwear either way, whether ſhe did or did not.

Can you tell us how that came into your office?—I do not know really; I wrote part of the jurata.

Let me ſee how much of it you did write?——Theſe three bottom lines of the firſt part, there are two lines not of my writing at all.

Who directed you to write theſe?——I cannot poſitively ſwear; I do not recollect who it was, but I ſuppoſe it was the priſoner.

*Court.* What that directed you to write the jurata?——Yes.

*Mr. Garrow.* Certainly not.

Who gave you that account of prizes written on the jurata?——It is ſo long ago I cannot recollect.

Do you mean to ſwear, that it is ſo late you cannot recollect whether you received any inſtructions from that woman at any time?——Yes, Sir.

At any time?——Yes.

THOMAS MITCHELL *ſworn.*

*Examined by Mr. Baldwin.*

I am clerk to Mr. Biſhop; he is a proctor; I have lived with him a year and a half; I have very often ſeen the priſoner at Mr. Biſhop's.

Look at that paper, did you ever ſee that paper at Mr. Biſhop's?——I cannot recollect whether I ever ſaw it at Mr. Biſhop's.

Can you tell when it came firſt to Mr. Biſhop's?—I cannot.

Can you tell how it came?—I cannot.

Can you tell how it came into your hands?—It appears by this that the clerk in the office had wrote the jurata, and had wrote it wrong; here is my handwriting in the alteration; I cannot tell when I wrote this; I have ſeen the priſoner very often at Mr. Biſhop's; I cannot recollect in particular that I ever ſaw her claiming any effects of Mr. Druce's.

Did you ever ſee that paper?——Yes, I have ſeen it before.

Cannot you tell how it came to Mr. Biſhop's?—I cannot tell for certain; I preſume it came there to be proved, but I cannot tell how.

Who received it?—I cannot tell; there is Mr. Willoughby, the clerk, the laſt witneſs, and the proctor; I never was at Guildhall.

WILLIAM YOUNG KNIGHT *ſworn.*

*Mr. Garrow.* I underſtand that you at ſome time had a converſation with this woman in the preſence of Mr. Letwyche?——I believe I had.

I only wiſh to ſay this to you, at the ſame time, I believe, you ſaid, you would not take advantage of any thing that did paſs in a particular converſation?—I believe I might.

Then, I believe, my Lord will tell you, that any thing that did paſs at that converſation muſt not be mentioned now?—I meant to carry my engagement no further.

State what was the engagement?—That no advantage ſhould be taken of what paſſed at that time.

*Mr. Garrow.* Then I object to your ſtating any thing that you came to in conſequence of that; do you know any thing that you came to in conſequence of that converſation?——I do.

*Mr. Baldwin.* I am not going to aſk him any thing that paſſed in conſequence of that at that time, I believe the converſation that I am enquiring after, paſſed previous to that time, and if it ſhould happen to have paſſed after that time, the engagement being, that what paſſed at that time ſhould not be diſcloſed, does not come within agreement; it is the duty of Mr. Knight, in the office he is in, to enquire into ſeamen's wills, before the commiſſioners make any payment upon them; the application made to him was made by the priſoner as the repreſentative of Druce previous to that time.

*Court.* If it is brought into the ſhape of an objection of which I can take notice, it muſt be that of the common objection, that ſomething has been ſaid to this woman which has induced her to ſay ſomething; I ſhall object to that as not fit to be heard: but as to the point of honour I have nothing to do with that.

*Mr. Garrow.* Was what you are going to ſtate previous to what paſſed, or ſubſequent?——I think it was previous.

*Mr. Baldwin.* Did you at any time apply to Doctors Commons to ſearch for the wills of ſeamen?——I did.

When was it?—In the month of April laſt.

Did you find the will of Druce?——I did.

Did you any time, and when, after ſee the priſoner?—In the month of April or May I ſaw the priſoner.

Did you take any meaſures upon it to the payment of wages?——I ſaw the will, I thought it ſuſpicious, and I gave notice to the Pay office not to pay the wages till the ſuſpicions were cleared up; in conſequence of the wages being ſtopped the priſoner came to my office, and brought a man of the name of Hugh Flannagan, whom ſhe pretended to me was a witneſs that attended the execution of the will.

Did ſhe bring any body elſe?——No, I ſent the man out of the back office, and examined her apart.

*Court.* Now before you examined her, did you inform her that you had any evidence that the will was forged, or make her any promiſe?—No, none in the world, I took minutes from her into this book which I have in my hand.

*Court.* You may refreſh your memory. (*Looks at it.*) She ſaid the will was filled up and executed, at the ſame time, to the beſt of her knowledge, her buſineſs with me, was to clear up my objections; and to procure a certificate from me to enable her to receive the wages; ſhe ſaid, the deceaſed then belonged to the Monſieur, that he ran from the Monſieur, and then changed his name to White, and entered on board the Lord Mulgrave, by the name of James White; that he wrote to her from the Superb in the Eaſt Indies; that ſhe need not expect him in the Lord Mulgrave, for that he was preſſed into the Superb; ſhe ſaid, that the Monſieur was in the harbour of Spithead, when the will was made, that was her expreſſion; ſhe ſaid, that Charles Payne, one of the witneſſes to the will, died on board the Monarque, in the name of Charles Wellingham.

*Mr. Baldwin.* Did you ſee that will that has been produced to day?——Several times; I ſaw it at the Prerogative office, and I ſaw it at Guildhall.

*Court.* Had ſhe the probate at the time ſhe came to you?——I do not recollect.

Was ſhe preſent when that will was produced to you?—She was.

Was that the ſame will which was produced at Guildhall?——(*Looks at it*) This is the ſame.

Did ſhe then claim under that will?—She did.

*Mr. Sheridan.* Recollect yourſelf, when the word *claim* is made uſe of; you are a gentleman of the law, and I am ſure you underſtand that word claim; claim what under it, and did ſhe claim at any thing at all?——I do not know that ſhe claimed money; I took a minute of the words ſhe made uſe of.

*Mr. Baldwin.* What were they?——"The man made the will to me," meaning the will in queſtion.

*Court.* This was at Guildhall when this will was produced?——Yes, it was.

*Mr. Sheridan.* Pray, Sir, was ever Mr. Letwyche at your houſe?——I believe he was.

Did you aſk her a great many queſtions?—I did.

Did you take the queſtions down in writing?—I do not know; I do not remember upon my oath.

Have you any letter of this Druce's?—I cannot ſay that I have till they are proved.

Have you any letters?——Yes.

Have you all his letters?——All that ever came to my hands.

*Court.* Were the letters depoſited with you or written to you?——Depoſited with me.

*(The will read, and the record examined by Mr. Garrow.)*

"In the name of God, Amen; I Samuel Druce, mariner, late of his Majeſty's ſhip, Magnificent, &c. I give and bequeath, unto my friend Eleanor *Keirvin*, all ſuch ſum and ſums of money, due for wages, &c. and all the reſidue, making her executrix; dated the 20th day of April, 1781.

"SAMUEL DRUCE."

"Signed, ſealed, publiſhed, and declared by the ſaid Samuel Druce, as and for his will and teſtament; in the preſence of us Charles Payne and Hugh Flannagan."

## HENRY WILLIAMS *ſworn.*

I am a clerk in the Navy office.

Look when Samuel Druce entered at the Eaſt Indies, on board the Magnificent?——On the 29th of Auguſt, 1778, Samuel Druce and Charles Payne entered on board the Magnificent, as able ſeamen; Druce was diſcharged on the 8th of January, 1781, to the Monſieur at Spithead.

When was Payne diſcharged?——On the ſame day and at the ſame time.

What became of them from thence?—They both ran away from the ſhip on the 7th of June, 1781.

Where was the ſhip on the 20th of April, 1781?—*(Looks at the Monſieur's log book.)*—At Gibraltar bay.

When did ſhe ſet ſail for Gibraltar bay?——The 7th of March; ſhe was at ſea on the 9th of April; ſhe was at ſea on the 14th of March; ſhe was at Spithead on the 13th; ſo that ſhe muſt have ſailed on that day.

Do you find the name of Hugh Flannagau on board the Monſieur at all?——I have looked and I can find no ſuch perſon on board the veſſel.

*Mr. Garrow.* Do not they often run ſome days before they are entered?—I do not know.

*Court.* Can you tell when the Monſieur returned from Gibraltar bay?——On the 19th of May ſhe arrived at Torbay.

## WILLIAM COLSTON *ſworn.*

I produce the books of the Lord Mulgrave; I find the names of Charles White and Charles Wellingham, entered on board the Lord Mulgrave on the 8th of June 1781, and were preſſed in the Monarque, the 20th of March, 1782.

*To Williams.* Turn to the Monarque's book?——James White entered the 20th of March, 1782; he was born on the Monarque's books on that day, he came from the Lord Mulgrave, Indiaman.

What became of him?——He was diſcharged in the Superb on the 7th of Auguſt, 1782; James Wellingham entered the ſame time the 20th of March, from the Lord Mulgrave.

What became of him?——He died the 16th of December, 1783, at the Cape of Good Hope.

Look at the Superb's pay book?——He entered on board the Superb from the Monarque the 8th of Auguſt, 1782; he was diſcharged the 5th of November 1783, to the Combuſtion.

Now look at the Combuſtion's books?—James White enters on board the Combuſtion the 6th of November, 1783; on the 12th of November he was ſent ſick to the Military hoſpital; he died on the

17th of February, 1784, at Bombay hoſpital.

SAMUEL SAY *ſworn.*

I know Druce by his being a ſhipmate.

What was his Chriſtian name?——Samuel, to the beſt of my knowledge; he was preſſed the 9th of Auguſt, 1778, out of the Ceres into the Magnificent; I was preſſed out of the Worceſter; I remember Payne very well; we returned and went on board; I cannot ſay to one day; Payne was a meſſmate with me; he was two years and upwards on board the Magnificent; at the expiration of that time I went to the hoſpital; but I think he went on board the Monſieur to the beſt of my knowledge.

Was there any other Druce on board the Magnificent?——No other.

WILLIAM ACH *ſworn.*

I was an officer on board the Monſieur; I do not remember Druce perſonally.

Do you remember Payne?——I do not remember either of them.

Where was the ſhip in April 1781?—At Gibraltar; ſhe arrived at Spithead the 20th or 22d of May following.

*Mr. Garrow.* How often do you muſter your men when you arrive in port?—The clerk muſters them every week.

If a man is marked run, we are not to take that as the exact day, but as the next muſter day?—He is allowed three moſters if in port.

Therefore theſe three men being marked run, at Portſmouth, on the 7th of June, and you arrived the 20th of May; do not you take it that the probability is that they ran ſoon after the 20th of May?——Yes.

THOMAS DRUCE *ſworn.*

*Mr. Baldwin.* I call this man to prove, that he has ſent ſome letters to his mother informing her he had ſigned ſuch a will, and giving his reaſons for ſigning his name.

*Druce.* I am a diſtant relation to the deceaſed, as far as third couſin.

Did you know him?——Very well.

Did you know his hand writing?——Very well; we had our education together.

Look at this letter, is that his hand writing?

*Mr. Baldwin.* I beg leave to read three letters.

*Mr. Garrow to Druce.* Are you a ſeafaring man?——No.

How lately have you ſeen him?—Not for the ſpace of eight or nine years.

Have you ever ſeen him write from the time you finiſhed your education together?——I have received letters from him, and I have ſeen him write ſeveral times.

How long had you left ſchool before he died?——I ſuppoſe as much as fourteen or fifteen years.

Was it the laſt eight or nine years that you had ſeen nothing of him?——Yes, it was.

Had you been much acquainted with the changes of his life, how he has been diſpoſed off?——Yes, Sir, I knew very well that.

How many different ways did he ſpell his name?——Druce; I never knew any other way of ſpelling his name; I never ſaw him write after he went to ſea, to the beſt of my knowledge.

Look at theſe letters.——I have, I believe them to be his hand writing.

*Read.* " February the 26th, 1781.
" —— Spithead. Honoured Mother, this
" comes with my duty to you, hoping
" you are well, as I am at preſent,
" thank God for it; I received your letter
" and am very ſorry to hear of your diſtreſs;
" I have not received any prize
" money as yet, nor do not know whether
" I ſhall receive any yet awhile; as we are
" draughted to another ſhip; we are now
" in a fine frigate, and good officers, and
" I hope we ſhall take ſome prizes; our
" ſhip's company, before I came on board,
" took a very rich prize, a Dutch Eaſt
" Indiaman; I have got a will and power
" on board, but I muſt get it ſigned by
" our captain, and he is on ſhore, as ſoon
" as he comes on board I will get them

“ ledges; I want to know whether you think beſt for me to ſend them in a letter, or parcel; I have ſent you three guineas, a draft in this letter, as wages are very ſmall on board a man of war, and being ſo long in a hot country I was in want of many things, but the firſt money I receive, I will remit ſome; ſo no more at preſent from your dutiful ſon

“ Samuel Druce.”

*P. S.* “ Be ſure to ſend me word when you receive this, as ſoon as ever you can; I will not ſend the will and power before you ſend me an anſwer.”

Adreſſed to Mrs. Margaret May.

“ May the 30th, 1781, from on board the Monſieur, at Spithead. Honoured Mother, this comes with my duty to you, hoping you are well as I am at preſent, thank God for it; we have been to Gibraltar; it is a very troubleſome place, where the Spaniards are fireing day and night; their row galleys are very troubleſome, coming near our ſhips engageing them; at my gun, a man had both his legs ſhot off; Mother, I am much ſurpriſed that you never ſent me a letter, whether you received my letter before we ſailed with a draft with it, for three guineas, to be paid at the White Hart, in the Borough; I have the will and power which I mentioned in my laſt, which I want to know the beſt way to ſend; I hope it will be in my power to ſend you ſome more ſoon; as we expect ſome prize money; excuſe my not writing before, being ſo buſy in rigging our ſhip; I have recollected, I think that Mr. May is a perſon I have heard you ſpeak of; I ſhould be glad to know; ſo no more at preſent from your dutiful ſon

“ Samuel Druce.”

*P. S.* “ Pray ſend me an anſwer as ſoon as you can.”

“ June 11th 1781, on board the Lord Mulgrave, Indiaman, at the Mother-bank. Mr. Fiſher, this comes with my reſpects to you, hoping you are well, and all friends; my duty to Mr. and Mrs. Atwood; I left the Monſieur frigate, in Portſmouth harbour, for liberty on ſhore, after coming from Gibraltar; I am very happy where I am, from twenty-two ſhillings and ſixpence, to two pounds a month; I ſent my Mother a draft for three guineas, at Portſmouth, at the Blue Poſts, which I hope ſhe received; here is my will and power, if you will be ſo kind to convey it to my Mother, if living, No. 11, Sherbourn-lane, Lombard-ſtreet, or elſewhere: my duty to my mother, love to your brother, Charles Wright and Betſey, my kind love to Mr. Samuel Druce at Whitney, and Mr. and Mrs. Alter, as my friends and well-wiſhers; my name at preſent is James White, for if taken I ſhould be flogged from ſhip to ſhip, as we are bound to Madeira and Bengal; ſo no more at preſent from your well-wiſher, Samuel Druce.”

Adreſſed to Mr. John Fiſher, butcher, in Newgate-market, near St. Paul's, London.

*Mr. Wilſon.* It rather appears here to be ſigned *Duce.*

Captain JAMES URMSTON *ſworn.*

I am a captain of the Lord Mulgrave; this is my hand writing; I witneſſed this will; it was filled up by my purſer. (*Read.*)

“ In the name of God, Amen; I James White, mariner, on board the Lord Mulgrave, Eaſt Indiaman, being of ſound and diſpoſing mind, &c. to my mother Margaret Bennett, of London, all my wages, &c. dated 12th of June, 1781. Signed James White, ſigned James Urmſton.”

*Mr. Baldwin, to Druce.* Look at that will?——I do not believe that to be Samuel Druce's hand writing to the beſt of my knowledge.

*Mr. Sheridan.* He wrote his name but one way?—No, Druce.

*Court.* How is that [illegible] It is from the difference of ſpelling, or from the different manner of writing, that you judge it not to be his hand?—I judge it from the hand.

## JOHN FISHER *ſworn.*

Did you know Samuel Druce?—Yes.

Will you look on the direction of that letter?——I have known him ſixteen or eighteen years; this letter was ſent to me; I received it with his will and power in it.

Look at that, was that the will that you received incloſed in this letter?——Yes, it was; I was acquainted with his hand writing.

Look at the ſigning of that will?—This is not his hand writing.

Can you take upon you to be ſure of it? Yes, I am very ſure of it.

Did you ever know him to ſpell his name with an I?—No, Sir; nor he hardly ever wrote Samuel in full; I do not know that he ever did.

*Court.* Is it wrote all full in that will? —Yes, it is.

*(The letters and wills ſhewn to the Jury.)*

*Mr. Sheridan.* Was not you examined before my Lord Mayor on this buſineſs?—Yes.

Were not ſeveral letters produced before the Lord Mayor?——Yes, but only one of mine.

Did not you then ſay that you knew him a long time, and that that was not like his hand writing?——Yes.

Did not you ſay alſo before the Lord Mayor that it was not his mode of writing his name?——Yes, *Sir*, I did.

Do you recollect whether it did or did not turn out on that examination, that amongſt the letters produced of his, that you recognized that he ſpelt his name three different ways?——No, Sir, he had made a miſtake in one letter, *Duce.*

## CHARLES FISHER *ſworn.*

Did you know Samuel Druce?——Yes, Sir.

Had you known him for any time?——Six or ſeven years.

Have you, during that time or at any time, ſeen him write?——Many times.

Was you acquainted with his hand writing?——I do not know I ſhould know it.

*(The will ſhewn to him.)*

Do you believe that to be his hand writing?——I think it is not, to the beſt of my knowledge.

If you have any particular reaſon, you will be ſo good as to mention it?——It does not appear to be like his hand writing.

Did you ever know him to ſpell his name with an I?—Never.

*Mr. Sheridan.* Do you ever remember him to ſpell his name any other way than Druce?——Never.

Look at that?——*(Shews him one ſpelt Duce.)*——This is not his uſual mode of writing.

## WILLIAM NORMAN *ſworn.*

Did you know Samuel Druce?—Very well, have known him many years; I ſaw him write many times. *(The will ſhewn him.)* I do not think this is his hand-writing.

Did you ever know him ſpell his name with an I?——No.

*Mr. Sheridan.* Did you ever know him ſpell his name with an S.—No, never; he always ſpelt his name Druce.

## ELIZABETH WELLS *ſworn.*

I know Samuel Druce; I have ſeen him write. *(Looks at the will.)* I do not think this is his hand-writing; I knew him when he was in his apprenticeſhip, have ſeen him write in his ſhop-book.

Look at that, and ſee whether that is his hand-writing or not?—I think it is.

How is it ſpelt?—I know how he used to ſpell Druce.

How is that ſpelt?—That is not ſpelt as he ſpells his name now.

*(Shews her a letter ſpelt Duce.)*

JOHN

## JOHN CLIFFORD *ſworn.*

I knew Samuel Druce on board the Lord Mulgrave, Eaſt-Indiaman, when he went by the name of White. (*Looks at the will.*) I do not think that to be his hand-writing.

*Mr. Sheridan.* How long were you on board with him?——I was eleven months nearly; I was not ſhipped with him; I do not know who were; I am ſure he never told me.

Did he tell you he was under any obligation to any body?—No.

Or that he gave a will and power to any body?—No; he ſaid he run away from the Monſieur.

*Mr. Baldwin to Samuel Say.* Did you know Charles Payne?——Yes.

Did you ever ſee him write?——I have ſeen him write ſeveral times.

Look at that name. (*Shews him the witneſs's name.*)—I never ſaw him write ſo good a hand in my life; I verily believe it is not his hand-writing.

## THOMAS FLUCK *ſworn.*

Did you know Charles Payne?——I knew him by the name of Wellingham; I ſaw him write about three or four times.

Will you look at the ſigning of Charles Payne.

*Mr. Garrow.* You knew a man of the name of Willingham?——Yes.

Did you know him by any other name?——He has told me his proper name was Payne, and beſides he had the initials of C. P. on his arm; I knew him at Madraſs, in the Monarque.

What have you had occaſion to ſee him write?——There was a meſſmate of mine, who belonged to the Magnificent; his name was Charles Johnſon; he could not write, and got this Charles Willingham to write a letter for him to his girl in London; I can write myſelf; I never ſaw him write but that once; I never ſaw him write Charles Payne; I have ſeen his writing two or three times.

*Mr. Baldwin.* From the knowledge you have of his writing, do you believe that to be the hand-writing of Payne?——No, Sir, I never ſaw him write ſo good a hand; he could not write ſo well when I knew him.

*Court.* Is the manner of writing like it?——By what I can ſee of it, I do not think it is his hand-writing.

*Court to Priſoner.* Here is a very heavy charge againſt you; you are charged with forging a ſeaman's will; the will is dated at the time, when this man was certainly not at Portſmouth, or in the neighbourhood, but was on board; and the hand-writing is impeached both of the ſeaman, and one of the witneſſes; and it appears that he made, at the ſame time, another will in behalf of his mother.

*Priſoner.* I leave my defence to my counſel; but if you pleaſe to let me ſpeak a word to Captain Urmſton.

*Court.* Aſk him any queſtion.

*Priſoner.* When Captain Urmſton's ſhip came home to Portſmouth, I believe it was in June, I applied to him, and told him I could get him ſome men; he ſaid he would pay me for it; I got him fourteen or fifteen men. One of them that applied to me was Druce, and he told me he would make me his will and power if I would advance him ſome money; I ſhipped him, and he promiſed to pay me; he went on board; I found he was ſhipped in the name of James White; it made me angry; at the time Captain Urmſton witneſſed me a power of attorney from one George Edwards, who could not write; I received nothing but upon the power of attorney I had from Druce; I received the prize money, and honeſtly and juſtly obtained the will. My defence I leave to my counſel.

*Captain Urmſton.* The uſual pay I believe is two guineas a man, which I paid her; ſhe got fourteen or fifteen men, which I paid her for.

*Mr. Sheridan.* And Druce was one of them?—I believe he was; I did not know he had run away from the Monſieur.

Do you know whether you witnessed any other paper for this woman?——I do not remember.

*(Hugh Flannagan called but did not appear.)*

CAIN O'HARA *ſworn.*

I live now at Black-friars; ſince the year 1777 to the year 1784 I lived at Goſport; I knew the priſoner.

What houſe did you keep there?——I kept the Roſe and Crown in North-ſtreet, Goſport; and I kept the Wheat-ſheaf in Middle-ſtreet, one after the other; and I kept the Caſtle on Goſport Heath; I was accuſtomed to lodge and board ſeamen that were waiting for births; I remember very well that the priſoner brought a man to me by the name of Samuel Druce, which ſhe ſaid belonged to the Monarque; ſhe brought him to me, and deſired me to victual him, and give him any thing he wanted, that ſhe was to ſee me paid.

How long did he continue with you?—For ſeveral days, ten, twelve, or fourteen days; ſhe came to me while he was with me, and aſked me to lend her five guineas to buy ſome matters for him to ſhip him on board an Indiaman; I lent her three guineas.

Were any neceſſaries bought for him?—I cannot ſay; he and ſhe went out of my houſe together; and I never ſaw the man from that hour to this; it is generally the caſe in that country, any man that is ſhipped on board an Eaſt-Indiaman, to make payment of the bounty money; I heard the Indiaman was paid, and ſaw the priſoner there; I ſaid to the priſoner I wiſh you would go and get the money; I afterwards arreſted her for the money and got it; the victualling a man by the name of Samuel Druce was a part of the debt; I dare ſay he run about ſeven pounds, including what ſhe had, with me, I arreſted her for ten pounds, ſeven ſhillings, and eleven pence; I have known her ſince 1778, ſhe kept a houſe of entertainment for ſailors, not in the public but in the private line.

*Mr. Silveſter* Where do you live Mr. O'Hara?—In New Bridge-ſtreet, Black-friars.

What number?—I really cannot tell what number, for there is no number to the houſe; I have lived there very near three months, the landlord's name is Rathberd, a brewer.

Who keeps the houſe?——I do.

Who is your next door neighbour?—Mr. Smith, a brandy and wine merchant.

Which ſide of the way is it?——If you ſtand this way it is on the right hand, if you ſtand the other way it is on the left; I moved from No. 1, Biſhop's Court, Chancery-lane; I left Goſport two years the 6th day of next month; I was in the public line, which made a poor man of me.

I ſuppoſe you brought your effects with you from Portſmouth?——I cannot ſay that.

What became of your books?—They were ſeized.

By whom?——By my landlord.

What is the landlord's name now that has theſe books?——Thomas Whitcomb at Goſport, brewer and diſtiller; he ſeized every thing in the world, books of accounts, and every thing; how could I have it when at the ſame time my landlord had it.

Will you ſwear there is any entry in theſe books for this debt, due for this man in the name of Druce?——I never entered the man's name at all, I entered her name becauſe ſhe paſſed her word; it was the month of May or June, I do not recollect which, it was my firſt going into the Wheat-ſheaf; I went in on the 6th of April, 1781, and ſhe had the credit of me either in May or June 1781; I continued there three years, ſhe was the firſt cuſtomer that aſked credit of me when I came into that houſe for any thing of the kind.

Then you entered in the book the debt this woman owed you?—I certainly did; my landlord ſeized it, I recovered the debt before he got the books, what was paid was waſte paper.

*Mr. Garrow.* Your landlord ſeized

your effects in 1782; this debt was contracted in 1781, and you arreſted her in 1782?——Juſt ſo.

## NICHOLAS READY LETWYCHE *ſworn.*

I examined this with the original affidavit and had it marked; it is a correct office copy, ſigned Cain O'Hara, Goſport, in the county of Southampton, maketh oath, ten pounds, ſeven ſhillings, and eleven pence, for board and lodging, and goods ſold and delivered to the ſaid Eleanor Kervin.

## JAMES BIRK *ſworn.*

I have been at ſea.

Was you on board the Lord Mulgrave Eaſt-Indiaman?——I ſhipped myſelf at the India-houſe in the year 1781, the laſt day of April; the ſhip ſailed from Graveſend, I believe, the 9th of May.

Do you remember a man on board the ſhip of the name of Druce?——No.

Do you remember James White?——Yes.

Where did he ſhip?——He came on board when we lay off the Mother Bank, a good many of them came together; I have ſeen the priſoner before, I have ſeen her on board the Lord Mulgrave, ſhe was off and on for the value of three weeks while the ſhip lay off the Mother Bank.

Who was ſhe with?—I did not ſee her with any body in particular.

Did you underſtand from White who ſhipped him?——No.

Do you recollect any thing particular about that woman?—When ſhe was on board, I ſaw her very buſy about the men; I remember a quarrel between her and White, I heard White ſpeak to the boatſwain's mate, the boatſwain's mate aſked at the main top what was the reaſon of the quarrel, and he ſaid that that woman, whether it was this woman or another I cannot ſay, that ſhe wanted his abſent bond to the Mulgrave, and he made anſwer that he would not, I would ſee them d—d, ſays he; I left her, ſays he, papers before, and I will ſee her d—d if I give her any more; I did not underſtand for what ſhip nor what papers they were; that is all that I recollect of the converſation; I was not much acquainted with James White at that time.

## ELEANOR SULLIVAN *ſworn.*

Where did you live in the year 1781?—On the common, hard near Portſmouth I believe it is.

Did you know the priſoner?—I have ſeen her, Sir, before.

Did you know a man of the name of Druce, a ſea faring man?——Yes, I gave him credit when he came home in the year 1780, in the Magnificent, to the amount of four or five pounds; he offered me a power for his prize-money; it is a common thing for ſeamen to make ſo many different powers; I heard there was a good deal due, I was glad to embrace the opportunity, I would have taken his power, but I heard he had gone on the other ſide of the water, and made a will and power to another woman.

Did you ever hear from Samuel Druce that came home in the Magnificent, that he had made a will and power to any body?——I heard he had made a will and power to one Eleanor Kervin; he was draughted to the Monſieur; I was on board the Mulgrave; he there went by the name of James White.

Did James White tell you ſo on board the Mulgrave?——Yes, I believe in the month of June or July in the year 1781.

Was that James White that you ſaw on board the Lord Mulgrave, the ſame man that you had known before?——Upon my word, Sir, to my opinion he was; he told me he had made a will to one Eleanor Kervin in Goſport; he offered to make me another but I would not receive it; I thought if he would deceive her he would deceive me; I know nothing of the woman, ſhe was ungenerous, ſhe got his money and never paid me.

*Mr Baldwin.* Do you live at Portſmouth now?——I live in London at preſent.

May I beg the favour to know whether you are married or not?—No, Sir.

Sullivan is the name you have always gone by?——Yes, Sir; I credited him, and he wrote to me by the name of James White; I was ſubpœned only this morning from my own houſe, I heard it was on account of Samuel Deuce, I thought it was to receive ſome money for him.

I ſuppoſe at Portſmouth you told every body of this?—No, Sir, I never told a creature, I am not obliged to tell every body what I know.

Why did not you bring the letter with you?—I did not know.

Did you know what you was to ſay when you was ſubpœned?——I did not; this is the firſt I knew of it, and I never knew any more of it; I have been two years and a half in London.

Have you ever made any application lately to the Solicitor of the Navy Board, or the Solicitor of the Admiralty?——In what cauſe.

In any cauſe?——Yes.

Did you make that application in the name that you now come by?——I did in the name of Conway.

Then ſometimes you go by the name of Conway; but did not you tell me you never went by any other name but that of Sullivan?—Not at that time I meant.

## ——— BOLTON *ſworn.*

Do you know the priſoner?——Yes.

What buſineſs did ſhe follow?—When I firſt knew her ſhe followed bomb-boating, which is a ſea term for thoſe that credit ſea-faring people on board the King's ſhips in general; ſhe credited conſiderably on board a ſhip that I belonged to.

Was ſhe underſtood to be that ſort of woman as to be able to credit?—Yes, there were many to my knowledge belonged to the ſame ſhip that gave her wills and powers ſometimes; I am very confident the ſeamen have no other ſecurity to give; I always found her a very honeſt woman; I have lent her money at times when I belonged to the ſhip, and ſhe always paid me very honeſtly.

*Court.* What are you?—I was Commodore Hotham's ſteward in 1781.

*Court.* Gentlemen of the Jury, they ſtate to me that Flannagan is now in Court, how long he has been in Court I do not know; it is totally out of the courſe of things to call him now; but if you for your ſatisfaction ſhould wiſh to hear him, and the priſoner deſires to call him, I will relax.

*Jury.* That is what we wiſh.

*Court to Priſoner.* Would you wiſh to have him called.

*Priſoner.* If the gentlemen pleaſe; I am ſure I am perfectly right.

## HUGH FLANNAGAN *ſworn.*

*Court.* In the firſt place, when did you come into Court?—*I am here* about an hour.

Why did not you anſwer when your name was called?—I was not here then, I was drinking a pint of beer over the way in the Old Bailey with two or three acquaintances.

Who were they?—I cannot recollect their names.

Do not you know who they were you was drinking with?——No, Sir, they were round there, I was not well acquainted with them; I do not know their names.

Can you write?—Yes, Sir, a little.

*Court.* Give him a pen and ink and let him write; how long have you been diſabled, how long have you loſt your arm?—I believe in November 1777, to the beſt of my knowledge.

Now write your name on that paper.

(*Writes his name with his left hand, given up to the Court and compared with the will, and ſhewn to the Jury.*)

What are you?—I was bred up to the currying buſineſs, but I failed for a thouſand pounds, and I could not pay it at that time, and I went to ſea.

What ſhip did you ſerve in the year 1780?

1780?—I was not on board in the year 1780; I came home in the year 1780 from taking one of the galleons, in the Sharke privateer, belonging to Meſſrs. Newby; after that I came to Goſport and reſided there.

In what way?——I lodged in O'Hara's houſe, at the Wheat-ſheaf in Croſs-ſtreet.

When was that that you lodged there?——In the year 1780, 1781, and part of 1782, I lived upon my prize-money, at that time I received upwards of two hundred pounds.

Did you know Druce?——I have ſeen him but not to know him.

What did Druce belong to?——By all account he belonged to the Magnificent and Monſieur, and an Indiaman; the time I ſaw him he was dreſſed in a light coloured coat and leather apron, and a trowel under his apron; I ſaw him at Goſport in company with the priſoner, it was at O'Hara's houſe; they went to Mr. Hinde's at the upper end of Middle-ſtreet; that is a navy agent, to have a will and power made, or ſomething of that kind, and Mr. Hind nor his clerk was not in the way, and they came back to the ſame houſe, and the houſe was full of men and women, women of the town, and men, the boats crews; they had been telling their buſineſs, ſome of the ſailors ſaid to them, d—n your fooliſh blood, it will coſt you a crown to have it filled; why we will fill it ſays one, and we will fill it ſays another, and it was filled by a ſea-faring man that was in liquor, I cannot tell his name; there was hundreds and thouſands in the houſe in the courſe of the week.

What became of it then?——The woman deſired me to ſign it, and I ſigned it for one, and there was one Charley Payne ſigned it for another; *I would not know* him if I was to ſee him; he was a lowiſh man; that is all that I remember; this was ſome time in the ſummer 1781, I cannot recollect the time.

Where was O'Hara at the time?—I cannot tell; he was out of the way at the time; he was not preſent I know.

Did you know Druce, was you acquainted with his perſon?—No, I was not; I drank with him two three times in that diſguiſe that he was in to prevent him from being preſſed as I thought, which was the caſe with many ſea-faring men at that time; I had heard he had run from the Monſieur.

Is that ſort of ſecret well kept amongſt a number of you?——Yes, it is, for I have run from a King's ſhip myſelf before now; I was on board the Hector man of war in the year 1777, and in a privateer in the year 1779, and took a galleon and brought her in.

How many times might you have ſeen Druce before you was called upon to ſign this?——Three or four times, or perhaps half a dozen; I have often ſeen him with this woman in the ſtreets of Goſport, and I believe three times at O'Hara's.

What was his buſineſs at your houſe?—I believe he came there to drink, I cannot ſay his buſineſs; it was a great houſe for ſea-faring people.

You yourſelf lived there, did not you?—I did.

How many rooms were there in the houſe?——I believe there were ſix rooms.

How many bed-rooms?—Four.

Do you happen to recollect who there was that lived there beſide yourſelf at the time?—It was impoſſible, for boats crews were conſtantly coming and going; this was in the back parlour.

You ſaid you ſaw the low man Charles Payne ſign it; did any body elſe ſign it beſides you and Charles Payne?—No, my Lord, nobody.

Did not this woman ſign it?——Not that I ſaw.

Did not Druce ſign it?——Yes, I ſaw Druce ſign it before I wrote my name; I did not ſee this woman ſign it.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING'S Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**
PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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NUMBER VIII. PART VIII.

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[PRICE SIX-PENCE.]

THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

### *Continuation of the Trial of Eleanor Kirvin.*

Did you underſtand at the time he ſigned it, that he then run away from the Monſieur?——I did not; I heard afterwards that he had before that time he had run away; I heard it the next day.

Do you know where he uſed to harbour after he run away in that manner?——I believe he kept with this woman at her houſe.

Was you ever at her houſe?——Yes, I was.

Did you ever ſee him there?——Yes, I ſaw him there one night.

Never but once?——Never but once.

Do you know whether he had any lodging there?——I cannot ſay.

If he did not lodge at her houſe, you do not know where he lodged?—No, I do not.

*(Looks at the will.)*

Is that your hand-writing?—It is.

And that is Payne's hand-writing?——It is the man's that I ſaw ſign it.

How came you to be deſired to ſign it?—I have ſigned many for many people in the ſame houſe; there have been many things done in the ſame houſe, and in many houſes in Portſmouth beſides.

*Mr. Baldwin.* I ſee you have had a misfortune in your arm?——Yes.

Had you ever the misfortune to break your leg?—I broke my ſhin but not my leg.

When might that happen?——Sometime in June 1781 to the beſt of my knowledge, I think, I will not be ſure.

Can you be ſure when this will was executed?——It was executed about that month.

Have you ever given any other account of this?——Yes, I gave an account to Mr. Knight as well as I could once; I did not go to Mr. Knight; this woman applied to me; I came from Portſmouth as a witneſs to another will.

Did not you go with the priſoner to Mr. Knight's to get a certificate?—I know nothing of any certificate.

Did you give you any account to Mr. Knight of this tranſaction?——I do not know but he might put down what I ſaid.

Did you give him any account of this tranſaction?—I did.

Did you tell Mr. Knight this was a tranſaction in the month of June?—I believe I did; I am not ſenſible.

Did you tell Mr. Knight that this will was executed at O'Hara's?——I did.

Did you tell Mr. Knight that the misfortune of your leg was in the month of June?—I did.

Was it read over to the man who ſigned it?—I cannot ſay.

Was it executed when it bears date?—I cannot ſay.

Did you ſee the priſoner before it was wrote?——Yes, it was filled up by a ſeafaring man, who gave it to Druce to ſign.

*Priſoner.* When Mr. Knight firſt aſked me about this matter, I told him I would endeavour to give him every ſatisfaction; and he examined us all apart.

*Mr. Baldwin, to Mr. Knight.* Did you examine Flannagan apart?——Yes.

Did Flannagan tell you where the will was executed?——I have the minutes in my book. *(Reads.)* "Samuel Druce
" was a luſty man, and born in London;
" ſerved his time as a poulterer, in Lead-
" enhall-market; his will was executed in
" Keirvin's houſe; it was ready filled up;
" he heard Druce ſay, he had changed his
" name to White; but had reſumed his
" right name again; he ſaw Druce fre-
" quently at Mrs. Keirvin's in April,
" 1781; he remembers it was in the month
" of April, becauſe he broke his leg a few
" days afterwards; which he is ſure hap-
" pened in that month; about ſixteen
" years ſince Druce ſerved his time, the
" ſhop was under the ſhambles leading out
" of Leadenhall-market, to Leadenhall-
" ſtreet." This is the whole of his account to me.

*The Jury retired for an hour and three quarters, and returned with a verdict,*

GUILTY

*Of uttering the will knowing it to be forged,* Death.

*N. B.* When ſentence was paſt, this priſoner pleaded that ſhe was with child; upon which a Jury of matrons was impannelled, who withdrew with the priſoner, and returned with a verdict, that ſhe was with quick child; judgment on her was accordingly reſpited.

*Tried by the London Jury before*
*Mr. Baron* EYRE.

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823. THOMAS LUTWICHE WILLIAM WALLACE and CHARLES MILNE were indicted for feloniouſly ſtealing, on the 5th day of October, one cotton waiſtcoat, value 7s. the property of John Harrod, privily in his ſhop.

JOHN HARROD *ſworn.*

I live at No. 4, in Manor-row, Tower-hill; I am a ſlop ſeller; I can only ſwear to my property.

HANNAH HARROD *ſworn.*

I am wife of John Harrod; I know the three priſoners; they came to my ſhop on the 5th of October, about four in the afternoon; nobody was at home but myſelf; they aſked to look at ſome jackets, and as they came in, I obſerved one of them pull at a waiſtcoat that hung at the door; I went and took it down, and while I had it in my hand one of them aſked me the price of it; I hung it up in the window, and they aſked to look at another; I took it out of the window, and they aſked me the price of that, and I told them; then they aſked to look at ſome blue cloth jackets; one of them put on one and pulled it off; and aſked to look at a ſhagg waiſtcoat, he put it on, and ſaid, it was too little, he could not button it, and he wiſhed I would ſee if I could; I told him, no; the talleſt of them wanted to ſhut the door; he puſhed the door half way to; and I told them the door muſt not be ſhut; and he ſaid, what did I mean, did I think they were thieves; and I told them, I did not know; and they ſaid, they were honeſt men, and men that could pay for what they had; and that they were juſt come from on board a ſhip from Blackwall; that it was better to lay out their money for things for themſelves, than to let the bad women have it; he bid me reach him down another under waiſtcoat; they were all three in the ſhop at the ſame time; I turned round to reach another for the priſoner Lutwitche, and the priſoner Wallace was gone, he had taken a waiſtcoat out of the window where I had hung it up before; I miſſed it directly; when I miſſed the man I was afraid; I had nobody in the houſe but a ſervant maid, which I called down directly to take a child I had in my arms; when I ſaid the man had taken the waiſtcoat; a perſon ſtepped into the ſhop, and ſaid they had taken him; he was ſtopped directly in the paſſage by the neighbours that ſaw him go out with it; the others were in the ſhop at the time; then the priſoner Milne ſaid, he wiſhed he had puſhed to the door and left my noſe black; then the runners were ſent for, and they were taken away directly; they bought nothing.

Then Lutwiche tried on the things, and Wallace ran away with the waiſtcoat, and Milne tried to ſhut the door?——Yes.

Did they come in together?——Yes; they appeared to be acquainted and talked one to another while they were looking at the jacket.

### JOSEPH TILL *ſworn.*

I ſtopped the priſoner Wallace: the firſt of my taking notice was, they went into a pawnbroker's ſhop, all three of them, which is oppoſite our window, and I ſaw a little ſcuffle with the maſter of the ſhop, and in five minutes after that they went away and went down the ſtreet, and about five minutes they came up the ſtreet again, and went into Mr. Harrod's ſhop, and going into the ſhop, there was ſome waiſtcoats hanging at the door, and the priſoner Milne laid hold of one waiſtcoat and made a ſnatch to pull it off, and it was ſo tight he could not get it off; I ſaid to our man, them men are gone into Mr. Harrod's ſhop; I watched them, and in about ten minutes I ſaw the priſoner Wallace run out, with a waiſtcoat; I immediately ran after him, and ſtopped him with the waiſtcoat upon him.

*(The waiſtcoat produced and depoſed to.)*

### PRISONER LUTWICHE'S DEFENCE.

I went into this ſhop; I met Wallace who was an old ſhipmate of mine; I ſtood in the ſhop; I never was in the pawnbroker's ſhop.

What are you, a ſailor?—Yes.

### PRISONER WALLACE'S DEFENCE.

I was not in the pawnbroker's ſhop; I picked up the waiſtcoat at the door.

### PRISONER MILNE'S DEFENCE.

I had ſome wages owing me for the Iriſh frigate; I met Lutwiche, he was a ſhipmate; and a little time after this Wallace came in; I never ſaw him before in my life.

Were they ſearched?——I believe not.

What ſhip did you belong to.

*Lutwiche.* I belonged to the Alfred a ſeventy-four.

Was you out of employ?—I came here to receive my penſion money.

*Priſoner Wallace.* I am a ſailor; I was working at lumping.

*Court to Priſoner Milne.* What was you about?——I was working on board the Bombay Caſtle, at Blackwall.

GUILTY, 4s.

*Each tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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824. ELIZABETH WARREN otherwiſe TERRY was indicted for that ſhe, on the 2d day of October, feloniouſly did take away, with intent to ſteal, a linen ſheet, value 3s. from her lodging room, the property of Thomas Rummers, againſt the ſtatute.

### THOMAS RUMMERS *ſworn.*

I know the priſoner; I let a lodging to her four weeks before ſhe was taken into cuſtody, which was the 2d of October; the priſoner was taken up on ſuſpicion; and I was ſent for to the rotation office, and there I found a ſheet, my property; being a ſheet belonging to her bed, marked R, and a figure of 6; I am quite poſitive that the ſheet I found before the Juſtice was a ſheet belonging to my bed; I miſſed the ſheet before ſhe was taken up; the pawnbroker has it; his name is Harriſon.

**THOMAS MUMFORD** *ſworn.*

On the 2d of October I had the priſoner in cuſtody; I ſearched her, and found a duplicate of a ſheet, and I found who it belonged to, and ſent for the woman.

**THOMAS BAKER** *ſworn.*

I am ſervant to Mr. Harriſon, in Tottenham-court-road; he is a pawnbroker; this ſheet I took in to the beſt of my knowledge of Elizabeth Terry, that is the priſoner.

Have you any doubt about it?—I cannot poſitively ſay; I had known her a good while before as a cuſtomer to the ſhop.

Cannot you tell who you made your ticket to?—No.

*Mumford.* This is the duplicate I gave in the name of Elizabeth Terry; this duplicate I made myſelf; it is ſo long ago I cannot poſitively ſay who I made it to.

*(The ſheet depoſed to.)*

**PRISONER's DEFENCE.**

I was rather diſtreſſed for want of money, and ſhe worried me for the money, and I took the ſheet; ſhe gave me warning to quit the lodgings; I aſked her her objections ſhe had to make; on Sunday morning I went to Swallow-ſtreet to a relation's; I ſtaid there till Monday, and I was going to get the ſheet, and her father ſtopped me, and ſaid, I had been accuſed of theft, and took me directly before a Juſtice; there was nothing but the ſheet; my intent was not to defraud her.

*Court.* The moment you took another perſon's property out of the houſe, you committed a fraud.

*Priſoner.* I expect ſome people to ſpeak for me from Swallow-ſtreet; I work in the neighbourhood; the proſecutor knows where I work, ſhe recomended me.

GUILTY.

*She was humbly recommended to his Majeſty's mercy.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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825. ELIZABETH MARY JAMIMA GARDENER, wife of THOMAS GARDNER, was indicted for feloniouſly ſtealing, on the 22d day of September laſt, twenty yards of white cotton, value 3s. half a yard of dimity, value 6d. half a yard of Mancheſter cotton, value 6d. the property of Thomas Courtney Deveniſh.

**THO. COURTNEY DEVENISH** *ſworn.*

I am an upholſterer; the priſoner was a ſhop woman of mine; I had truſted her with ſome cotton; I miſſed ſome coloured cotton; ſhe worked for me in my own houſe; and I miſſed ten breadths of white; the reaſon that led to the ſuſpicion of her being a perſon that was guilty, I had ſome beds and things going abroad, and there was a bolſter caſe miſſed; I charged the priſoner with having it in her care; ſhe denied knowing any thing of it; ſhe went to dinner at one, and at half paſt one ſhe returned; ſhe came down to me, and ſaid, ſhe had found a bolſter and threw it on a table; I ſaid, wherever ſhe had that bolſter tick, ſhe muſt have it in her pocket; but whilſt ſhe was at dinner I ſearched in the ſhop in the cheſt where we put the work that is cut out; and I miſſed eight breadths of coloured cotton, and ten breadths of white; I challenged her and ſhe denied it; ſhe gave the key of her lodgings, and ſome trifles were brought from thence; ſhe was committed; and in Mr. Hyde's back office, ſhe told me of the pawnbrokers where the different remnants were, and that ſhe hid her pocket book between the brick work and the ſteps that goes out of the upholſterer's ſhop into the cabinet maker's, and there we found the pocket book and duplicates in it; I believe it was diſtreſs, and ſhe had a ſick huſband with the gravel; I never knew her rob me of any thing before.

*Two pawnbrokers* produced the property that was pawned by the priſoner, which was depoſed to.

*Priſoner.* I did not intend to defraud Mr. Deveniſh; I had a brother coming to town that I ſhould get ſome money from; and the proſecutor promiſed he would forgive me.

*The priſoner called one witneſs who gave her a good character; and ſaid the proſecutor promiſed her mercy.*

GUILTY.

*Recommended to mercy by the Proſecutor.*

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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826. SOPHIA JONES was indicted for feloniouſly ſtealing, on the 2d day of October, a ſilver watch, value 10s. a glaſs, value 1d. a key, value 1d. a linen gown, value 6s. a hat, value 12d. a cardinal, value 3s. a linen cap, value 6d. a cotton handkerchief, value 6d. the property of William Chambers.

### WILLIAM CHAMBERS *ſworn.*

I live on Salpetre-bank, at the ſign of the King of Pruſſia; on the 2d of this month, I had occaſion to go to Deptford, between eight and nine in the morning; I left the watch hanging up, and my wife's gown and cardinal, and when I came home at three in the afternoon the things were gone; to the beſt of my knowledge the door was locked when I went out; when I returned, my door was unlocked, and the property had been taken out, and found again; the priſoner was in the houſe as a ſervant nine or ten days; my wife took her in out of charity, and during that time ſhe behaved as far as I ſaw very well.

### WILLIAM JONES *ſworn.*

On the Monday that the things were loſt, about eleven, the priſoner who had been at our houſe was miſſing; I overtook her on Tower-hill with the property, and delivered it to my maſter; the things were right round her middle next her ſhift.

Did you find out ſhe had any thing round her when you firſt ſtopped her?——I did not find, ſhe had any thing before her till ſhe dropped a hat going in Roſemary-lane; ſhe took up the hat and carried it with the reſt of her things, and delivered up the property; I brought her home; ſhe delivered up every thing but a cap, and ſhe put that into the parlour; I did not know where ſhe had put the things; and gave them to me; here are all the things, watch and all; the watch ſhe gave me the laſt thing; I did not know ſhe had it about her at that time. *(The things depoſed to.)* I brought the handkerchief from India.

### PRISONER's DEFENCE.

My maſter promiſed me the things if I would let him lay with me; the woman he lives with is not his wife; I acknowledged her as miſtreſs by his orders; he told me to take the things, and lay with me too.

*Proſecutor.* I deny it.

*Priſoner.* I have nobody but God and myſelf.

*Court.* I am afraid you have not entitled yourſelf to any aſſiſtance from God.

*Priſoner.* I am but a poor girl.

*Court.* But you might have been an honeſt one.

GUILTY.

*Privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

827. ROBERT JONES was charged on the Coroner's inquiſition, with feloniouſly killing and ſlaying James Barrett, on the 22d day of September laſt.

THOMAS NEWMAN *ſworn*.

I ſaw the fight on the 22d day of September, at half paſt ſeven, to the beſt of my knowledge, in the evening; the priſoner and the deceaſed had ſome words; I believe they were both coachmen; one was a waterman the ſame day; the priſoner was a waterman that day, he had juſt left his ſervice, but a few days before; they quarrelled concerning a horſe-cloth, that the deceaſed miſſed the night before, as I underſtood; I did not hear the beginning of the quarrel, though I ſaw the beginning of the fight, and the ending of it; the horſe-cloth was ſuppoſed to be the gentleman's that belonged to the deceaſed's coach; the other was not out that day; he was a waterman; the deceaſed was a hackney coachman; I was waterman that day; the deceaſed went by the Helmet; he aſked me what houſe I belonged to; he ſaid, we were all thieves at that houſe, for he had loſt a cloth the day before, I told him I was ſorry for it; I did not think he had loſt a cloth there; I was not a waterman the day before, but the waterman that was, I thought did not wrong him of a cloth, and I underſtood the cloth was found; he was going by with a fare in his coach, and he ſaid in a little while, he would come back and ſettle it; which I underſtood he did; I ſaw the coach at the door in twenty minutes after; I did not ſee the coach come to the door; but I ſaw it as ſoon as it was there; and I went to the door and went to the deceaſed's horſes; I was going there when they were having ſome words in the houſe; I heard the words; they came out of doors, and they were going to fight; that was Robert Jones, and the deceaſed James Barret.

Were they ſtripped?—Yes.

To their ſkin?—Yes; and I put them back again; and I put the deceaſed into the back room and deſired him to put on his clothes, but he inſiſted on fighting it; then out of doors they both came, and they ſhook hands before a blow was ſtruck; then ſeveral blows were ſtruck, and they fell down; there was nothing but fair play, that I ſaw; they were helped up at the time of the fight; the deceaſed was deſired to give over; the priſoner was very willing, but the deceaſed was not willing to give over; then the deceaſed was knocked down, and was helped up again, and led into the houſe, after fighting for a quarter of an hour or rather leſs; then the deceaſed was led into the houſe; then the priſoner wanted to ſhake hands with him; and he ſaid, no, he would not ſhake hands with him, he would have it out another day; and there are witneſſes to prove that he came from Moorgate on purpoſe to fight the priſoner.

What condition was the deceaſed in at that time?—He appeared to be very ill, but appeared to us to be very ſulky, or ſomething of that kind; he was a perſon I did not know; he ſat down after he ſpoke theſe words; a little while after we helped him into a coach and ſent him home to Moorgate; I do not know how long he lived; I believe he was alive at Moorgate.

*Mr. Garrow.* Do you know who ſtruck the firſt blow?—To the beſt of my knowledge I do not; but this man was very averſe to fighting, but the other inſiſted upon it.

You told us that they ſhook hands at ſeveral times?—Yes.

How did it happen in this inſtance, who propoſed the ſhaking of hands?—I cannot ſay that.

Do you mean this, that it was ſhaking hands by way of mutual conſent to box it out?—Yes, without all manner of doubt.

*Jury.* Was the deceaſed drunk?—To the beſt of my knowledge they were neither of them quite ſober.

SAMUEL DAVIS *ſworn*.

I was going paſt the door, and I ſaw the coach ſtand; I aſked the man who was feeding the horſes, where James Barret was? ſays he, he is in the houſe, and going to fight; then ſays I, he is drunk, becauſe I knew him; he was ſtripped; I took him by the arms, and put on his clothes; he ſaid do not go, where are you going? I ſaid no where; then they went out to fight, and ſhook hands for the ſpace of three or four minutes; and Jones ſaid he would rather put on his clothes than fight; and the other would ſee which was the beſt man, and he turned and gave Jones a knock, and they fought for near a quarter of an hour, as nigh as I can gueſs; the deceaſed ſtruck the firſt blow on the ſide of the head; they had ſeveral very hard falls both of them in the ſtreet; and I picked him up three or four times, but having ſuch a pain in my loins, I was not able to do it.

Was it what you call fair fighting?—It was a fair fight.

If theſe people will be ſo brutal to fight in this manner with one another, does it never occur to you to go ſomewhere to fight, that you might not have the ſtones to fall upon?—I do not know; it was over; he gave out, and ſaid he would not fight any more then, but he would have it out another time; he ſpoke no more that I heard of.

*Jury.* Were they both drunk?——I really believe that neither of them was cleverly ſober; as for Barrett, he was very drunk; we took him into the houſe, and put on his clothes as well as I could; and I got ſomebody to help him into a coach, and I drove him home to Moorgate; when I came there, ſomebody ſaid he was dead, and ſomebody ſaid he was not; I ſaw no breath, and I went for a ſurgeon to bleed him; the ſurgeon would not come; he ſaid where they fought, there he might go and be blooded.

When you came back from the ſurgeon's, was he dead then?——Not as I know of.

How ſoon did he die?—I cannot tell how ſoon after; I helped him out of the coach into his maſter's houſe.

*Mr. Garrow.* He was your acquaintance?—I lived a fortnight with him; I did not know any thing of this man; Barrett was certainly very much in the wrong, and provoked this man; I thought he had had a good beating, but I did think he would die.

**SAMUEL PRICE** *ſworn*.

On September the 24th, I opened the body of the deceaſed; and on the left ſide, below the falſe rib, in the cavity of the abdomen, I found a quantity of blood, perhaps exceeding a pint; on the external ſurface of the body, on the left ſide, on the fifth and ſixth ribb; there was ſome contuſion, but by no means mortal in itſelf; that is all I know.

Was there any appearance of a rupture in any veſſel?—No, there was not.

From whence did that blood proceed do you apprehend?—Perhaps from too great an action of the heart; from too much drinking; it muſt come from ſome veſſel undoubtedly, but not viſible.

You could not diſcover that ſome artery had burſt, or any large blood veſſel?——By no means, my Lord, they were in a perfect healthy ſtate.

What do you take to be cauſe of his death?——Perhaps an apoplexy.

Did you open the head?——I did; the brain ſeemed to be in a healthy condition.

Does it happen that people die of apoplexies, without the diſorder ſhewing itſelf upon the brain?—It does, my Lord, but not often; the heart and arteries appeared in a healthy ſtate; I cannot ſay to a certainty what might be the cauſe of his death.

Would the blood that you found in the abdomen have produced it?——Not inſtantly, but in the courſe of twenty-four, or thirty-ſix hours; it muſt have been taken up again into the abſorbent veſſels, and taken again into the ſyſtem; it could not have been diſcharged any other way than by the abſorbent veſſels.

Did you find the heart and receptacles ſurcharged with veinous blood?——They were; I meant by healthy ſtate, that the heart and arteries were not by any means ruptured.

### RICHARD MORRIS *ſworn.*

On the 22d of September laſt, when James Barret came in; I heard him ſend out for the priſoner, and when he came in, he accuſed him of the theft of a horſe-cloth; and Rober Jones declared he was innocent of the affair; the deceaſed inſiſted upon fighting, and pulled off his clothes; and Robert Jones declared he had rather not fight; and the deceaſed was puſhed into another room backwards, and deſired not to fight; and Robert Jones was aſked to put on his clothes, and he ſaid he would; Robert Jones took up his clothes to put them on, and the other came out, and went into the ſtreet to fight; and they ſhook hands, and the deceaſed gave Robert Jones a blow, and I ſaw nothing but fair play during the time of their fighting; the deceaſed was brought into the houſe, and ſet upon the bench, and the priſoner went to him, and aſked him to ſhake hands and make it up, and he ſaid with an oath, he would not, he would have it out another time.

### ROBERT HARVEY *ſworn.*

I was coming down Holborn after this fight was over; I ſaw a great many people ſtanding; I ſaw a man whom I knew, and he ſaid there had been a fight; I aſked him who they were; and he ſaid Robert Jones and James Barrett; I went into the houſe, and I ſaw the deceaſed ſitting on the bench, and his head leaning on the ſide of the table, and another man putting on his clothes, and they brought him out, and put him into a coach; when he was put into the coach, I aſked the priſoner to go home with him; he ſaid I cannot go, I muſt mind the rank of coaches; and he aſked me to go with him; and I ſaid I would, for I thought that it was fit ſomebody ſhould go with him; I went with him to Moorgate; and when we came there, I got out, and another man that helped him up into the coach, and lifted him up, and he ſeemed rather to fetch his breath; I ſent for a doctor to bleed the man, as he ſeemed to be in a very bad ſituation; they went for the doctor, and he would not come; he ſaid where the man had been fighting, there he might get blooded; he was taken into his maſter's yard, and in a few minutes after they ſaid the man was dead; then I went there, and ſaw him laid out at his maſter's houſe.

*Mr. Garrow.* Was he laid in the coach? —He ſet his back up againſt one ſide of the coach, and his fore ſide up againſt the other; I prevented him from falling down; he never ſpoke to me.

### JAMES COLVIN *ſworn.*

I ſaw him in the coach; he was very abuſive, and very troubleſome when in liquor.

GUILTY, *Manſlaughter.*

*Fined one ſhilling, and confined one week in Newgate.*

*Court.* Let the Recorder know the favourableneſs of the caſe.

*Tried by the London Jury before Mr. Baron* EYRE.

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828. MARY (the wife of JAMES) CARROL was indicted for feloniouſly ſtealing, on the 29th day of September laſt, one linen ſhirt, value 5s. and one linen ſheet, value 10s. the property of Charles Dobinſon.

(*The caſe opened by Mr. Garrow.*)

### CHARLES DOBINSON, Eſq; *ſworn.*

The priſoner was an aſſiſtant to the laundreſs; I loſt the things mentioned in the indictment.

### CHARLES PAXTON *ſworn.*

I am a pawnbroker; this ſheet was pledged with me by two women, in the name of Ruth Deane.

*Priſoner.* I own to taking the ſhirt,

and the ſheet, but as to any thing elſe, I know nothing of them.

“ The examination of Mary Carrol, charged with felony, taken before Juſtice Addington, who ſays ſhe did ſteal the ſaid wearing apparel and plate, which theft ſhe committed by the advice of Ruth Dean, and her huſband John Dean, and that they ſtood at the bottom of the Temple-lane, while ſhe brought them down; that they got into a coach, and went into the Borough; and that ſaid Ruth Dean pawned the ſheets at Mr. Davidſon's, and a ſhirt at another pawnbroker's; that they then took a coach, and went to Ludgate-hill; that Ruth Dean then got out with the effects of Mr. Dobinſon, ſaying ſhe knew a perſon that would buy them; and appointed her to meet the next morning, to which place ſhe did not go, nor hath ſhe ſince ſeen the ſaid Ruth Dean, or her huſband.

“ Signed, Mary Carrol.”

**GUILTY.**

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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829. TAMASIN ALLEN, alias BODDINGTON, was indicted for feloniouſly aſſaulting Hugh Harding, on the 14th day of September laſt, in the dwelling houſe of Seago, and putting him in coporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one leather pocket-book, value 1s. ten grains of roſe diamonds, value 8l. ſeven grains weight of other diamonds, value 6l. two brilliant diamonds, value 50s. a pearl, value 12s. one topaz, value 5s. a ſilver pencil-caſe, value 2s. his property; and one promiſory note called a bank note, value 10l. the property of the ſaid Hugh; and the ſaid ſum of ten pounds, payable and ſecured by ſuch note due and unſatisfied to him, againſt the ſtatute.

*(The witneſſes examined ſeparate.)*

HUGH HARDING *ſworn.*

I live No. 63, Leather-lane, Holborn, next door to the White-hart; I am a houſekeeper; I have kept that houſe about ſix years; I kept it at the time of the rioting; I am a jeweller.

Are you a working jeweller, or do you ſell jewels?—I have four or five people to work for me out of the houſe; on the 14th of September I loſt the things mentioned in the indictment, on Thurſday, between five and ſix in the afternoon; I was in Chick-lane when I loſt it, at the Marquis of Granby.

What is the name of the man that keeps the houſe?——I do not know, he is here; I firſt loſt a metal watch, in a metal caſe; I went into this houſe as ſoon as I loſt my watch, and made a great noiſe about it; Humphry Moore came and ſpoke to me; I knew him; I ſaw him at the door of this public houſe, and he told me if I would come into the houſe, I ſhould have my watch; I went in there; I thought he would not have behaved in the manner he did to me; he made a great enquiry after this watch; and as I looked upon him to be my friend, I thought he would help me to it; I told him I would leave a guinea if I could get it again; he turned round, and took hold of my hair; this priſoner was with me all the time; Humphry Moore laid faſt hold of my coat, and my coat flew open, and the woman at the bar put her hand in my left hand ſide pocket, I do not recollect which hand, ſhe took my pocket-book out; and Moore and ſhe ran away directly; Moore pulled my coat open, and her hand went in directly; there was a ten pound bank note in my pocket-book, and the reſt of the things mentioned in the indictment, of the value therein deſcribed; I got out of the houſe and went home; if I had not got out as I did, I ſhould have been robbed of my gold ſeals.

Had you any alarm upon you ?—I was ſo much alarmed as this, I was very glad I got out of the houſe ; they were not above four or five minutes about it.

Had you time enough to be ſure of the man and the woman ?—I am certain ſure of the man, becauſe I have known him ten or fourteen years.

As to this priſoner, are you ſure of her ? —Yes, I ſwear poſitively to her ; I never found any of my property again.

Had you ever ſeen the woman before ? I cannot ſay that I have ; there were a good many in the houſe.

Did you tell any body of the loſs ?——All Chick-lane heard of it ; I made noiſe enough ; I went home and told my wife ; I ſaid I know all the priſoners ; that night I went down, and the woman for my watch was taken that night ; this priſoner at the bar was not taken immediately ; but I applied at the publick office at Hick's-hall the ſame night about ſeven, and there I ſaw Philip Briſtow the conſtable ; I went the next day before the Juſtice's to Hick's-hall ; I gave an account about theſe robberies ; the firſt I ever ſaw of the priſoner after I was robbed, was in Guildhall yard ; I think it was better than a week ; I deſcribed the woman to the people, a luſtyiſh woman, with black hair.

Was the woman pointed out to you, before you pointed her out ?——No, they aſked me if I knew her ; I then went cloſe to her, and knew her the inſtant ; I told the people about me, I am clear ſhe is the woman.

*Mr. Garrow.* What day of the week was this ?—Thurſday.

An unlucky day, I believe.—It was an unlucky day to me, I wiſh I had not ſeen the day.

The other woman you proſecuted was convicted this ſeſſion ?——Yes.

For ſtealing your watch ?——Yes.

She was indicted for a highway robbery ?—Yes, a ſtreet robbery.

Well that is the ſame as to the reward ? ——She was acquitted of that.

How ſoon did you make any information before a Magiſtrate about this woman ?—At the ſame time.

Now upon your oath did you make any before the twenty-third ?——I made it that day.

Will you ſwear that ?——I will ; ſhe was not taken till the twenty-third ; I think it was about the Friday following, about two I ſaw her.

What is become of Humphry your friend ?—I ſhould like to know what is gone of him.

You have a curioſity to know ?——I ſhould like to ſee him ; I have ſent down to Birmingham.

You took him to be your friend ? you was quite ſurprized to find him out of Newgate, you drank with him ?—I hardly ever drank any thing with them ; I knew Bill Moore, and Jack Moore, and Humphry, and all of them ; a man who has walked London ſtreets cannot fail.

You name never was William ?—Never to my knowledge, unleſs it was before I was born.

Now that is a pretty diſcreet anſwer ! now you are a jeweller ?—Yes.

Will you have the goodneſs to tell theſe gentlemen, what your friend Humphry's trade was ; you know he is an old client of mine ; do you know where he uſed to buy his rings ?—He never bought any of me, none of the gang.

You know their trade uſed to be, to drop a very fine cluſter ring, worth one hundred and forty guineas ; you know he was *boned* for it ; are you ſure that your diamonds in your pocket-book were not of the ſame ſort ?—I know a diamond as well as any man ; mine were diamonds.

Was it before or afterwards that you ſtripped to fight the boy that picked your pocket of your handkerchief ?——I never ſtripped to fight any body ; on the 14th of September, at the Granby, I loſt my handkerchief in the houſe ; a good many women were in the houſe, and ſeveral at the door.

Was you as ſober then as you are now ? ——Yes.

Much the ſame perhaps?——I am ſober now.

That you ſwear to; have not you been drinking?——I believe I have drank more to day than I did then; I was ſober enough to know the people that robbed me; I could have gone to any ſhop and done my buſineſs, I was not drunk.

Did nobody refuſe to give you liquor, becauſe you was ſo beaſtly drunk, they would not let you have another glaſs?——That was the landlord.

He would not truſt you with any more liquor?——Why, if he ſays it, he may ſay what he likes.

However, he was wicked enough to ſay it?——You will hear it from the landlord.

But I muſt hear it from you; did not he tell you, that you was ſo beaſtly drunk, he would not give you any more liquor? at the Rotation-office, the landlord being called up, he ſaid you was ſo drunk, he would not give you any more liquor; is that true or falſe?——It was falſe; he did refuſe me liquor at his houſe.

What reaſon did he give you?——He ſaid there I was drunk.

I do not wonder at the man's ſaying ſo?—Nor I neither, the man was frightened to death; he did not know what to ſay; I will prove whether I was drunk or no; I was no more drunk than I am now; I ſometimes get drunk, but never till my buſineſs is done.

I am told your character is quite reverſe to that in general; you are generally drunk, but ſometimes you get ſober?—I do not know.

Where had you been ſpending your evening?—I had been with the man that works for me in Moorfields, and I was coming home, and I was no more drunk than I am now; he has worked for me theſe ſeven years; his name is Charles Cobb.

Why you told me juſt now, that you had been drinking about as much as you had been to day; who had you been drinking with?——With a gentleman that lodges with me, Mr. Lamb, he parted with me at four.

From thence till ſeven, who had you been drinking with?——I left him down at St. Catherine's.

Where do you live?—I live at No. 63, Leather-lane, where I have lived a great many years; I keep the houſe, I ſwear that.

What buſineſs had you in Chick-lane?——I was coming from the man that works for me, and coming acroſs Moorfields, and through Barbican, and through Chick-lane, and Holborn-hill, and Hatton Garden, and ſo home, I picked up Mr. Moore, at the public houſe door; I had not been drinking with him, nor I had not told any body I had; I aſked for ſome pepermint, the landlord ſaid I ſhould have none.

Upon your oath, did not you tell the landlord you had been drinking with Moore that afternoon, and muſt have ſome more liquor?—Upon my oath, I never did.

You abſolutely deny your ſtripping to fight with any body?—Yes, I do.

ANN WALLIN *ſworn.*

I am a header of pins; a married woman; I did live at No. 3, Black-boy-alley; when the robbery was done, but the night after I moved; I ſaw the woman take his watch, and he went into the Marquis of Granby's; he ſaid, he had loſt his watch at the door; he went into the bar firſt himſelf, then he returned into the ſtreet, and met Humphry Moore; I know the priſoner; Moore and the priſoner were together; and Moore ſaid, come in doors, and make yourſelf eaſy, I will get you your watch again; then Harding, Moore, and the priſoner went into the Marquis of Granby's, and they were not there long before Moore and this woman came out together, and went down the ſtreet together, and I ſtood at the end of the alley; they turned round to the left, and going down the alley, Moore ſaid to the priſoner, come along, come along; and the priſoner ſaid, here it is, but there does not ſeem to be any great value in it; her apron was over her hand; I did not ſee what was under her apron.

*Mr. Garrow.* How long have you been acquainted with Harding?—Eight years.

How long have you been acquainted with Moore?——I never ſaw him till that evening; I knew the priſoner very well; I have heard her called Tam Boddington; I ſaid to a woman, that I knew the proſecutor, and would go and tell his wife.

*Thomas Lee called, but did not anſwer.*

JAMES SEAGO *ſworn.*

I am a publican in Chick-lane; Mr. Harding was in liquor when he came into our houſe, he called for a glaſs of peppermint, which I refuſed to draw him; he ſtood leaning a-top of the bar with his elbow; I aſked him what was the matter, he ſaid, he had loſt his watch; he ſtopped a minute or two, and then went out of doors, and went in at the other door; I ſaw him in the tap room once, about ten minutes; I have ſeen the priſoner before; I heard from Mr. Harding the next day, that he had loſt his pocket book; I do not know how ſenſibly drunk he was, I thought him very drunk; I did not quit the tap room nor the bar for a conſiderable time after; he ſtaid ten minutes in the tap room, and never made any complaint in the tap room.

If any body for inſtance had ſeized him violently by the collar, and another perſon taken his pocket book, ſhould not you have known it?—I never heard a ſyllable about it; I do not know much about this woman; her huſband is an honeſt man I believe.

Did any body ſtrip to fight, or fight?—No, I heard no complaint that this man had loſt his ſtick, nor his hat, or handkerchief, only that he had loſt his watch.

Will you ſay he was very drunk?——I ſaw him ſtagger.

*Proſecutor.* This man ſaid I came to his houſe the next day, and told him about my pocket book; I never was in his houſe the next day.

*(Harding and Seago confronted.)*

*Court to Seago.* You hear what you have ſworn; that this man came to your houſe the next day, and told you that he loſt his pocket book?——Yes, Sir.

*Harding.* I never did.

*Seago.* He was there the next day with a ſhort man; I do not know his name; it was in the forenoon, I think before twelve; I think my wife was in the bar; ſhe was unable to go out.

And upon the oath you have taken, you will perſiſt in this fact?——Yes, I will; the man that came with him, had his own hair tied behind; I have heard ſay he keeps a liquor ſhop near Smithfield.

*Court to Harding.* Did you ever go to his houſe at any time?——Yes, I went there with Phill. Briſco about a week after.

*Court to Seago.* Are you ſure it was not a week after?——No, Sir, he came only once, I really think it was the next day; I think I can ſwear it was not a week after; I am ſure it was the next day, because I had juſt heard of his being robbed.

*Priſoner.* I leave it to my counſel; I am ſo ill I cannot ſpeak.

*The priſoner called two witneſſes to her character.*

GUILTY.

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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830. MARY SPRINGHAM was indicted for feloniouſly ſtealing, on the 5th day of March laſt, two guineas, value 2l. 2s. and nine ſhillings in monies numbered, and an iron japanned ſnuff box, value 1d. the property of William Reynolds, privily from the perſon of Mary Reynolds.

MARY REYNOLDS *ſworn.*

My huſband's name is William Reynolds; I live at No. 4. George-ſtreet, Spital-fields; the priſoner robbed me on the 5th of March; I never ſaw her before; I was coming home from Graveſend on the ſabbath-day, about eight in the morning; the priſoner came with me in a Graveſend boat; her mother lives in Baker's-row, Whitechapel; I was taken very ill going up the New-road; ſhe aſked me to go into her mother's; I went in there, and I fainted away; ſhe brought a little water and waſhed my face, and brought me too; and aſked me to lay down on her mother's bed, in a little back room; I ſaid, I would be glad; and ſhe led me into the room; and I laid down on the bed; ſhe ſaid, nothing ſhould hurt me, till ſhe came to me again, and ſhe would lock the door, and take the key in her pocket; the priſoner locked me in; I had a ſilk handkerchief about my neck; I awoke and found the priſoner ſearching my pockets; ſhe ran away, and away ſhe went; there were two guineas in gold, three ſilver half crowns, one ſhilling, and a ſixpence; the gold was tied up in my black ſilk handkerchief, and round my neck in a double knot; the ſilver was in a japanned iron ſnuff box in my pocket; the ſnuff box was taken with the money in it; when ſhe went out of the room, I could not go ſo quick after her, and there were three turnings; I could not tell which of the turnings ſhe went down.

*Priſoner.* She aſked me in the lock-up room to make it up with her, ſhe ſaid, ſhe was very poor?——I did not.

### THOMAS FORECAST *ſworn.*

I am a weaver by trade; I follow the deal portering now; I am come from the Streights; I went in purſuit of Mary Springham; I met her coming home and three more; it was about five weeks ago; I followed her, and told the proſecutrix to take her into cuſtody.

*Court to Mary Reynolds.* You knew where this woman lived?——No; I knew where her mother lived.

You knew her name alſo?——I knew the name ſhe went by.

How came it then you did not go before a Juſtice of the Peace?——I did the next day, and took the mother into cuſtody; I made enquiries after her, but could not find her.

### PRISONER's DEFENCE.

We came from Graveſend together; the proſecutrix borrowed three-pence of me, becauſe ſhe had no money; coming through Limehouſe, ſhe ſays to me, Poll, I want to call for ſomething to drink; I went to my brother's and had ſome breakfaſt; ſays I, now Mrs. Forecaſt, I wiſh you a good by; ſhe went home with me; ſhe was taken very ill, and ſent for a quartern and half of gin, and changed ſixpence; my mother aſked her to lay down; ſays ſhe, do not leave me; ſays I, I am ſleepy, I muſt go home to bed; I left this gentlewoman at my mother's, and ſaw no more of her till five weeks ago ſhe charged me with this.

GUILTY

*Of ſtealing.*

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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831. PHEBE NORTON was indicted for feloniouſly ſtealing, on the 20th day of Auguſt laſt, a table ſpoon, value 5s. three tea ſpoons, value 3s. a counterpane, value 4s. three ſheets, value 6s. a coat, value 4s. a ſatin waiſtcoat, value 4s. a table cloth, value 1s. two check curtains, value 1s. 6d. one pair of leather gloves, value 6d. the property of James Milne.

### EDWARD SWAIN *ſworn.*

I am a ſervant to Thomas Page, a pawnbroker, No. 32, St. Martin's-lane; I perfectly remember the priſoner coming to our houſe; I have frequently ſeen her at our houſe, pledging things; it was in Auguſt laſt; I cannot mention the day; ſhe pledged a coat, a counterpane, and a variety of other articles; they are in my poſſeſſion; and ſhe ſaid they were her own.

What did ſhe pledge them for?——I cannot

not ſay exactly the ſum; I had no reaſon to ſuſpect her at that time; I have nothing more to ſay; I am very ſure ſhe is the ſame perſon; ſhe pledged them in the name of Mary Jones; ſhe told me ſhe lived in Bedford-bury.

### JAMES MILNE *ſworn.*

I know the priſoner perfectly; ſhe was my ſervant; ſhe was nine weeks my engaged ſervant; but prior to that ſhe was two months an aſſiſtant as chair woman; ſhe was then in the name of Knight, but upon the examination before the Magiſtrate, ſhe ſaid her name was Phebe Norton; I am a ſingle man; and the priſoner did not only aſſiſt as a ſervant, but as a houſe-keeper; I am out ſix hours in the day, and while I am out the ſervants may turn the houſe inſide out; the priſoner ran away the 21ſt of Auguſt laſt; after ſhe was gone I miſſed the property from the different parts of the houſe; I found theſe things again in the poſſeſſion of Thomas Page that evening; there is not a mark on any thing; they are ſuch things as I loſt.

When you ſaw the priſoner did you charge her with taking theſe things?——Yes.

Did you tell her it would be better for her?——No, I never ſpoke to her; when I was before the Magiſtrate, the Magiſtrate aſked her what ſhe had to ſay for herſelf, and her anſwer was, it is all right what my maſter has ſaid.

*Priſoner.* My Lord, my maſter has never paid me any wages, if my maſter had ever paid me my wages, I meant to have redeemed them; here is the bill; my maſter ſent for the bill; he owed my being a ſervant very near ten weeks, and for being a chair woman very near two months.

*Proſecutor.* *Her predeceſſor* was indiſpoſed, and ſhe wanted an aſſiſtant to go through the *minutiæ of the houſe*; ſhe ſent me in a bill from Newgate for ten weeks wages; but ſhe had two pair of ſlippers from a ſhoemaker's; and ſhe aſked me for five ſhillings, which I gave her, to buy ſome things.

*Priſoner.* I owe the proſecutor twelve ſhillings.

*Jury.* Did the goods all come at once, or at two or three times pawning?——They did not come at once; they were pawned at different times, from June to Auguſt laſt.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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832. MARY HILL was indicted for feloniouſly aſſaulting John Williamſon, Eſq. on the king's highway, on the 26th of October, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a gilt watch, in an enamelled caſe, value 3l. a blue watch ribbon, value 1d. a gold ſeal, value 20s. a gold key, value 5s. his property.

### JOHN WILLIAMSON *ſworn.*

I am a captain in the Royal Navy; on Thurſday, the 26th of laſt month, at night, I was robbed of my watch in the Haymarket, between Panton-ſtreet and Coventry-court; the priſoner and another girl were ſtanding at the corner of Panton-ſtreet; as I was paſſing them in the Haymarket, this priſoner followed me, and took me round the waiſt with her right arm, and deſired I would go with her; I replied, at that hour of the night, I was either too drunk or too ſober to go with any women from the ſtreet; it was near eleven o'clock; ſhe ſaid, you are very ſober, you had better go with me.

How was the fact?——I had dined in the City, and walked home; I had been drinking but left off drinking before eight o'clock; I ſat down to my dinner at paſt five o'clock at the London coffee-houſe; then I walked home; I told her, if I was ſober I never could think of going with her; if I was drunk, I was not proper company for her; ſhe aſked me to give her ſome money to drink; I told her, I made it a rule never to carry money of a night; then ſhe put her left hand on my right hand breeches pocket, and kept rubbing up my thigh, to feel if there was any money; I had a new pair of leather breeches on which were very tight, and I thought I felt my ſeal draw up my thigh, and I took my hand and caught hold of the ſkirt of her gown, and ſhe was going to leave me; upon putting my hand on my pocket I found my watch was gone out; I praiſed her ingenuity and dexterity, and told her it was a very good joke, but would adviſe her to return it, leaſt it ſhould prove ſerious; ſays I, have it you certainly muſt; ſays ſhe, what the devil ſhould I do you with your watch? I was leading her to the watchman who was within three or four yards; I ſaw one in Coventry-court; I charged the watch with her; he took her to the watch-houſe; I was aſked if I found my watch, if I ſhould proceed; I ſaid, I owed it to the public, and I certainly ſhould do it, whether I got my watch or no; I carried her to Bow-ſtreet, Sir Sampſon Wright committed her, and I then went to the clerk of the indictments, who directed me to the Grand Jury; then I heard that a perſon had found it; I ſaw it at the watch-houſe.

*Court.* When ſhe embraced you, you underſtood that ſhe did it in an affectionate manner?——In a very affectionate manner.

Not with any degree of force or violence?——Not at all; I have often met with attacks of that kind in the Hay-market; I did not find that there was any difference.

WILLIAM WESTWOOD *ſworn.*

I live at No. 6, Coventry-court; I am an engraver; I have a watch which I found in a corner in Coventry-court, in the Hay-market, on the 26th of October, between eleven and twelve on Thurſday night; it was laying on the ground; I kicked it before me; there was not a perſon preſent.

*(Produced and depoſed to.)*

### PRISONER's DEFENCE.

I was going up the Hay-market; it was no more than ten; this gentleman met me, and aſked me how I was; I ſaid, I was very well, but very cold; he aſked me to go with him; I ſaid, if he would treat me with a glaſs of wine; he ſaid, no, go up this court with me; I would not; then I aſked him to lend me a ſhilling; he laid hold of both my wriſts, and took me to the watch-houſe and ſearched me; I never ſaw the watch with my eyes.

GUILTY

*Of ſtealing.*

*Transported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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833. WILLIAM TOMKINS was indicted for feloniouſly ſtealing, on the 23d day of September laſt, one baſket, value 6d. two quart glaſs decanters, value 6s. two pint ditto, value 3s. one pair of glaſs crewets, value 6s. two glaſs ſalts, value 7s. twelve glaſſes, value 7s. two china bowls, value 7s. two baſons, value 2s. ſix cups and ſaucers, value 7s. one oval tea-pot, and one milk pot, value 5s. the property of George Blow.

Mrs. BLOW *ſworn.*

I live at No. 20, Portman-ſtreet, Portman-ſquare; on Saturday the 23d of September, I loſt the things mentioned in the indictment; they were all in two baſkets, one baſket I loſt, the other I did not; the priſoner came into my ſhop, about one o'clock; I was at dinner; I keep a glaſs and china ſhop; he ſaid, do not diſturb yourſelf, I ſhall be glad to look at ſome things; I went into the ſhop, and aſked him what he ſhould like to look at; he ſaid, ſome decanters; I ſhewed him a pair; he did not think they were good enough; then I ſhewed him another pair, and he choſe them, and a pair of pint decanters;

then he wanted a pair of cruetts, and he choſe a pair of the beſt cut, and a pair of ſalts of the beſt; then he looked at ſome china, and choſe half a dozen cups and ſaucers; then he looked out two punch bowls, and a half pint baſon, and a pint baſon; then he looked out a dozen of glaſſes, a milk-pot and a tea-pot ; I ſhewed him one of the beſt, which was five ſhillings; then he deſired me to pack them up and ſend them home to his houſe, which was the King's Arms, in North Audley-ſtreet; he ſaid, he would be at home by that time, and he would empty the baſket ; for he was going to get twenty pounds worth of ſilver, to pay Mr. Gray's men ; he ſaid, he was to have twenty gentlemen to dine with him on Thurſday, and he ſhould want ſome more things at night ; he came into the ſhop, and aſked me if I had packed up the things, and if I had made out the bill ; I told him no, but I had made a memorandum of them upon a piece of paper ; and he took it up, ſays he, what is this the account, two pounds fourteen ſhillings, and nine pence? yes, ſays I ; then he aſked me to give him the ſilver change againſt three guineas, and he would ſend the three guineas by my ſervant ; I told him, I had no ſilver ; he aſked me if I had half a guinea ; I ſaid, I had not, but I would ſend the change by the ſervant ; he ſaid, he would carry one of the baſkets, and I ſaid, he ſhould not ; he ſaid, he would ; I went to call my ſervant, he took up the large baſket that ſtood on the counter, and ſaid come along, to the little girl that ſtood at the door, he took up the large baſket and went out.

Did you inſiſt on his not taking it?——I am ſure of that.

You are very ſure you did not give him the things as a cuſtomer?—No, I did not.

Did you give the things into his cuſtody at all?——No, I refuſed him taking them ſeveral times ; I ſaid, to the little girl, run after the man, I do not know whether he lives there or not ; ſhe took the other baſket and ran after him ; then I ſent my other ſervant after her ; I have never ſeen my property again ; he took the things mentioned in the indictment ; he brought back the baſket, and my ſervant Sarah Brady received it ; the things were all in the large baſket, except the ſix wine glaſſes ; I went to look for him, and he was at my ſhop door, and when he ſaw me he was going to run away ; I ſaw him begin to run, and I took hold of him by his coat, and he pointed his hands to the King's Arms; and he ſaid, there, there; then he told me to let go, and I ſaid no ; then he knocked me down three times, and the laſt time he tried to choak me ; he hit me on the ſide of my head, and he was obliged to fall becauſe I held faſt by him, and he got up again, and the laſt time he knocked me down and ran away, a gentleman caught him ; the gentleman is not here, and my maid ſaw it, and he was taken into cuſtody ; I him told he ſhould not take them ; my maid had but two ſtairs to ſcour, and ſhe ſhould take them ; I had a ſuſpicion of him when he aſked for the change.

Have you been to the King's Arms?—Yes.

Does he keep it?——No.

How do you know that?——Becauſe I have ſeen the man that keeps it ; I have been three or four times to the King's Arms.

Did you ſee the priſoner upon the premiſes during theſe times?—No, he was in priſon, I never went before he was in priſon.

*Mr. Garrow, Priſoner's Counſel.* The firſt thing you knew of the priſoner was his coming to your houſe?—Yes, to buy ſome tumblers.

He had been once before?—He bought four tumblers, and paid for them ; he told me then that he kept the King's Arms, and that he ſhould have occaſion for a great many other things in our way.

How ſoon was it after that he came, when he looked out this aſſortment that you have mentioned to my Lord?——It was Monday when he looked out the tumblers, and he came again on the Saturday, and he looked out theſe things.

Then he deſired you to make out a bill of that aſſortment?——Yes.

You in conſequence made out a bill? ——No, I did not, I made out a memorandum on a ſheet of paper, which he took from the compter, and put it into his pocket, "Bought of George Blow"; I then put all down, and put 2l. 14s. 9d. at the bottom.

*Court.* When he tore the piece of paper off, and put it in his pocket, had he read it?——He took it off and read it; and he ſaid, it is two pounds fourteen ſhillings and nine-pence, is the bill; no, ſays I, it is the memorandum, which I have made out for myſelf; I did not know he was going to take it, when he put it in his pocket.

*Mr. Garrow.* You ſaid you had not made out a bill, it was a memorandum?—Yes.

In what does your memorandom, and your bill differ?——I always take a piece of paper, and make out a memorandum, and put it down to ſee what it comes to, then I book it; I always write a bill in a different way.

How?——Becauſe I take a quarter of a ſheet of paper, and cut it a different way; I am more particular in making a bill.

You do it more clerk-like; but is there any difference between your memorandum and your bill but the mode of writing it?—No, Sir.

Now look at that, and tell me what it is?—It is my hand-writing; it is a memorandum; it is not a bill of parcel; it is what I always write down.

Upon your oath, in what does that differ from a bill of parcels; is not the title of it "Bought of George Blow?" do you put down bought of George Blow on the memorandum?—I always put in the memorandum, and in the book.

Would not your bill of parcels have been a preciſe copy of that paper in letters and figures?——When I make a memorandum, I am not particular in ſpelling, but when I make a bill I am.

The ſum total would have been the ſame?——Yes.

The price charged againſt each article, would have been the ſame?——Yes.

It is begun September the 23d, 1786, Mr. ——— bought of George Blow?—Yes.

Had you made out the bill of parcels?—No, I had not.

If he had immediately paid you down the money, ſhould you have objected to his taking your memorandum?——Yes, I ſhould have told him I would make a bill out, and ſend home with the things; I did not wiſh he would take the things, even if he had paid for them: when he was taken, he ſaid he had not a ſhilling in the world.

### DAVID GARRAD *ſworn.*

I am a bricklayer; I took the priſoner; he was running in Oxford-ſtreet, and there was a cry of ſtop thief? he offered to fetch the things if I would let him go.

Do you know who keeps the King's Arms, in North-Audley-ſtreet?——His name is Wyatt; he has kept it two years; I never ſaw the priſoner in that houſe.

### SARAH BRADY *ſworn.*

I am ſervant to Mrs. Blow; I know nothing of the tranſaction, till the priſoner came back the ſecond time; he ſaid he wanted a pair of decanters for Mr. Gray; my miſtreſs came in preſently.

### PRISONER's DEFENCE.

I leave it to my counſel.

*The priſoner called one witneſs to his character.*

**GUILTY.**

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

---

834. HENRY JAMES was indicted for feloniouſly aſſaulting Ann, the wife of William Brown, on the King's highway, on the 17th day of October, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, a chaſed metal

ſnuff-box, value 20s. four dimity petticoats, value 20s. three white linen neck handkerchiefs, value 6s. a piece of flowered muſlin, value 2s. two bed gowns, value 3s. one ſtriped ſilk gown, value 20s. a black laced cloak, value 5s. a flowered cotton gown, value 10s. a flowered linen gown, value 10s. one green quilted petticoat, value 4s. two flounced petticoats, value 10s. two pair of ſilk ſtockings, value 4s. one fan, value 12d. ſix handkerchiefs, value 2s. two cotton half handkerchiefs, value 2s. one pair of black ſhoe-buckles, value 6d. a ſheet, value 2s. three ſhirts, value 3s. his property.

*(The caſe opened by Mr. Silveſter.)*

ANN BROWN *ſworn.*

I am the wife of William Brown; on the 17th of October, I was returning home about a quarter after ſix; I live in Berwick-ſtreet; I was in a coach; and when I came to the New church in the Strand, the door opened, and I ſeized my bundle for fear it ſhould fall out; the bundle lay on the ſide of the coach before me; after the door opened, I found my bundle pulled; upon that I laid the faſter hold of it.

Could you ſee what pulled it?—No, I did not ſee any body then; my attention was fixed on the bundle; then I had a ſecond pull, by that pull I was obliged to let go to ſave myſelf from falling out of the coach; then I ſaw my bundle on a man's back by the ſide of the coach; I got up, and cried out ſtop thief.

How large is this bundle?——Here it is; *(a large bundle)* the man was a little man, in a dark coat, and a flapped hat; nobody came to my aſſiſtance, but I called out, and the people called out; I ſaw the man turn up a turning; the coach was going on all the time, upon that the coach ſtopped, and the man made his eſcape with the bundle.

RICHARD TAYLOR *ſworn.*

I am a carpenter; I was going down the Strand, croſſing from Surrey-ſtreet, and I ſaw a man walking behind a coach, having hold of the coach; at the New church in the Strand, I ſaw the priſoner have a bundle on his back, running away from the coach, he ran with great haſte.

How far was he from the coach when you ſaw him?—I ſuppoſe it might be ten or fifteen yards; I am not ſure it was the ſame man I ſaw behind the coach; then Mrs. Brown called out ſtop thief; and I went up to the coach, and ſhe ſaid ſhe had been robbed of a bundle; the man turned up the New-buildings by the church; I am ſure the priſoner is the man that had the bundle on his back.

EDWARD RYLAND *ſworn.*

I am one of the patrols of St. Sepulchre's; on the 17th of October, as I was coming from my own houſe, about a quarter before ſeven, I met the priſoner coming up the court, with this bundle over his left ſhoulder; I knew him to be a ſuſpicious perſon; I followed him to the houſe of Mr. Chapman, the Angel in Union-court; I looked through the window, and I ſaw the priſoner take the bundle off his ſhoulder, and put it under one of the tables in the taproom; I ſuſpected him immediately; I went to Mr. Baſſett, an officer; Baſſett returned with me in five minutes; I could not ſee either the man or the bundle; I went down George Alley, he was not there; then we returned to the ſame houſe, there was the priſoner coming up ſtairs with the bundle in his hands; as ſoon as he ſaw me, he threw down the bundle down the cellar ſtairs; I told Baſſet to take him, and I went down the cellar ſtairs for the bundle; this is it. *(Produced and depoſed to.)* Here is the ſnuff-box, which was in the bundle. *(Depoſed to.)*

PRISONER's DEFENCE.

Coming down by the New church in the Strand, there was a parcel of coaches, and I picked up this bundle, and took it home to advertiſe it.

What way of life are you in?—I am a butcher.

Can you ſatisfy the Jury that you are an honeſt man, and bear a good character? —Yes.

How came you to drop the bundle when you ſaw the officer?—I did not drop it; he knocked me down, and I let the bundle fall.

*Court to Ryland.* Is that true or falſe? —It is falſe.

GUILTY

*Of ſtealing, but not of the highway robbery.*

*Tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

---

835. JOHN BUTLER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Azire, about the hour of three in the night, on the 14th of October, with intent the goods, chattels, and monies of the ſaid Richard, then and there being, burglariouſly and feloniouſly to ſteal.

RICHARD AZIRE *ſworn.*

I live in White-horſe-lane, St. George's; I am a ſmith; I am a houſekeeper: John Butler broke into my houſe the 14th of October; it was three in the morning; I was in bed; I heard a noiſe of iron pulling about in the cellar, which waked me; I ſlept over the cellar where he was; I got up and opened my window; I had a piſtol in my hand, and I called my neighbour at next door, and he came to my aſſiſtance; and hearing a noiſe in the cellar, ſays he, come out, and let us ſee who you are, and the priſoner came out; I opened the back door, and he offered to come up the ſteps; I ſaw him come out; the priſoner wanted to come into the houſe when I opened the door; I told him to keep out, or I would ſhoot him; then the priſoner went down into the cellar again; then my neighbour at the next door came, and we ſecured him.

Did you go in after him?—Yes; when he came out of the cellar the firſt time, he came up the ſteps into my garden.

Do you know him?—I never ſaw him before.

Do you know his Buſineſs?——No.

Do you know what he came into your houſe for?—I do not know.

How had he got in?—He got the cellar window open; the padlock was off entirely, and hung to the ſtaple when I ſaw it.

Then no violence had been uſed?—No.

Do you always lock that door?—Yes, always of a night.

Do you never happen to forget it?—— No.

Are you ſure you locked it over night? —I am not poſitive of that, I think I locked it; I never forget it as I know of; when we got him to the watch-houſe, we ſearched him; we found nothing upon him.

*Priſoner.* The Juſtice aſked him, how did he get into your cellar? he anſwered, I am not ſure whether I locked the door, Sir, or not.

*Proſecutor.* I am not ſure whether I did or no; I will not be poſitive.

THOMAS BRICE *ſworn.*

I came to the aſſiſtance of the proſecutor; I had not dreſſed myſelf, and the priſoner came out of the cellar; and the proſecutor ſaid, if you do not ſtand off, I will ſhoot you; then he went into the cellar again, and we went down.

*Priſoner.* I went into the cellar out of harm's way; it is a way I have, when I get drunk ſometimes in a public houſe, I am ſtupid.

*Court.* It is a very bad way, I can tell you, when you are drunk, to find your way into other people's houſes.

*Priſoner.* I have been thirteen years in his Majeſty's ſervice; and the door was not locked, or elſe I would not have been there; I was not two days from a frigate at Sheerneſs, that Captain Cornwallis has; I ſent a letter to the lieutenant.

*Court to Proſecutor.* What way is there into your garden?—He got over a fence.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
## UPON THE
## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

836. JOSEPH WHEATLEY was indicted for feloniouſly ſtealing, on the 11th day of October, thirteen live hens, value 13s. and one live cock, value 1s. the property of John Green, Eſq.

——— LOW *ſworn.*

I live at Mr. Green's farm; and on the 11th of October, between Wedneſday and Thurſday, I was alarmed by a great dog that was chained by the hen-houſe; I looked a little while, and I ſaw a horſe in our neighbour's garden and the door open, which I had never ſeen before at ſuch an hour, then I ſaw our hen-houſe door open; it then became light, and I looked over our pails into his garden, I ſaw many feathers, and the print of a foot, a long ſhoe and narrow toe, a freſh print, there were no nail marks; then I came back to the hen-houſe, there were ſome fowls gone; I went to ſow ſome wheat, and before I returned, which was about three in the afternoon, fourteen were miſſed; we had twenty-one in all, and there were ſeven left; the priſoner was taken ſoon after with the fowls; I knew them again; they were cold; one of the old hens had a piece ſcratched off; I never ſaw the priſoner but at Bow-ſtreet; he had narrow toe ſhoes on and a long foot, which ſeemed like the print; but I never compared it.

JAMES LAWSON *ſworn.*

I am a farmer's ſervant; about ſix on the Thurſday morning, on the 12th of the month; I ſaw the priſoner near Kilburn-Wells, in a field; he dropped ſomething; he threw down ſomething; I took it up, and ſtopped him; he ſaid he bought them; they were taken to Sir Sampſon's on the Saturday, and Mr. Low ſwore to them; I left them in the care of the landlady; theſe are them; one was a blue hen; they were muffled and had topknots; they were warm, but dead; he was out of the footpath, on the other ſide of the Wells going towards Hampſtead.

——— STAINES *ſworn.*

I am a farmer's ſervant; I met the priſoner with James Lawſon, near Kilburn-Wells with a bag on his back; he flung them down, jumped over a gate and ran away; we immediately ran after him, and brought him and the fowls back; Lowe ſaw the fowls at Bow-ſtreet, and ſwore to them; I ſaw the fowls at Bow-ſtreet; they were the ſame I ſaw at Kilburn.

### PRISONER's DEFENCE.

As I was out in the morning, going to gather ſome muſhrooms; I met a man with a ſack, and he gave me a ſhilling to carry it to St. John Wood, and he would overtake me; and ſoon after I got away from him, they overtook and took me; I ſat the bag down and tried to eſcape; I thought there was ſomething in the bag there ſhould not be.

*Court to Lawſon.* Was this man in the road to St. John Wood?—When I took him he was.

GUILTY.

*Whipped and impriſoned ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before* Mr. ROSE.

837. RICHARD ANDREWS and JOSEPH TUMBROOK were indicted for feloniouſly ſtealing, on the 12th day of October, eight pounds weight of copper, value 5s. the property of Richard Stone and Peter Deane.

### RICHARD STONE *ſworn.*

On Thurſday morning, between nine and ten, we loſt a piece of old copper; I had ſeen it in the morning laying by the ſhop door near the counter.

### CHARLES HOGG *ſworn.*

On Thurſday the 12th of October I was ſtanding behind my counter, and ſaw the two priſoners lurking about Mr. Stone's door, which gave me a ſuſpicion they were going to ſteal ſome of the coppers at their door; I ſaw the youngeſt take a piece of copper, and put it in his boſom; upon my laying hold of him he dropped it.

*(The copper produced and depoſed to by Samuel Davis the conſtable.)*

### PRISONERS DEFENCE.

We are innocent.

BOTH GUILTY.

*To be whipped and impriſoned ſix months.*

*Tried by the London Jury before Mr. Baron* EYRE.

838. ANN GIBSON and LYDIA LEVI were indicted for feloniouſly ſtealing, on the 28th day of September laſt, one piece of ſilk, containing twelve handkerchiefs, value 48s. the property of Henry Als.

### HENRY ALS *ſworn.*

I live at No. 41, Houndſditch; I loſt a piece of handkerchief, on the 21ſt of October; I ſhewed the priſoners ſome, and they pitched on one, and paid me for it; I immediately miſſed a piece of handkerchiefs, and called Mrs. Frazier to ſearch them.

### ——— FRAZIER *ſworn.*

I took the priſoners up in the dining room, and there they undreſſed themſelves, and dreſſed themſelves again, and I found nothing; but I had not ſearched their cloaks; I took up one of the cloaks, which was Gibſon's, and there I found the piece of handkerchiefs.

*Mary Burland* confirmed the ſame as the laſt witneſs had ſaid.

*Court to Als.* Did they come into the ſhop with their cloaks on?——Yes.

*The priſoners called two witneſſes who gave them a good character.*

ANN GIBSON, GUILTY,

*To be impriſoned twelve months in the Houſe of Correction.*

LYDIA LEVI, NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

839. WILLIAM FIELDER, SARAH FIELDER, and ELIZABETH

JONES were indicted for ſtealing, on the 24th of October, three quart pots, value 3s. 6d. three pint pots, value 18d. the property of Thomas Hotchkin.

THOMAS HOTCHKIN *ſworn.*

On the 24th of October, two patrols informed me they had taken two women and one man, and ſhewed me three quart pots, and two pints; my name is on them; they are mine; I have ſeen the two women in our houſe ſeveral times; the conſtable has the pots.

WILLIAM HOWARD *ſworn.*

Laſt Tueſday was ſennight, I went to a room where the priſoner Fielder was in bed, on an information about ſomething elſe; the two women were both in the room; I brought them all to the watch-houſe; there were pots in different places; there was a pan with ſome lead or pewter in it, in a cloſet; I found three quarts and two pints, the property of the proſecutor; I did not examine them at the houſe of the priſoners.

JOHN NEWMAN *ſworn.*

On Tueſday the 25th of October, about two in the morning, Mr. Howard came into the watch-houſe, and he brought Fielder, and the watchmen brought the two women; Howard mentioned nothing about pots to me; he came about a watch; I ſays to Fielder's wife, give me the key of your room, and I went in and found twelve alehouſe pots; I tied them up, and brought them to the watch-houſe; there were three quarts and two pints, belonging to the proſecutor; one of the priſoners is, I believe, the wife of Fielder; there was a pan in the cloſet, and ſeveral pieces of pewter in it; there was no fire in the room.

(*The pots depoſed to.*)

WILLIAM FIELDER'S DEFENCE.

I know nothing of the pots; ſomebody might bring them in unknown to me.

SARAH FIELDER'S DEFENCE.

We uſed to go to the proſecutor's houſe, and there was one Joe, that lodged at the proſecutor's, who uſed to come and treat us with beer, and anniſeed, and peppermint, and he fetched ſeveral pots of beer, and purl, and theſe were the pots; they were not attempted to be made away with.

*Proſecutor.* I have loſt a great many pots within theſe ſix months; I never ſold any; I keep one or two ſervants; they are not here; we never truſt beer up to ſuch rooms as the priſoners; I never knew where they lived.

PRISONER JONES'S DEFENCE.

I was deſtitute of a lodging; I know nothing of the pots.

*Jury to Proſecutor.* Is there a lodger of yours by the name of Joe?——Yes.

SOPHIA OSBORNE *ſworn.*

I live in Carter's-lane; I am a ſingle woman; I am a lodger at preſent; I have known Elizabeth Jones two years; ſhe worked for me occaſionally; ſhe was very honeſt when I knew her.

*The priſoner Jones called three more witneſſes to her character.*

WILLIAM FIELDER,
SARAH FIELDER,
ELIZABETH JONES,
} NOT GUILTY.

*Tried by the London Jury before* Mr. ROSE.

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840. They were again indicted for ſtealing, on the ſame day, a quart pot, value 1s. and a pint pot, value 6d. the property of Thomas Porter.

ALL THREE NOT GUILTY.

*Tried by the London Jury before* Mr. ROSE.

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841. THOMAS ADLAM was indicted for ſtealing, on the 1ſt of September laſt, two half crowns, value 5s. the

property of Benjamin Hall and Joſeph Hall.

### JOSEPH HALL *ſworn.*

I am in partnerſhip with Mr. B. Hall, cheeſemonger, on Snow-hill; on the 1ſt of September, I went to dinner; there was three pounds, fifteen ſhillings, and ſixpence in the till; when I came down from dinner, there came a cuſtomer who paid nine ſhillings; and in the evening came another cuſtomer whom I gave ſix half crowns, which I marked, and gave her to pay the ſhopman, which with the nine ſhillings and ſixpence I put in the till, made the ſum of five pounds eleven ſhillings and ſixpence; when ſhop was ſhut up there was in the till only five pounds three ſhillings and ſixpence; I ſent for a conſtable, and on ſearching him, there was found two of the two half crowns that was marked, with other ſilver.

*Mr. Garrow, Priſoner's Counſel.* Your ſhop is a very large ſhop, and very common to every body?——It is.

### SAMUEL LAKE *ſworn.*

About ten o'clock on the 21ſt of September, Mr. Hall ſent to me that he had been robbed; I ſearched the priſoner, and found three pounds nine ſhillings and ſeven pence upon him; amongſt the ſilver there was two half crowns marked.

*(The ſilver produced and depoſed to.)*

What was his character at that time?—I always thought him very honeſt before this.

### ANN SIMMONS *ſworn.*

I received ſome money of Mr. Hall, in order to pay the priſoner; Mr. Hall ſaid, he had been robbed, and he gave me ſix half crowns, and ſome ſilver, which was marked to pay the priſoner, in order to try if I could detect him.

### PRISONER's DEFENCE.

I am innocent; I gave change for the half crown out of my own pocket, which I had done an hundred times to my maſter's knowledge.

*The priſoner called three witneſſes who gave him a very good character.*

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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842. WILLIAM CAMPBELL (a mulatto) was indicted for feloniouſly ſtealing, on the 15th of October, ten ſhirts, value 5l. ſeven pair of ſtockings, value 21s. two blankets, value 2s. the property of William Bonner, in a barge on the river Thames.

### WILLIAM BONNER *ſworn.*

I live in Wapping; I am the maſter of the brig Friendſhip, laying at King Edward ſtairs, on the Wapping ſide of the river, at the chain; on Sunday the 15th inſtant October, I left the ſhip a quarter before one; I miſſed them on Monday when I returned; they were all in my cheſt in the cabin; I loſt ſixteen or eighteen ſhirts.

What is the loweſt value of the ſhirts?——About five pounds.

Would they ſell for that price?——I believe Sir, they would; I loſt about forty-five pair or forty-ſix pair of ſtockings, amongſt them were four pairs of ſilk ſtockings, value one pound, theſe were found upon him; three pair of ſilk and worſted ſtockings, value ſix ſhillings; three pair of worſted ditto found upon him, value three ſhillings, five pair of cotton ditto, value five ſhillings, two woollen blankets, value two ſhillings.

How ſoon after Monday that you miſſed them did you ſee them?——On Tueſday morning at the public office, Ratcliffe-high-way.

Did you know them?——Yes.

Are they marked?——Some of them. *(The things produced and depoſed to.)* He confeſſed before the Juſtice that he ſtole them; I was not preſent; I loſt twenty-one articles beſide what is in the indictment.

**WILLIAM ELBY** *ſworn.*

I am conſtable; on the 16th day of October, the proſecutor came to the office, and gave information of the robbery, and I went on board the ſhip; ſhe lay off Cherry-garden-ſtairs, I found, about half a mile from the brig, the priſoner; there was a new key on the priſoner, and a French crown; ſays I, I look upon it, you have been buying a cheſt with ſome of the captain's money, and on ſpeaking a little ſharp to him, he had changed one of the French crowns he took out of the captain's cheſt, and had bought a cheſt, which was at his lodgings, and he ſaid, he lodged at the Black Lyon, on Saltpetre-bank; I went there and found a cheſt; this key opened it; there I found all the things in the indictment; I had the care of the cheſt and things till I carried them to the Magiſtrate's; the ſame things were returned into the cheſt that were taken out; here is a ſhirt that was taken off his back.

(*The blankets produced and depoſed to, marked* W. B.)

Here are four pair of ſilk ſtockings; I will put them at four ſhillings; here are ten ſhirts, worth forty ſhillings.

**——— CLARKE** *ſworn.*

The priſoner lodged with me about ſix weeks ago; he lodged for three weeks and paid no money; on Sunday the 15th of October, he came between two and three, and paid his lodgings.

## PRISONER's DEFENCE.

I did not break open the cheſt, nor take any thing out; a waterman belonging to Captain Bonner did it; he put Captain Bonner on ſhore that morning; he enticed me, and ſaid he would get me a ſhip here; and Captain Brown ſtands here, he cannot ſay that I ever wronged him of any thing; but I cannot force him to give me a character without he pleaſes.

**Capt. BROWN** *ſworn.*

I am maſter of a ſhip, the priſoner ſailed with me laſt year to Antigua; I diſcharged him about nine weeks ago; he went in the capacity of ſteward; he always behaved as an honeſt boy; when he was with me, he might have taken hundreds of pounds from me; he never took a farthing; I did not know of his being tried here.

[*The Confeſſion handed up, proved by Elby.*]

*Elby.* No promiſe was made him. The ſaid William Campbell acknowledges his taking the wearing apparel; and that he took four dollars, and he drew the nail of the lock with an ax, on Sunday laſt.

GUILTY, 39s.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

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843. **FRANCIS SHURLEY** was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 11th day of October, with force of arms, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault upon Jane, the wife of Alexander Reed, and did ſtrike, beat, and kick her on the head, breaſt, back, belly, ſides, and other parts of the body, and did maliciouſly, willfully, and of his malice aforethought, caſt and throw her down to, and upon the ground, giving her, as well by the ſaid caſting and throwing, as alſo by ſtriking, beating, and kicking, in, and upon the head, breaſt, back, belly, ſides, and other parts of the body, with the hands and feet aforeſaid, ſeveral mortal ſtrokes and bruiſes, of which ſhe then and there inſtantly died; and ſo the Jurors upon their oaths ſay, that her the ſaid Jane, he the ſaid Francis, in manner and form aforeſaid, did kill and murder.

He was alſo charged on the Corner's inquiſition, with feloniouſly killing and ſlaying the ſaid Jane Reed.

### JANE GODFREY *ſworn.*

I live No. 56, John-ſtreet, Tottenham-court-road; the deceaſed lived in the two pair of ſtairs front room; ſhe lodged with me.

Did her huſband lodge there with her? ——Yes; he is a taylor; the priſoner is a pot boy at Mr. Colvill's, the Roſe and Crown, in Colvill's-court; my huſband was ill in bed; I was going to dinner in the parlour; I heard a great noiſe up ſtairs; it was the 11th of this month, about twelve at noon; as I went up ſtairs, Mrs. Gibſon, who was up one pair of ſtairs, ſays, break his neck down ſtairs, for if I was dreſſed I would; then I went up ſtairs, but as I went up ſtairs, I heard the deceaſed ſay, you dirty villain, what do you mean by ſtriking me; he ſaid he did not; and the deceaſed mentioned again, and ſaid he did; by that time I had got up ſtairs, I laid hold of him by the two ſhoulders, and ſaid you villain, what do you mean by ſtriking the woman; he ſaid Mrs. Godfrey, let me alone; he repeated the words twice, he told me, if I did not, he would ſerve me the ſame; with that, I brought him down ſtairs, and put him out of doors; and in about ten minutes after, I was called up again by one Elizabeth Nelſon, who begged I would come up, for the deceaſed was in a fit, with that I went up ſtairs, and ſhe was ſitting in a chair, and ſhe cried out, oh, my dear Mrs. Godfrey, my head, my head, how ſick am I; ſhe ſtill continued ſick; I ſaid to the perſon in the next room, we had better lay her upon the bed; we did ſo; the doctor was ſent for, and when he came, he ſaid, in the ſtate ſhe was, it was impoſſible any thing could be done for her; when ſhe came a little better, get an ounce of ſalts, and diſſolve in half a pint of gruel, and that muſt work it out of her head in a little time; the deceaſed's huſband came in, and we went to get a warrant, but the office was ſhut up; we went to Bow-ſtreet, and they aſked me if I ſaw him ſtrike the deceaſed, I ſaid no; they ſaid that was nothing, they would not grant me a warrant; then we went to Mr. Walker's, he granted me one; and when I returned, the deceaſed was dead; I was gone about half an hour, or three quarters of an hour.

How long had this woman lodged in your houſe?——Four or five months; the boy uſed to come up now and then for pots; I do not know how they quarrelled.

### ANN EDWARDS *ſworn.*

This priſoner brought me a pot of beer; I live in the next room to the deceaſed, up two pairs of ſtairs; about half paſt one I took it of him, and I ſaid I will come down and pay your maſter, and he ſaid very well; then he knocked at the deceaſed's door, and he ſaid he came for the money for the pot of beer ſhe owed him on the Friday night; ſhe ſaid, ſhe owed him none; he ſaid ſhe did owe for a pot of beer, and he would not go without the money; ſhe ſaid, you good-for-nothing fellow, if you will not go down, I will beat you down ſtairs, or drive you down, one of thoſe words; I owed for a pot of beer myſelf, ſo I opened the door, and ſaid, do not accuſe this woman for a pot of beer I owe for; and he ſaid I carried a pot of beer into that room, meaning her room, ſo I thought ſhe might owe for a pot of beer as well as me, and ſo I ſhut my room door; and Mrs. Godfrey came up ſtairs; the deceaſed ſaid ſhe owed for no beer, and ſaid ſhe would pay his maſter if ſhe owed any; and he would not go away.

Did you ſee any blows?—No.

Did you hear the woman ſay, the villain has ſtruck me?—No, ſhe ſaid, would you ſtrike me? and he ſaid, I did not ſtrike you.

Did Mrs. Godfrey come up before you ſhut your door?—Yes; I ſaw all that paſſed before Mrs. Godfrey came up.

Do you remember ſomebody on the one pair of ſtairs ſaying, I would throw the villain down if I was dreſſed?—That was below me; I did not hear that.

How ſoon after that he knocked at the door of the deceaſed; did you open your door?—I opened it directly, but I opened it again when Mrs. Godfrey came up.

How long was the priſoner and the deceaſed together when he left you, before you opened your door, to ſay to him, do not accuſe that woman of the beer that I have had?——I ſuppoſe about five or ſix minutes; all that while he was arguing about that pot of beer; and he ſaid he was going away, and he muſt have the money!

Have you any reaſon to believe at the time you opened your door, there had been any blows ſtruck?——No, not the leaſt in the world, I never heard any blow ſtruck; I have no notion how ſhe came by her death; ſhe was very a few well minutes before; ſhe was very much enraged, and in a great paſſion, and was very weak; ſhe had lain in about ſix weeks before; ſhe was very week and poorly.

How ſoon after he went down did ſhe begin to complain?—After he was gone down, I heard the child cry in the room, and I went in, and ſhe was gone down ſtairs, into the one pair of ſtairs; there was only the children in the room; then about five or ſix minutes I heard the youngſt baby cry very much indeed; and I looked out, and her room door was ſhut, and I opened her room door, and the deceaſed was leaning againſt the back of the chair, with one hand to her head, and the little child in her lap, like to fall off her knee; I took the child off her knee; and I ſaid, oh, dear me, the woman is in a fit.

*Jury*. This ſtrikes me to be a very material matter, for the evidences ſeem to be correcting each other; the late evidence, and thoſe that are to come, they are remarking and commenting.

*Court*. Let one of the officers ſtand amongſt them, perhaps it may be as well for them to go out of Court.

*Ann Edwards*. I took the child off her knee, and ſhe was laid back in her chair, and ſhe was very ſick.

Do you mean ſhe vomited?—Yes, like milk off her ſtomach firſt of all; then ſhe vomited very much indeed; then Mrs. Godfrey came up ſtairs; I was holding the deceaſed, and the child in my arms; then we propoſed ſending for an apothecary, and Mr. Hooper was ſent for, but before that we laid her down on the bed, and ſhe ſeemed to be like in a fit; ſhe never ſpoke after; we ſaid we will ſend for your huſband; and ſhe ſaid no, it will do no good, for he has not been at work for ſome time; ſhe never mentioned the boy, or any thing of the kind to me; and I was with her from the time the firſt of the affair happened; I ſuppoſe ſhe did not live half an hour after it happened; I never ſaw the boy but once before.

*Court Mrs. Godfrey.* When you came up, what poſture did you ſee the priſoner with the deceaſed?—His two hands were on the deceaſed's breaſts; the deceaſed had no cap on.

With the fiſts clinched?—I cannot ſay whether they were open or not.

Did he ſeem to be puſhing her back?—She ſaid, you villain, what do you ſtrike me for? he ſaid he did not; ſhe ſaid he did; ſhe had no cap on.

### ELIZABETH NELSON *ſworn.*

I lodge in the one pair of ſtairs; I was dreſſing my child, and I heard a great buſtle in the two pair of ſtairs, and I opened the door, and I heard the priſoner aſk the deceaſed for the price of a pot of beer; and the deceaſed ſaid I do not owe you for any; ſome time after that I heard her ſwear, which was a very uncommon thing, that he ſhould go down ſtairs; and I remembered the day that the boy brought that up ſtairs to Mrs. Edwards, in the next room, which was not paid for, and I thought the boy was under a miſtake, and I wiſhed to ſee it righted; I ſtepped into the next room, and deſired one of the evidences to ſtep up ſtairs to ſee it righted; in the mean time, Mrs. Godfrey and Mrs. Edwards were running up ſtairs; I ſent up Mrs. Dorothy Knowles, Mrs. Gibſon's ſervant; I heard no more of it till after the boy was gone down ſtairs; then I opened the door, and the deceaſed was ſtanding in the middle of the ſtairs, I took her by the hand, and deſired her to come in to my room, and compoſe herſelf; I was eating a bit of dinner, and I aſked her to come in and have part of a pint of beer; ſhe ſaid ſhe was not uſed to drinking, ſhe could not drink, her head ached; and then ſhe ſaid, oh, that naughty man, I never owed for a pot of beer; and ſhe kept her hand on her head; ſhe ſtaid with me two or three minutes; ſhe went up ſtairs in two or three minutes; I went up a little after, ſhe was then very bad, and complained of her head very much; they were getting her into bed; the doctor was ſent for, and he ſaid he could do nothing for her in the ſtate ſhe was in; he ſaid ſhe was in a kind of fit.

Are you the perſon that ſaid if you were dreſſed, you would throw him down ſtairs?——No, my Lord, it was Mrs. Gibſon.

Do you know how her head came to be ſo bad?——By the violent paſſion ſhe was in; ſhe was perfectly well before.

SARAH GIBSON *ſworn*.

I live in the one pair of ſtairs; I ſaw nothing of this misfortune; I heard a great noiſe; I was in my room, but I had not my clothes on, or I ſhould have gone out.

You ſaid you would have broke his neck down ſtairs, if you had had your clothes on?——Yes, I ſaid ſo.

What was your cauſe?——Only being ſaucy; I thought it was not well for a pot boy; I did not think he had ſtruck the woman, I only know that ſhe deſired him to go down ſtairs, or ſhe would puſh him down ſtairs; and he would not go down, till he had the money for the pot of beer; I ſpoke to the deceaſed, and aſked her, why ſhe put herſelf in ſuch a paſſion, and ſhe never anſwered me, only called out, oh, my head, ſeveral times; ſhe walked up of herſelf; I did not think ſhe was nigh death, or death was nigh her; but ſhe died a few minutes after ſhe went up ſtairs; I ſent my woman for ſome hartſhorn; I thought there might be ſome life in her; I told the apothecary to bleed her if he thought proper; he ſaid it was of no uſe; he bled her, and ſhe bled three drops, and no more.

Had this boy been often there?——I do not know the boy particularly, I have ſeen him before, he came for pots.

DOROTHEA KNOWLES *ſworn*.

They had a *commence* about a pot of beer ten or fifteen minutes before I went up; I went up by order of my miſtreſs, and he had her by the right breaſt with his right hand, and his other hand up to ſtrike at her; I aſked him the reaſon he was going to ſtrike her; he ſaid no, ſhe owed him for a pot of beer, and he would have the money before he went out of the room, and I told him it was the next room that owed him for the pot of beer, and not her; he ſaid he inſiſted upon it, he took the beer into the room, and ſet it upon the table; I aſked him if it was not a luſty gentlewoman that took it from him upon the ſtairs; he ſaid, yes; I knocked at the room door adjoining, and Mr. Edwards came out, and told us it was him that owed for the pot of beer, and his wife came and looked over his ſhoulder; and Mrs. Godfrey then immediately came up and inſiſted he ſhould go down, or ſhe would puſh him down; that he ſhould not uſe her lodgers ill; he ſaid he would be paid for the beer before he went out of the place; and Mrs. Godfrey inſiſted on his going down, and ſhe puſhed him down, and he told her on the ſtairs that he would ſerve her as he had done the other, if ſhe did not let him alone; I ſaw no blows at all.

You ſay he had hold of her breaſt?——He had hold of her breaſt; his hand was upon her breaſt puſhing againſt her, to get out of her apartment.

THOMAS REED.

How old are you?—Ten years old.

Will you be ſure to tell me the truth?—Yes, Sir.

You know it will be a very wicked thing not to tell me the truth?—Yes, Sir.

THOMAS REED *ſworn*.

I am the ſon of the poor woman that died; I remember the priſoner coming up to our room; I was at home, he came and knocked at the door, and aſked her for the money for the pot of beer ſhe had on Friday night; ſhe told him ſhe did not owe for any pot of beer; he told her ſhe did; and ſo ſhe told him to go out of the room, and ſhe wanted to put the door in his face, and he ſhoved back again, and then he took and ſtruck her on her breaſt with his fiſt, and then he collared her, he caught hold of her breaſts here with both his hands, then Mrs. Godfrey came up and caught hold of him, ſhe caught him collaring her, and ſhe turned him down.

**HENRY WATSON** *ſworn.*

I did not know the deceaſed in her life-time; the coroner and his jury ſent a requeſt that I would come and examine the body, it was the evening after the day of her death, in that ſpace of time there can be very little room for any great alteration by putrefaction; I could not obſerve the leaſt marks of any injury externally; I ordered the head to be ſhaved, ſuppoſing I might have found ſomething there, but there was not the leaſt mark of injury or miſchief thereabouts, or her breaſt or neck; but upon examination in the internal parts, (I will not trouble you with every part we examined, it is not neceſſary) but in the head there was conſiderable miſchief, ſo that it is not at all to be wondered at that ſhe died ſo ſoon; in the brain there was a very conſiderable extravaſation of blood; there had been a rupture of ſome ſmall veſſels, they had diſcharged their contents, and a great deal of this blood was diffuſed through the brain; no where elſe did I obſerve any injury at all, except a general appearance of weakneſs, ſuch as might have been expected from a woman who had lately laid-in.

I ſuppoſe theſe ruptures proceed from numberleſs cauſes?—A variety of cauſes, it might ariſe from violent anger, ſudden fear, and a plethora might produce it; there are frequent inſtances of people that die ſuddenly from ſuch cauſes; I believe my depoſition was pretty much to that effect; it was like an apoplexy, if it was not quite ſo.

*Court to Jury.* Gentlemen, there wanted nothing but the authority of a gentleman of the profeſſion, to ſatisfy us about that, which I think the whole courſe of the evidence ſufficiently points out, which is, that this woman came by her death from a ſudden eruption of the blood veſſels, which her emotion with this pot-boy occaſioned; the death happening in that way, it is impoſſible to carry the conſequences of this boy's miſconduct to ſuch an extent, as to impute that rupture to him: we cannot meaſure the effect that impertinent behaviour will have on different conſtitutions, ſo as to make it a crime of one degree in a boy to affront a perſon of a ſtrong conſtitution, who does not care a farthing for him, and of another degree to affront another perſon whoſe ſpirits are all in an uproar at his behaviour; that is a refinement which cannot be admitted into the definition of crimes; ſo that upon the whole, I think it is impoſſible for us to ſay, that this woman came by her death by the hands of this boy; therefore we cannot examine into the crime of this boy, as both the charges againſt him preſuppoſe that he was the cauſe of her death, though his impertinent behaviour was the thing that did lead to this unhappy end.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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844. JANE WILLIAMS was indicted for feloniouſly ſtealing, on the 15th day of October, three guineas, value 3l. 3s. and three ſhillings and two-pence, the property of Ruth Millan, in her dwelling-houſe.

**RUTH MILLAN** *ſworn.*

My huſband was a coach ſtrap-maker, he died on the 14th of October, I was robbed on the 15th.

Was the priſoner your ſervant?——No; as ſhe was coming down the ſtreet, ſhe was told Mr. Millan was dead, and had left me with four ſmall children and down-lying; and ſhe ſaid poor creature I will go in and ſee them; and ſhe cried over my babes and cried over me; but in the afternoon a club ſociety, which my huſband belonged to, came and gave me five pounds, four guineas and a half, and five and ſixpence in ſilver; I had but ten-pence in halfpence, which was all the money I had before; I was very ill and went to bed; and when the club men came and knocked at the door, they came to the bedſide, and paid me the money; I counted it over, and put it in my pocket; ſhe ſaid, ſhe would ſtay with me all night; my huſband lay dead on the table, and it was very ſhocking; ſhe ſat down in a chair, and my apron hung over the chair; and ſhe took up the apron, and ſaid, I will wrap up this apron under your head, to raiſe it; I ſaid, never mind, but ſhe would put it under my head, and at the ſame time ſhe took my money; ſhe ſat down a few minutes; then ſhe ſaid, ſhe would go home; I ſaid, no, do ſtay; ſhe would not; I got up, and locked and bolted the door after her; and when I got up at paſt five, I had but a guinea and half, and five ſhillings and ſixpence in ſilver, and eight pennyworth of halfpence; nobody was in the houſe.

How old is the eldeſt of your children? ——Turned of ſeven; and all girls; I enquired after her; the priſoner was apprehended on the Monday.

**THOMAS DALTON** *ſworn.*

I belong to the public office in Bloomſbury; on Monday about eleven a perſon was brought in very much in liquor; ſhe was given into my charge, and taken to a public houſe next door; ſhe was taken into a room and ſearched; Mr. Treadway and me took hold of her by her throat, and held her faſt till the money fell out of her mouth; nine ſhillings and ſixpence, and two pence three farthings.

**EDWARD TREADWAY** *ſworn.*

I was with the officer.

PRISONER's DEFENCE.

Gentlemen, after the man gave her the money from the club; ſhe ſaid to me, Jenny, go for a pint of beer, and ſo I went; and the guinea was amongſt the halfpence; I never had my hand near her pockets; ſhe owed me money, and that was the time to pay.

What money did ſhe owe you?——I worked for her a twelve-month almoſt.

*Court to Proſecutor.* Did you ſend her out with ſome halfpence for ſome beer?——I did not ſend her out for any thing.

GUILTY, 39s.

*To be confined two years in the Houſe of Correction.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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845. **SOPHIA LEWIS** was indicted for feloniouſly ſtealing, on the 22d of October, one cambrick handkerchief, value 1s. one linen ditto, value 1s. a coat, value 40s. a pen-knife, value 6d. a green ſilk purſe, value 6d. two guineas, value 2l. 2s. and ten ſhillings and ſixpence, and four ſhillings in monies numbered, the property of Thomas John Burrell, in the dwelling houſe of John Dell.

And **WILLIAM COX** was indicted for feloniouſly receiving, on the ſaid 22d of October, the ſaid coat, knowing it to be ſtolen.

(*The caſe opened by Mr. Peatt.*)

**THOMAS JOHN BURRELL** *ſworn.*

On the 22d of October, at two in the morning; it was Sunday; I was coming up Wych-ſtreet; I was accoſted by the priſoner to go and drink a glaſs of wine; I went home with her about ten minutes after two; when I went to her apartments, I gave her two ſhillings in ſilver, and went to bed; I then had two guineas and a half in gold, and four ſhillings in ſilver, in a green ſilk purſe; I pulled out my purſe in the room before I went to bed to give her the two ſhillings; the money was in the purſe; we went to bed; I put my brown cloth coat and waiſtcoat on the table; I then pulled off my ſhoes and buckles, and put the buckles and neckcloth on the table, and then went to bed; I had not been in bed long but I found every thing was not ſo agreeable as I could wiſh.

Where did you put your breeches?——I laid in my breeches and ſtockings; a little time after I had been in bed, I did not like my companion; the conſequence of which was, ſhe ſaid, ſhe was not well, ſhe muſt get up, and have ſomething to drink; ſhe got up in a quarter of an hour, and left the candle in the chimney piece; I ſaw her looking at my buckles and ſhoes; I aſked her, what ſhe was doing with them? ſhe ſaid, I never come nigh a man ſo curious as you are; ſays I, put them down; ſhe put them down, and at the ſame time blowed out the candle; ſhe went out immediately and locked the door; I was doubtful of the place I was in; and I remained there till Cox the priſoner came; I miſſed my purſe after ſhe went, and before Cox came in, which was about half after five; I loſt the purſe about three; how Cox came in I do not know; he ſaid, you bloody b—g—r, what do you do here? I aſked him, what that was to him; I had paid for being there, and would ſtay till I ſaw the woman that brought me there; he ſaid he had no woman at all belonging to him, and that I ſhould get up immediately; I told him, I would not; in conſequence of which he ſaid, I ſhall return very ſhortly, and if you are not gone before that time, I will do for you; he did return in a very in a very ſhort time, and ſays again, what you bloody b—g—r, you are not gone; he then ſays, get up; ſays I, do not go to treat me ill; I am a better man than yourſelf; upon which he took off the bed clothes, and then with a knife he cut me twice. *(Shews his hands to the Jury.)* One a deep cut; in conſequence of which, I jumped up immediately, and ſaid repeatedly to him, do not uſe me ill, I am a better man than yourſelf; then I miſſed a blue cloth coat, which I had on, and my neckcloth, and my pocket handkerchief; when he came the ſecond time it was day light.

*Court.* What may be the value of this coat?——It coſt me three guineas.

What do you think it is worth?——I do not know; it has been worn by me only three weeks; I leave the value entirely out of the caſe.

Do you think it is worth forty ſhillings?——I ſhould be very happy to get ſuch a coat for forty ſhillings; I then quitted the apartment, and ſtood on the landing place, and ſaid, I am now out of your apartment, but I will not quit the place till ſuch time I have my property; I value my cambrick handkerchief at one ſhilling, and my pocket handkerchief at one ſhilling; and he flung my head againſt the door, and the door flew open, and there lay two as notorious villains as himſelf; they cried out immediately, *bam him, and murder him*; upon which he came to lay hold of me to throw me over the banniſters of the ſtairs; I avoided that; I came to go down ſtairs, and he and the other two came and *ſmaſhed* me down ſtairs; I fell ſtupid; they then kicked me, trod upon me, and threw me out of the door; I went into a public houſe; the man's name is John Bray; the ſign is the Golden Hart, in Parker's-lane; I begged for aſſiſtance; I ſhewed him the bloody condition I was in, cut in that manner, and I told him, what I had loſt; the publican ſaid, he thought I might think myſelf very happy as I was; for it was very frequent that real gentlemen, in his opinion were ſtripped ſtark naked, without ſhirt, ſhoe, or any thing elſe; I aſked Bray if I could get any body to lend me a coat; I ſent for a perſon who lent me a coat; and I went away; when I returned again, Mr. Bray informed me he had the coat; upon which my friend, Mr. Kerſhaw, went and fetched an officer; then when I got in, Cox was there; Bray ſaid in his preſence, he had let Cox have upon the coat five ſhillings in ſilver, and gin and bread to the amount of two ſhillings and nine-pence halfpenny; Bray offered him five ſhillings for the coat; another man came with him;

neither one nor the other would take five ſhillings; the other man's name is Jordon; I was taken into the back parlour almoſt immediately.

Before Bray took you into the room, did he tell you for what purpoſe he took you there?——He told me he had ſtopped Cox the priſoner with my coat; and he told me what money he had let him have upon it; my friend let me have the money; Mr. Jordon and Mr. Kirſhaw were ſubpoened; they neither of them were before the Grand Jury; and another publican whom Cox took the coat to, before he took it to Bray; he kept the Cheſhire Cheeſe in the ſame lane, he was ſubpoened.

*Court*. What is your buſineſs?——I am clerk to Mr. Newby, an attorney; I believe the houſe belonged to John Dell, from what I heard.

GEORGE MEECHAM *ſworn*.

I took charge of the priſoner; he was very much in liquor, in the houſe of John Dell; I found nothing on the priſoner; he behaved very quiet; I ſaw ſome blood on the proſecutor's ruffle; I did not take much notice; he ſaid he was cut, before the Magiſtrate.

PRISONER LEWIS'S DEFENCE.

I went with the man; he deſired me to take the coat and pawn it, for he had no money; I pawned it for two ſhillings.

PRISONER COX'S DEFENCE.

On Sunday was a week, between ſeven and eight, the landlady of the houſe where this woman lodged aſked me to treat her, and in a very few minutes that gentleman came with a conſtable, and took me.

SOPHIA LEWIS, GUILTY,

*Of ſtealing*, 39s.

*Tranſported for ſeven years.*

WILLIAM COX, GUILTY,

*Tranſported for fourteen years.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

846. JOHN GOGAY was indicted for feloniouſly ſtealing, on the 20 day of October laſt, three linen ſheets, value 18s. the property of Richard Boſher.

RICHARD BOSHER *ſworn*.

I keep a public houſe; I ſaw the priſoner with his coat pulled too; I purſued him on information.

JAMES SMITH.

Did you ever take an oath?——Yes, only at Juſtice Wilmot's.

Was you ever taught your Cathechiſm?—No.

Suppoſe you take a falſe oath, and tell a ſtory, what will become of you?—I do not know.

Do you know whether there is another world?——Yes, I have heard of Heaven.

Did you ever hear of a place where bad boys go to that tell ſtories?——Yes, Hell.

Do you know if you take a falſe oath that you ſhall go to Hell?——No, Sir.

Then I tell you, you will go to Hell, and be puniſhed here.

JAMES SMITH *ſworn*.

I am no trade; I live with my brother; he is a blind man; he gets his living by playing the fiddle and clarinet; I lead him to public houſes at nights; the priſoner came down into the club room; and ſhewed ſome ſheets in his breeches to two young men.

ELIZABETH BINGLEY *ſworn*.

I am a lodger at the proſecutor's houſe; I ſheeted the beds at four in the afternoon, and three were afterwards miſſing.

PRISONER'S DEFENCE.

I went to a chair club at the proſecutor's houſe; I know nothing about the ſheets.

*The priſoner called three witneſſes who gave him a good character.*

GUILTY, 10d.

*To be whipped.*

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

847. **THOMAS BROWN** and **JOHN BROWN** were indicted for feloniouſly ſtealing, on the 8th day of September, thirty-ſix pounds weight of hemp, value 16s. the property of John Bond.

JOHN BOND *ſworn.*

I am a twine ſpinner; on the 8th of September I miſſed the hemp mentioned in the indictment which my ſervant worked the day before.

ROBERT DORMER *ſworn.*

I ſaw this hemp before the Juſtice, in the poſſeſſion of the priſoner John Brown.

*(Depoſed to by the Proſecutor.)*

WILLIAM CLARKE *ſworn.*

I am a hemp dreſſer, and ſervant to the proſecutor; I found this hemp at Thomas Brown's who was ſpinning it; I charged him with having taken it; he ſaid, if it was loſt, his brother bought it; that was John Brown; and he ſaid, he ſtole the goods, and he hoped Mr. Bond would forgive him; that was in Mr. Bond's ſhop; I heard no promiſe made him.

PRISONER THOMAS'S DEFENCE.

He was working ſome of it; it was in a ſhed; I knew it was my maſter's; I know nothing of the taking it.

PRISONER JOHN'S DEFENCE.

I was very much in liquor; and he told me if I did not ſay I did it, he would have me hung, and take me to Newgate; and ſo by his over perſuading me, and promiſing me, I ſaid, I did it.

JOHN BROWN, GUILTY,

*Tranſported for ſeven years.*

THOMAS BROWN, NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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848. **WILLIAM ROGERS** was indicted for feloniouſly ſtealing, on the 5th day of September laſt, four ſilver tea ſpoons, value 6s. fourteen halfpence and two farthings, the property of William Brewer.

The things were found upon the priſoner, but he appearing to be diſordered in his head, he was

ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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849. **ISABELLA MEAD** was indicted for feloniouſly ſtealing, on the 13th day of September laſt, a pewter quart pot, value 16d. the property of John Colvill.

JOSEPH MATTHEWS *ſworn.*

I am a publican; I live in Bambridge-ſtreet; on the 13th of September, I went and looked through the priſoner's door, and I ſaw this quart pewter pot in this frying pan, and the priſoner blowing at the fire; then I opened the door and took her; and took up the pot, and ſaid to the priſoner, now madam, are you frying pots or not; ſhe ſaid, no, ſhe was making water gruel; ſays I, it is very fine water gruel, when pewter pots turn into oatmeal; I drove her before me to the Juſtice.

*(The pot depoſed to.)*

PRISONER'S DEFENCE.

I found the pot covered over with ſtraw, and was going to take it to the owner, and I took the pot home in my hand firſt to get a bit of victuals; the pot was not near the frying pan.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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850. **WILLIAM SIMPSON** was indicted for feloniouſly ſtealing, on the 3d day of September laſt, a live pig, price 3s. the property of William Allington.

The priſoner was the proſecutor's nephew; he was taken with the pig; his uncle appeared and promiſed to take him again.

GUILTY.

*Privately whipped, and diſcharged.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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851. ANN THOMAS was indicted for feloniouſly ſtealing, on the 6th day of October, ſix leather ſheepſkins, value 6s. the property of Robert Yeates.

The priſoner was ſeen coming out of the houſe with the things, which were in the garret.

GUILTY, 10d.

*Privately whipped, and impriſoned twelve months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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852. ELIZABETH JOHNSON was was indicted for feloniouſly ſtealing, on the 10th day of Auguſt laſt, one linen ſhirt, value 4s. one pair of cotton ſtockings, value 6d. a ſilk handkerchief, value 6d. a linen ditto, value 3d. and a gauze cap, value 6d. the property of William Hayley.

The priſoner lodged in the proſecutor's houſe, and pawned a ſhirt, which was the proſecutor's property; the other things were loſt at the ſame time.

GUILTY, 10d.

*To be privately whipped, and confined ſix months in the Houſe of Correction.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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853. JOHN ROBINSON was indicted for feloniouſly ſtealing, on the 16th day of September, one woollen jacket, value 9s. the property of John Dixon.

The priſoner was ſeen taking the jacket from the proſecutor's door.

GUILTY, 10d.

*To be privately whipped, and diſcharged.*

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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854. THOMAS LUCAS and CHRISTOPHER DIVERS were indicted for feloniouſly ſtealing, on the 21ſt day of Auguſt laſt, one leather pocket-book, value 1s. the property of Thomas Harrold; one bill of Exchange, ſigned G and E Adams, dated 15th of Auguſt, 1786, value 137l. their property, privily from the perſon of the ſaid Thomas Harrold.

There being no evidence to affect the priſoners, they were found

BOTH NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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855. GEORGE CARD was indicted for feloniouſly breaking and entering the dwelling houſe of David Richards, betwween the hours of ſix and ſeven, the ſaid David, and Mary, and William Sellbourn, then being in the ſaid dwelling houſe, and feloniouſly ſtealing a man's hat, value 5s. four ſilver tea-ſpoons, value 4s. and a pair of horſe piſtols, value 10s. his property.

*(The witneſſes examined apart.)*

DAVID RICHARDS *ſworn.*

I live in Wyche-ſtreet, the back of St. Clements.

Who had you in the houſe with you? ——William Sellbourn, he is a lodger of mine; and Mary Richards, ſhe is my wife; I had ſome other lodgers; the houſe was broke open between ſix and ſeven, on Monday the 11th of September, Mary

Richards, myſelf, and William Sellbourn, were in the houſe; I heard a noiſe, as I was laying in bed, in a room oppoſite me; I immediately jumped out of the room; and as ſoon as I came out of the room, there were two men oppoſite to me; I immediately purſued them, and took one; one of them got off.

How high was this?—In the one pair of ſtairs; I ſlept in the one pair ſtairs; I purſued, and took one of them, which is the priſoner; I have the key of the room, where I found the priſoner; the lock muſt have been picked; I locked it myſelf; it was open in the morning.

How got they into the houſe?—I cannot tell indeed; the things were in, in the evening, and in the morning they were gone; the hat was found on the ſtairs; the other things were never found; they jumped down ſtairs when I unlocked my door, and ran out; the ſtreet door was open when they came to the bottom of the ſtairs.

Perhaps ſome of the lodgers might have gone out before that time in the morning?—I always lock that room every night, and take the key into my room; I never ſaw the priſoner before.

*Mr. Peatt, Priſoner's Counſel.* Your's is a common lodging houſe?——Yes.

Your lodgers come in and go out at all hours?——Yes.

Are there more keys to your houſe than one?—No, they are working people; they generally go out early in the morning.

Did you ever try the other keys of your houſe?——No one opens it that I know of.

Are they men or women that lodge in your houſe?—Men and women both; I ſaw the priſoner in the room.

Do you know the perſon that was with him?——No.

Were they acquainted with any of your lodgers?——I do not know.

Is the priſoner acquainted with any of your lodgers?——I do not know.

### MARY RICHARDS *ſworn.*

I am wife of David Richards; I remember being alarmed with a noiſe, on Monday, the 11th of September, between ſix and ſeven; my huſband got out of the bed, and the moment he opened the door, to my thoughts, he fell from the top of the ſtairs to the bottom; I immediately got out of bed, and he brought up the priſoner.

Who lives in the room?—We keep it ourſelves; it was locked the night before, and the key I brought into our bed room.

Did you examine the windows, to ſee if any body had got through the window?—No, Sir, there was no marks of that; I miſſed two tea-ſpoons, the one marked, the other unmarked; two piſtols, a hat of my huſband's; I never knew the priſoner before.

*Mr. Peatt.* There were a good many people come backwards and forwards to your lodgers?—Yes; no key will open that door, of any other of the doors to my knowledge.

### WILLIAM SELLBOURN *ſworn.*

I am a lodger in the two pair of ſtairs room; on Monday, the 11th of September, as I was ſitting in my own room, between ſix and ſeven, I heard a great noiſe on the ſtairs.

Had you been out that morning?——No, I had not, nobody had been out to my knowledge; and I heard a voice, crying out murder, murder, robbers, robbers, help, help; accordingly I ran down ſtairs as faſt as I could, and at the bottom of the ſtairs, I found Mr. Richards in his ſhirt, and the priſoner; I know nothing about the lodgers.

### PRISONER's DEFENCE.

I leave it all to my counſel.

What are you?——I am a carpenter.

*Proſecutor.* He told me he lived in Moorfields.

GUILTY.

*The priſoner called four witneſſes, who gave him a very good character.*

*To be tranſported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

**856. HARDWICK RICHARDSON** was indicted for feloniouſly aſſaulting Mary the wife of John Bell, on the King's highway, on the 20th of October laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, a cloth waiſtcoat, value 3s. a white corded dimity ditto, value 3s. the property of the ſaid John.

MARY BELL *ſworn.*

I am wife of John Bell; he lives in Crane-court, Roſemary-lane; he deals in clothes; I was unlocking my own door; I loſt two waiſtcoats; I was coming home with a parcel of waiſtcoats on my arm.

How many?——As many as I could conveniently take on my arm; as I was unlocking the door; it was a ſpring-lock, and I could not conveniently unlock it with one hand, ſo I put my waiſtcoats into my apron; then I took my two hands to undo the door; then a man came and ſeized me by the arm; he pulled my arm, and the waiſtcoats upon it; and there happened to be two waiſtcoats upon it; the reſt were in my apron; but the ſecond time he pulled, he got the two waiſtcoats away; I cried, oh, dear, who is that; he made no anſwer; he got half a yard from me, and dropped one of the waiſtcoats; I thought it was ſomebody in joke, as he was laughing ſo hearty; the neighbours were alarmed; it was early in the night; and the priſoner was ſtopped; when he heard me cry out, he cryed out faſter than any body elſe.

He ſaid nothing to you?——Nothing at all; I got my waiſtcoats; they were ſtopped, and brought back with a man, but I cannot ſwear this is the man; he was in a blue jacket.

JOHN FEARNE *ſworn.*

I ſtopped the priſoner; I keep a ſhoemaker's ſhop the bottom of the Minories; I heard the cry of ſtop thief; the man came running by the door; my brother tripped him up; he fell, and I picked him up, and picked up the waiſtcoats too.

*(The waiſtcoats produced, and depoſed to.)*

PRISONER's DEFENCE.

My Lord, I had been at work on board a ſhip laſt Friday ſe'night; as I had been many days before at Ratcliffe-croſs; I came on ſhore at ſix in the evening, along with three or four of our people, ſailors, we had three or four tankards of porter together; I quitted their company to go to Gray's Inn; I had ſeen them the night before; I was going through Roſemary-lane, between ſeven and eight, I ſaw a man come running out in a violent haſte; I never ſaw the man before in my life; this woman was in purſuit of him; I was in liquor, and I ran after him; I overtook him, and had a ſcuffle with him; I perceived he had ſome property in his hand, and I ſnatched it out of his hand, and run after him; I was juſt paſſing this gentleman's door; the perſon I was taking up juſt paſſed the door as I did; I was thrown down, being ſuſpected of being the perſon; I will aſſure you it is true; I am a ſea-faring perſon; I never was in a Court in my life; I was in expectation of a friend coming, a Mr. Townſend; I ſent for the gentleman I lodge with, in great Trinity-lane, and he was not at home.

*Court to Fearne.* Did you ſee any perſon running before?——No; my houſe is ſeven doors from the corner of the Minories; he was running towards the corner of the Minories.

GUILTY

*Of ſtealing.*

*Transported for ſeven years.*

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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**857. JOHN FERRILL and WILLIAM BASS** were indicted for feloniouſly ſtealing, on the 21ſt of September, one cambrick handkerchief, value 1s. 6d. the property of a perſon unknown.

JOSEPH NICHOLSON *ſworn.*

I ſaw a gentleman going on quietly; I

watched the two priſoners, who followed him; I am ſure they were in company together; I heard them converſe together; then the priſoner Baſs put his hand into the gentleman's pocket, and took out the handkerchief, and gave it to the priſoner Ferrill; as ſoon as they had done this, they both run away; I told the watchman to take them.

*Priſoner.* Did not you ſtop another man, and then let him go?—Yes.

JOHN NEWMAN *ſworn.*

I found this handkerchief in the priſoner's boſom.

PRISONER FERRILL'S DEFENCE.

My brother gave me the handkerchief.

WILLIAM BASS'S DEFENCE.

I was coming down Snow-hill, and they took me into cuſtody; they found nothing about me.

BOTH GUILTY.

*Each tranſported for ſeven years.*

*Tried by the London Jury before*
*Mr.* ROSE.

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*858. ROBERT SEARLES was indicted for feloniouſly ſtealing, on the 16th day of September laſt, one guinea, value 1l. 1s. and two half-crowns, value 5s. the property of William Thompſon.

WILLIAM THOMPSON *ſworn.*

I keep the Saracen's head, in Friday-ſtreet; I loſt a guinea, and half a crown, on the 16th of September laſt, about nine in the morning, out of my deſk; I was informed either the priſoner, or his brother, robbed the deſk; I called up the priſoner and his brother, and told them I ſuſpected they had robbed the deſk various times; I told them now I ſuſpected they had robbed the deſk of a guinea, and half a crown; with that they pulled out their money out of their pockets both of them; and out of the money that the priſoner had, there was a guinea, which I know to be the ſame, as I had marked it before; and there was half a crown, which I knew alſo; I had not put any mark upon that, the book-keeper ſaid he had marked it, and he told me before, how he had marked it; I told them this money was my property, and I ſent for a conſtable.

*Mr. Garrow, Priſoner's Counſel.* How long had this young man lived with you?—He was not a ſervant of mine; he was under my head porter.

This money was ſuppoſed to be taken out of your deſk in your warehouſe?——Yes.

Is it a place which is in general reſorted to by people?——Yes, juſt to deliver parcels, and go away again.

Upon opening the deſk, how many marked guineas did you find?——I did not open the deſk at all.

Did not you ſee it opened?—No.

Do not you know what quantity of marked guineas there were in it?——Twenty-ſeven.

How long has it been the faſhion to mark the money?—About two months.

Did you mark all that was put into that deſk?—Yes.

Did not that money get into circulation?—No, never; this money was kept by itſelf on purpoſe.

Did you keep the key of the deſk?——I did not; I had known the mark before, becauſe my clerk told me the mark the very ſame morning.

FELIX WADSWORTH *ſworn.*

There is a deſk in the warehouſe; it is uſually kept locked; I have the key.

Do you ſit there to receive parcels, or when parcels are brought there, do you take them in, and lock them up?——I do.

Do you uſually keep the deſk locked?—Always.

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* Charles Hale ſerved on the London Jury, the 7th day, in the room of Joſeph Wells.

Did you mark any money on leaving that deſk ?——Yes, thirty-ſeven guineas, and twenty ſhillings in ſilver, and four half crowns ; all theſe I marked ſome days before, about four days, except ſeven guineas, ſeven guineas I marked over night ; I had thirty guineas marked four or five days.

How much money had you in that deſk marked ?—That I cannot tell ; I kept the unmarked in a purſe by itſelf, and the marked in a leather purſe, and the ſilver in a wooden diſh.

I ſuppoſe the occaſion of your marking the money was, that you had loſt money, and wanted to detect the thieves ?——On the 16th of September, between eight and nine, I was ſitting on the ſteps, and the priſoner brought an old lanthorn, which his maſter bid him put into the warehouſe ; I gave the priſoner the large key to open the door ; there is a key to the deſk, another to the door.

What did you do with the key of the deſk ?——I had it in my pocket ; he ſtopped about twenty minutes in the warehouſe ; and few a minutes after his taylor came down the ſtreet, and they went down to drink a glaſs, I ſent for the key to go to waſh myſelf ; I took the large key from him, I immediately opened the deſk and I ſaw the leather purſe which had the thirty-ſeven guineas was reverſed, turned upſide down, after that I took and counted them, and there was only thirty-ſix, I told the ſilver, and I miſſed one of the half crowns; I locked the deſk and went to my maſter, and told him ; my maſter told me to go into the warehouſe ; and he came in and called up the priſoner and accuſed him ; the priſoner ſaid he never robbed him of a farthing ; I told him he had taken a guinea and half-a-crown, and ſome halfpence that morning ; my maſter deſired him to take the money out of his pocket ; accordingly my maſter found the guinea and half-a-crown upon him, knowing it to be mine, as he knew my mark.

Did you ſee the guinea and the half-crown that he produced out of his pocket ?——Yes, the conſtable has it, it had my mark ; I am ſure it was in the deſk when the young man went into the warehouſe.

Are you ſure you had not paid away any of this marked money ?——No, I kept it ; it was not circulating money, I kept it on purpoſe to catch the priſoner.

How could your deſk be got open ?——I ſuppoſe by the virtue of a falſe key.

Was that key ſearched for ?——No.

*Jury.* Did you pay that money to nobody ?——No, I never paſſed it.

What is the mark ?—There is a horſe upon the guinea, and I cut his leg with a daſh ; and on the half crown, oppoſite the king on the near ſide there is a daſh.

*(Shewn to the Jury.)*

*Mr. Garrow.* You told my Lord, I think, that thirty-ſeven guineas had been marked for four days ?——Yes.

Was the ſame mark on all the guineas ?——All the ſame mark.

You could not tell one from the other ?——No,

How long is it ſince you began marking guineas ?——When I had about ſeven or eight ; I kept adding to the heap, but never took any from it.

Do you mean to ſwear now, that in no one inſtance any one of theſe guineas was taken out and got into circulation ; could it not happen by accident or any other way ?—I never meant to take any out, it was a thing impoſſible, for nobody had a key to this deſk but myſelf.

Was not this young man ſearched directly, to ſee if he had a key ?——No, he was not.

Have you loſt any of your marked guineas before ?——Yes, ſeveral times.

How many had you got before you miſſed any ?——I cannot ſay, then I kept putting more, every five or ſix days there was a guinea taken.

Somebody, however, at different times took out a marked one ?—Yes, he had.

Had you loſt any of your ſilver?—No; I uſed three different marks, theſe thirty-ſeven were marked alike.

What was the mark on the half-crown?——A daſh on the tail ſide.

WILLIAM BISHOP *ſworn.*

Are you this young man's maſter?——Yes.

Do you remember Mr. Thompſon's evidence, and what he ſuppoſed had been done by this young man?—Perfectly well; Mr. Thompſon called me up in the Coach-office, on the 10th of September, and told me that the priſoner had been taking money out of the deſk; he ordered me to call him into the office; I called him up, and Mr. Thompſon told him to take what money he had out of his pocket; and he laid down the money he had, which was part of it mine, and among that money was a guinea and half-a-crown, which he ſaid belonged to Wadſworth our book-keeper; Wadſworth claimed it, and ſaid it was his, and came out of the deſk; the lock was not broke as I obſerved; he was not ſearched for a falſe key; his general character was a good one.

*Mr. Garrow.* Did not the priſoner deſire to be ſearched?—I believe he ſaid, you may ſearch me if you will.

*Priſoner.* I am innocent; I ſaid gentlemen ſearch me; I leave the reſt to my counſel; I am in the warehouſe ſometimes two or three hours.

*Mr. Biſhop.* I gave him the lanthorn into the gateway, and I told him to go into the office and clean it; that accounts for ſome part of the time.

*The priſoner called eleven witneſſes who all gave him a very good character.*

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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859. JOHN BECKETT, THOMAS SIMS, and HENRY NELSON, were indicted for that they, on the 16th day of October, two hundred and fifteen pounds weight of lead, value 30s. belonging to John Stephens, and affixed to a certain building of his, feloniouſly did rip, cut, and carry away.

It appearing ſince the bill was found, that Mr. Stephens has no intereſt in the premiſes, the priſoners were

ALL ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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860. JOHN SAVAGE, GEORGE DOBSON, and THOMAS OAKES, were indicted for feloniouſly ſtealing, on the 18th day of September, one cotton gown, value 10s. and one linen petticoat, value 4s. the property of Windham Madan, one other cotton gown, value 10s. one cotton petticoat, value 4s. the property of Elizabeth Bingham, ſpinſter.

The proſecutors and witneſſes not appearing, the priſoners were

ALL ACQUITTED.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

ERRATA. In the trial of Francis Martin for horſe-ſtealing, in Part VII. for *George Kirkman*, the proſecutor, read *George Hickman*; alſo for *Kirkman* read *Hickman.*

The next Part will be publiſhed in a few Days.

# THE WHOLE

# PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

---

On Wednesday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,

LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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M DCC LXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
## UPON THE
## KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

On Wednesday the 25th of OCTOBER, 1786, and the following Days;

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860. JOSEPH PERRY was indicted for feloniously stealing, on the 5th day of September, one steel watch-chain, value 6d. a seal, value 6d. a silver penny, and a piece of foreign coin, value an halfpenny, the property of Joseph Blake.

**JOSEPH BLAKE** *sworn.*

I lost the things mentioned in the indictment the second day of Bartholomew-fair, pretty near seven, it was light at the time, but little light; the prisoner came alongside of me, and he snatched my chain; he had been along-side of me three or four minutes.

Did your chain break? —— Yes, and there was two pieces fixed to it, there was a yellow seal; I had it about a week, there was a piece of silver coin, and a piece of foreign coin, plated with silver, fixed to the chain; I saw my property stealing from this hole in my breeches, and I struck him with this very same hand, the right hand, says I, you want to rob me of my watch, and you have got my chain; who me! says he, and he dropped it directly; I saw the chain fall out of his own hand; I picked it up myself, th constable has had the care of it ever since; then he began to beat me, and cut my eye and face; I hallooed out constable; a man came the next day to me that pretended to be a constable; he called me out; says he, Mr. Blake, I want to speak to you.

*Prisoner.* Did not we fight in the fair? —— I was not fighting, I was defending myself.

*Prisoner.* Did not you say to me, you G—d d—d b—r, if it had not been for my pocket you would have taken my watch? —No.

**MARY BLAKE** *sworn.*

I am the wife of Joseph Blake; I was at Bartholomew-fair the second day of the fair, and as we were coming through the fair, we were surrounded by a very great mob, and my husband was crying out how he had lost his watch; I had hold of his jacket for fear of losing him; I saw him strike the prisoner, I am sure it was him, I saw him by the side of my husband before; my husband's hat flew off in the fight, and I went to save it; I did not see the prisoner do any thing to my husband; while I was stooping down somebody

body ſnatched at my cloak; then I did not ſee my huſband again till I ſaw his noſe bleeding and a black eye; then the conſtable took the priſoner away; I believe his name is Tillcock, and Dunchin wanted to make it up, and give my huſband three or four ſhillings; my huſband ſaid he had loſt his watch; after I ſaw his watch on the tap-room table facing Wood-ſtreet Compter; the officer aſked him if he had loſt any thing, and he ſaid then, he only loſt his chain, and he gave the officer his watch-chain from his waiſtcoat pocket; it had a braſs chain and two pieces of coin.

*Priſoner.* The firſt time ſhe came ſhe ſaid ſhe knew nothing of the buſineſs?—I gave the ſame account I do now; I did not ſay that I knew nothing of it.

WILLIAM DINCHIN *ſworn.*

I was bred to the ſea; I get my bread by rigging; I was with the proſecutor and his wife; at this time it was between ſix and ſeven; I cannot recollect what day of the week or fair; I was behind Blake with his wife, I ſaw Blake ſtriking at a man, I had not ſeen the man near him before, and there were a parcel of people together, and they got a fighting; I could not get to the man, and I looked for the woman, and the conſtables had got the priſoner; and I ſaw Blake's face cut; Blake ſaid in the fair the priſoner wanted his watch; I ſaw no more of it till we came to the public houſe, and Blake took out his chain, and ſaid ſee how it is broke; and the conſtable Tillcock aſked him for it, and he gave it to him.

*(Deſcribes it.)*

*Court to Mrs. Blake.* What did your huſband ſay?—He ſaid the man wanted to rob him of his watch.

RICHARD TILLCOCK *ſworn.*

I am a conſtable; as we were coming down Bartholomew-fair there were a number of people together, and a perſon called out, conſtable, I have loſt my watch; I ſaw the proſecutor's face all bloody; he ſaid the man is there, and pointed to the priſoner; the priſoner had his coat off, my partner, Sargeſon, he took hold of him and delivered him to me; I ſearched him, I found nothing upon him; he gave charge of him, for that he had loſt his watch.

Are you ſure of that?——Yes; this charge was firſt given in Smithfield, and afterwards when he came to the Compter I aſked him for his addreſs, and he gave it in Nightingale-lane; then he pulled out the chain, and ſaid the priſoner forced the chain from his watch; he did not ſay then that he had taken his watch; I think he was ſober, but being an Italian I could hardly underſtand him; but I am ſure he ſaid in the fair that he had loſt his watch: I have had the chain ever ſince *(Depoſed to)* I ſwear to the chain and the pieces of coin; I have kept the watch alſo.

PRISONER's DEFENCE.

This Blake was going on in Bartholomew-fair; I was before him and he knocked me down, and ſaid I took this watch; I got up and aſked him what that was for; he ſaid I had got his watch; then we fought two or three rounds, I hit him on the noſe and gave him a black eye, I ſuppoſe that exaſperated him, and he run into the Crown, and called for two conſtables; they came and took hold of me; nothing was ſaid about the chain; he had the chain and his watch then; then he laid hold of his chain, and ſaid, you God d—d b—-r, if it was not for this hole I ſhould have loſt my watch; then we came to Wood-ſtreet Compter, I thought it was for ſtriking him; I knew nothing of this till next morning; then when we went before the Alderman he had the chain in his hand, and ſaid I broke it off; if you will hear this witneſs.

WILLIAM SARGESON *ſworn.*

I am a chandler; I live in Grub-ſtreet; I am a houſekeeper.

Are you a conſtable?——Not this year; I have been ſeveral years running; I was employed by the Marſhal, along with Mr. Tillcock in Bartholomew fair; there were a number of conſtables employed at that time.

*Priſoner*. Did not you ſee the chain hanging to the man's breeches after this affair that he charged me with; when the cry was, conſtables, I have loſt my watch?——I and Tillcock made our way into the crowd; I was the firſt of the two; I laid hold of the priſoner; Tillcock was at the ſame time as cloſe as he could be; I gave him into Tillcock's hands; Tillcock gave him leave to put on his coat; I was keeping off the mob as much as I could; the proſecutor was cloſe to my elbow; before we got to the end of Duck-lane, Tillcock was before the priſoner; Mr. Blake was along with me; he laid hold of his watch chain; I was about three ſteps behind, with the proſecutor cloſe by my elbow; Mr. Blake ſwore a great oath, with a bloody b-g-r that if it had not been for a round turn in his breeches, he would have had his watch; then he pulled at the chain, and pulled up the chain; I did not ſee the watch, but I ſaw the chain; I replied, put your chain in, or otherwiſe you will be *done* of it yet; this was after I let the priſoner put on his coat; I ſwear his chain appeared faſt, the ſame as mine is now; and I ſaid, put your chain in, or elſe you will be *done* of it; the crowd was ſo, I could hardly keep them off of Tillcock and the priſoner; he pulled ſo hard at it with a terrible oath that he drew up his breeches waiſtband.

What was the oath he made uſe of?——The latter part of the oath was bloody b—g—r.

What did he ſay when he made uſe of that oath?——That he had done him of his watch if it had not been for that round turn.

What?——That he would have got his watch, had it not been for that round turn.

Juſt now you ſaid ſomething elſe, and I want you to repeat it?—I cannot recollect the other part; he ſaid, he had done him of his watch, if it had not been for that round turn; we went on to the compter; when we got to the public houſe to take his addreſs; he then produced the chain looſe.

Where did he produce it from?—I cannot tell.

Will you ſwear that he did not produce it from his waiſtcoat pocket?—Was I to ſwear ſo, I ſhould ſwear more than I know; I do not know from what pocket he produced it; he did produce it.

Who was it that adviſed Mr. Blake to make it up with the priſoner?——As we came along Love-lane, the priſoner called me firſt, and deſired I would ſpeak to the proſecutor that he would make him ſatisfaction for ſtriking of him; I believe Tillcock heard the words; I could not tell who had been the firſt aggreſſor, not then; upon which I told Blake, that the priſoner was willing to make him ſatisfaction for ſtriking of him.

Did Tillcock hear that?——I do not know; Blake was five or ſix ſteps forward all the way; I ſpoke to Blake; he refuſed it; and I told the priſoner he would have nothing to do with it.

How happened that you was not conſtable this year?—I do not know; I have been a ſubſtitute ſeveral years.

Was you ever turned out of office?——No, my Lord.

Never?——No.

When you was at the compter the charge was made?——Yes.

Now on hearing this groſs and abominable charge made of ſtealing this chain; when you ſaw it found in the man's breeches before; what did you ſay to Mr. Blake on that occaſion?——I did not ſay any thing to Mr. Blake then; it did not ſtrike my mind at that time; I mentioned it the next morning to the Magiſtrate.

Why did not you tell Mr. Blake, "you muſt be a very bad man; it is but a very few minutes ago that you ſhewed me this chain whole; you muſt have broke it from your fob?"—My Lord, the truth is, it did not ſtrike my mind till the next morning; I had quite forgot what paſſed in the ſtreet at that moment; the next morning I told the Magiſtrate of the proceeding.

Who ſubpœned you here ?——The priſoner.

Did you come by a ſubpœna, or without one ?——By a ſubpœna.

Have you got that ſubpœna ?——I believe I have.

*(Produces it.)*

When did you receive this ſubpœna ?—On Thurſday afternoon, I think it was.

The priſoner was in the room when this charge was made againſt him ?——He was put into the compter before the chain was produced.

You did not go to the Magiſtrate that night ?——No, not before the next day.

What did the priſoner ſay to the charge? ——The priſoner denied it; and I acquainted the Magiſtrate what I have acquainted your Lordſhip.

What did Blake ſay to that ?——Blake gave me ill language, but it was immaterial; the Magiſtrate thought I had been fee'd by the priſoner; Blake perſiſted in the charge, and firſt of all he ſaid, that he took it out of the priſoner's hand; then he varied from it, and ſaid, that the priſoner threw it down, and he picked it up, and firſt he *ſung* out that he had loſt his watch.

How came you to ſay that the proſecutor gave the ſame account that he has given in Court ?——I was there when he was examined.

How do you know what account he has given now ?——I hear that he gives account that he took it up.

From whence have you heard that ?—That might not be the identical word.

How do you know what he ſaid in this Court, have you received any meſſage out of this Court from the priſoner here ?——No, upon my oath.

Nor had any intelligence from him ?—No farther than the ſubpœna.

Have not you been in Court during the whole time the proſecutor was examined ?—Yes, my Lord, I was; I did not hear the witneſſes for the priſoner ordered out; I heard the witneſſes for the proſecutor ordered out; or elſe it would have been the ſame to me; I came here with no [illegible]; I never ſaw the man before nor had any converſation with him; Tillcock and the priſoner were before, and Blake and me were behind ſome ſteps.

How did the priſoner get at you to ſubpœna you ?——He was examined three times at Guildhall before he was committed, and there he got my name; I met his wife one day promiſcuouſly in St. Giles's; I knew nothing of the man; I met her once ſince that again.

How came you to know it was his wife? ——They ſaid ſo when he was examined; ſhe attended the examination every day; but Tillcock can tell as well as me.

What ſort of a woman was ſhe ?——A young woman, appearing about two or three and twenty.

Did you give the man's wife or him your direction ?——Why I do not know whether I did mention it at the Caſtle.

It is impoſſible you can have forgot ?—I believe I did at the Caſtle, before Tillcock and the proſecutor.

Did you give that direction in writing? I believe he wrote it in writing.

Did you give it in writing ?——I really cannot ſay who wrote it; going up Guildhall yard, Blake's wife ſays to him, never mind, ſwear that you took it out of his hand.

Was you employed this ſair time by the Marſhal ?——Yes.

Which of the Marſhals? ——Mr. Miller.

Did he pay you for your attendance ? ——Yes; he gave us an order for the money.

*Court to Proſecutor.* Did you ever ſay at any time that you took the chain out of the priſoner's hand ?—It is falſe, every thing; becauſe I never ſpoke to him.

Did you ſay that before the Magiſtrate ? ——I do not recollect that I did; I told the Magiſtrate that I ſaw the chain in his hand and he dropped it directly.

Did you ever ſay that you took it out

of the priſoner's hand?——I picked it up directly.

*Court.* Let Mrs. Blake go out of Court.

Now in Guildhall yard, when you came away, did your wife ſay to you, never mind, ſwear that you took it out of his hand?——No, ſhe ſaid no ſuch thing to me; why ſhould I ſwear any thing that is not true.

Did your wife ever tell you to ſwear that?——No, ſhe never told me nothing.

Was not it the laſt wineſs that deſired you to make it up?—Yes.

When he wanted to make it up, what did he ſay?——He ſpoke to my other witneſs Dunchin twice; a man came to me twice from Sargeſſon; Sargeſſon never ſpoke to me; it was Dunchin that came to me.

Do you recollect coming home whether you put your hand into your pocket or into your fob?——I took out my chain and ſhewed it to William Dunchin, and put it directly into my green ſhag waiſtcoat pocket; that was in the fair.

When you came in the houſe you ſhewed the chain to Tillcock, did you, when you was walking home, put your hand to your fob and ſay any thing to him?——I never ſpoke to him all the way home; the conſtable offered me two guineas the next day to make it up; ſays he, come here, I want to ſpeak to you; ſays he, you are French, I know that very well, ſays he, you do not know the laws of England; yes, ſays I; ſays he, he will be tried at the Old Bailey, and the coſts to you will be ſixty pounds; my wife was in the public houſe, at the ſign of the Caſtle; he called me out to him; I went out to him twenty yards.

*Court.* Call in Mrs. Blake.

Did you go with Mr. Blake backwards and forwards to the Magiſtrate?——Yes, Sir, every day.

How do you and your huſband get your living in Nightingale-lane?——Only by his going to ſea.

Did you tell your huſband any time, never mind, ſwear that he had the chain in his hand?——No; I always was quite againſt it; I wiſhed to have no trouble with it; I am very ſure I never told him, never mind it, ſwear that he had the chain in his hand; I could take my *affidavy* I never ſaid ſuch a word as that.

*Court.* Let Mr. and Mrs. Blake come forward, and let Sargeſſon ſtand up together.

Now Sargeſſon, Mr. and Mrs. Blake, on the ſolemn oath they have taken, have both poſitively ſworn that what you have ſaid is falſe; Mr. and Mrs. Blake ſwear poſitively, that there was no ſuch word ſaid, as never mind it, ſwear, that he had the chain in his hand; now I aſk you, upon your oath, whether you will ſtill perſiſt in what you have ſaid?——Yes, I will, point blank, ſwear that ſhe ſaid to him in Guildhall-yard, going up on his ſhoulder, never mind, ſwear that you took the chain out of his hand.

*Court to Mrs. Blake.* When did you ſee Sargeſſon firſt, did you ſee him in your way home talking with your huſband?—No, Sir, Sargeſſon came with us to the public houſe from the fair; he was firſt with my huſband, then with the priſoner.

Did you hear any converſation between the fair and the public houſe, between Sargeſſon and your huſband?——No farther than he wanted to perſuade my huſband to make it up; he ſaid you had better take four or five ſhillings, and make it up, than let it go any farther; it will only coſt you a deal of trouble.

To make what up?——I did not hear him ſay what.

Did you hear him ſay the b—g—r wanted to take away my watch?——No, Sir, I did not hear him ſay ſo, becauſe he very ſeldom makes uſe of that word; he might ſay it, but I did not hear him; we went to the public houſe in Guildhall-yard every day.

Do you remember Sargeſſon's beckoning your huſband out for any thing?——Yes, Sir, I was ſitting by at the ſame time.

How long was your huſband out?——About a quarter of an hour.

You did not follow him to know what Sargeſſon ſaid to him?——No, Sir, I did not; I aſked him ſeveral times, but he did not tell me.

*Court to Dunchin.* Do you know whether you ſaw the watch and the chain ſeparate in Smithfield or any time before he got to the compter?——Yes, Sir, as they were going through the fair, after the priſoner was in cuſtody, the proſecutor took the chain in his hand, and put it into his waiſtcoat pocket; at the public houſe he took out the chain of his watch out of his waiſtcoat pocket, and gave it to the conſtable; I ſaw him, as he was going along the fair, put it in his waiſtcoat pocket; I came with them to the public houſe; he had no converſation with Sargeſſon; he was going on in a paſſion, with his face bloody; and Sargeſſon came to me twice, to endeavour to make it up with the proſecutor, for it would only coſt trouble, and I went to him the firſt time, ſays I, you have got your watch and your chain, what ſignifies; he ſaid, he would have ſatisfaction.

Was there any converſation between the laſt witneſs, Sargeſſon, as he was walking through the fair to the public houſe and the proſecutor?——I did not take notice of any.

Did he ſay any thing to you about making up the blows or any thing of the kind?——No, he did not ſay any thing of the kind; Sargeſſon came to me another time, then he aſked me to adviſe the man to make it up; he did not ſay a word that I know about blows or any thing, only to make it up, that it might not go any farther.

Did Sargeſſon ſay any thing at the public houſe that you recollect?——No, Sir.

He did not tell the proſecutor, why you are a bad man, you broke it yourſelf, or any thing of that kind?——No, Sir.

Did the proſecutor, at the public houſe, charge the priſoner with having taken his chain?——He did, and Sargeſſon ſaid nothing to it; I was at the Caſtle the laſt day; but I cannot recollect whether the proſecutor was called out by any body or not.

*Proſecutor.* I came home the 21ſt of Auguſt; I bought the watch chain and key ſince I came home, because the watch I had when I was in the kingdom before; then I took it out of the kingdom.

GUILTY.

*Tranſported for ſeven years.*

*Tried by the London Jury before Mr.* ROSE.

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862. JOHN GOSS was indicted for feloniouſly ſtealing, on the 15th of September, one muſlin handkerchief, value 10d. the property of James Langdale.

JAMES LANGDALE *ſworn.*

I live on Ludgate-hill; on Friday the 15th of September, about eight in the evening, I was going up Holborn, near Staples Inn; I cried ſtop thief, having miſſed my handkerchief; it was an Engliſh muſlin handkerchief; I miſſed it in a moment; I ſaw it in his hand.

——— ARCHIBALD *ſworn.*

My Lord, I was coming down Holborn, about eight o'clock; I was about two yards off the pavement; I ſaw Mr. Langdale, and I ſaw the priſoner put his hand in Mr. Langdale's pocket, and pull out the handkerchief; I immediately ſeized the priſoner by the hand in which he had the handkerchief; I ſeized him with ſome violence, and we both came to the ground together, but I never let go the handkerchief; I called the proſecutor, and he claimed the handkerchief.

*Jury.* Did you ſee him pick the pocket?——I did.

JOHN JULIAN *ſworn.*

I rent part of a houſe in Houghton-ſtreet, Clare-market; I am a carpenter.

What is the priſoner?——He is a carpenter; I have known him three years; he works with his father; he worked along ſide not the three quarters of a year; he always bore a good character.

*William Goss.* I am his father.

*Court.* I cannot aſk you any queſtions.

**Guilty.**

*Publickly Whipped.*

*Tried by the London Jury before* *Mr.* Rose.

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863. **JAMES BUSKIN** was indicted for feloniouſly ſtealing, on the 9th day of October laſt, one ſilk and cotton handkerchief, value 1s. the property of James Moore.

JAMES MOORE *ſworn.*

I live in Houghland-ſtreet, Tottenham-court-road; I loſt a Barcelona handkerchief, on Monday, the 9th day of this month, between three and four o'clock, going up Holborn, on the left ſide, near the church, I thought I felt ſome body at my pocket; I found nothing miſſing; I was not ſure I had loſt any thing; I buttoned up my pocket to prevent his taking it; I obſerved the priſoner following, but I am not ſure it is the priſoner, I believe it is; I had not gone far, when I heard the cry of ſtop thief; and Scott held up the handkerchief, and told me my pocket was picked; it was a handkerchief of my wife's, and the only one I had of the kind; I believe it to be mine; I found I had loſt one; I had the handkerchief about a week; I will not ſwear I had it that morning; I went into a ſtationer's ſhop, and gave my name.

ALEXANDER SCOTT *ſworn.*

I am engine keeper of St. Andrew's, Holborn; at half paſt two, on Monday, the 9th, I ſaw the priſoner with his right-hand, take the handkerchief out of Mr. Moore's pocket; I am ſure of the priſoner; I ſaw him throw the handkerchief away.

JAMES SCOTT *ſworn.*

I was walking with my brother, and ſaw the priſoner pick Mr. Moore's pocket; I took him into cuſtody; the laſt witneſs had the handkerchief.

PRISONER's DEFENCE.

I was going up Holborn, and two more young fellows juſt behind me, and immediately that gentleman halloo'd out, that man has picked the man's pocket; and he croſſed the way immediately, and laid hold of me; ſays I, what do you want with me; ſays he, you have picked the gentleman's pocket; he picked up the handkerchief off the ground; and he ſaid I threw it into the apple-baſket, or apple-ſtall that was there.

**Guilty.**

*Tranſported for ſeven years.*

*Tried by the London Jury before* *Mr.* Rose.

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864. **MATTHEW HUNT** was indicted for burglariouſly breaking and entering the dwelling houſe of John Parſons, about the hour of ſeven in the night, on the 28th day of September laſt, and burglariouſly ſtealing therein a man's hat, value 6s. a pair of breeches, value 1s. a coat, value 20s. a waiſtcoat, value 2s. five pair of hoſe, value 8s. two handkerchiefs, value 2s. a pocket-book, value 3d. the property of Richard Akam, in his dwelling houſe.

RICHARD AKAM *ſworn.*

I belong to Mr. John Parſons, at the Bull, on Holborn-hill; I am oſtler; my lodging-room is joining the warehouſe in the yard; my door was broke open, on the 28th day of September, about ſeven in the evening; I ſaw the wainſcoting broke through the loft; and my cheſt was broke open; the things I loſt are here; I have ſeen the priſoner before.

JANE SCANDERFIELD *ſworn.*

I ſaw Robert Hunt in the yard, about eight o'clock in the evening; and he came out with a bundle under his arm, with two hats on his head; I ſit at the door with oyſters; he went down Holborn-hill; I do not know what he had; I miſtruſted he had ſumething that did nor belong to him.

RICHARD YOUNGER *ſworn.*

Upon the information of the laſt witneſs, I went in purſuit after him, and found him at the Fleet-market, with the bundle under his arm, and two hats on his head; he made ſeveral plunges to get from me, but I told him it was of no uſe; I took him back to the Bull Inn; and the proſecutor ſwore to the hat.

*(The conſtable produced the things, which were depoſed to by the proſecutor.)*

GUILTY

*Of ſtealing, but not of breaking and entering the dwelling houſe.*

*Tranſported for ſeven years.*

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865. DAVID STEWART was indicted for feloniouſly ſtealing, on the 1ſt day of June, one cotton gown, value 10s. three yards of linen, value 4s. one handkerchief, value 4s. the property of Ann Lawrence.

ANN LAWRENCE *ſworn.*

I am in ſervice; I live now with Mr. Green; I have lived with him ten weeks, but I am going to leave him.

Did you live with him as a ſervant?—Yes; I took a hackney coach ſometime back, but it is a long while ago; I cannot recollect how long, it is two ſeſſions ago; the coachman addreſſed himſelf to me as a countryman, and he aſk d me to drink a glaſs of ale; he ſaid, he knew the houſe, and I went in with him; and while I was in the houſe with him, he got acquainted with that unfortunate man at the bar; I was going to Charing-croſs, to ſee a young woman that was going into the country.

What time of night was it?—It was half paſt ten at night; I do not know who the coachman was; I was quite a ſtranger in London; the priſoner got *ſociated* with the coachman, while I was in the houſe; we ſtaid half an hour, or a quarter of an hour in the houſe; I got into the coach; the blinds were up; and the priſoner got on the box with the coachman, and they drove out of town in a *ſtrange land*; then this young man and the coachman came to the door, and bid me get out, for there were ſome ladies that wanted to go into the coach; I ſaid I would not get out if the King was there; I ſaid, I hoped they would take me a little nearer the place I was going to; this young man came to me, and ſaid his name was John Smith, and I need not not be frightened, for he lived in the Strand; when they took me a little further, the coachman ſaid, will you get out, if any body elſe comes in, you ſhall ride on the box; I got on, and they ſaid it was not nigh my part of the town; but the coachman ſaid they were going that way, and then they drove me out of town, *another ſtrange road*; but I do not know the name of the road; I have been greatly cenſured in my character, and I have a right to ſtick up for my character as well as my property; my ſiſter is *tied up* in ſervice, or ſhe would have appeared here; when I got out of the coach, I ſaid I would enquire the way home; I had the bundle in my hand; the coachman ſaid he would hold it; and he whipped it into the boot; and this young man ſet on the coach-box, and they went away with it; there was a black purſued the coach; I do not know him; I ſaid, God bleſs you black, run after that coach, they have robbed me of my bundle.

What was in your bundle?——The things mentioned in the indictment.

Are you ſure this is the man that was with the coachman?—I am ſure of it.

*Court.* Did you tell the company that were in the coach, how they had uſed you?—They went on; the priſoner had told me his name was John Smith, and that he lived in Exeter-change, the ſecond time they carried me in the coach to the other end of the town.

*Mr. Garrow, Priſoner's Counſel.* This ſtrange road that you went to is Vauxhall-gardens, was not it?—No, your worſhip; the company were taken up on the road, on ſome road.

After you had drank together, you and the coachman went into the coach out of town ſome where?——No.

Do you mean to ſwear that?——Yes, I rode all alone to Charing-croſs.

Was it at Charing-croſs that the coachman got in?—No.

At what time did the coachman get into the coach, and ſhut up the blinds?—The blinds were ſhut up.

What time was it that the coachman got in?——It was the latter end of the night, which I ſuppoſe to be three o'clock.

You know you were together about ſeven hours?—More than ever I was out in my life; it was ten o'clock when I firſt ſet off, we were half an hour drinking a glaſs of ale; I lived at that time in Denmark-court, No. 14.

Now you live on Saffron-hill?—Yes.

How came you to take this coach at this time of night?—I was going to ſee a young woman, named Elizabeth Davis, that was going out of town at three; but if I had been going on buſineſs of more conſequence, that villain would have prevented me.

How many pints of ale did you drink together?——I drank a glaſs of ale, but if I had got quite drunk, it is no reaſon I ſhould be robbed of my property.

By the time you parted in the morning, I believe you was pretty drunk?—I defy them to ſay ſo that I was drunk, or yet to ſay *that they can diſprove me, whether I am man or woman.*

How many fares were taken up, and how often did you ride on the outſide of the coach?—They took up two fares, and the priſoner was behind.

Firſt you went out of town?—Yes, but they broke my command; I am not drunk now, I am rather confuſed at you; I wiſh to be as partial to the priſoner as any one, and to them all; I do not wiſh to be ſevere to any, and I pity the unfortunate, but I have been cruelly treated; I leave it to the Judge of the Court.

Where did you firſt find this man?——He was firſt taken by one Lucas; he was taken the Sunday after.

How often have you taken him up, and how often has he been diſcharged?——Once he was taken up by the conſtable before he was brought to juſtice; a ſecond time he was taken up and brought before Mr. Juſtice Croft, then he was ſet at liberty; and after that he was taken up and diſcharged, at laſt he was committed.

Upon your oath did not you ſwear that this young man's brother was the perſon?—No.

Have you never had him in cuſtody for this offence?—No, I never had him in cuſtody; I gave him a challenge of it, and he went and charged the watch with me; I accuſed one brother in order to bring the other brother before me.

Did not you poſitively ſwear to that brother before the magiſtrate?—No; he was not carried before any Juſtice; I went at the hour they ordered me, and he never came.

*Court.* After you was uſed in this manner, who did you go to the next morning?—To the ſame place where I lived before, in Denmark Court, No. 14; I lodged with a woman that lives on the ſecond floor; Mrs. Holmes keeps the whole; I was with her taking care of her child.

How came you by the bundle?——I had been out that evening a viſiting in Mincing-lane, No. 25, I took the bundle out with me to work; the gown was half made and half unmade.

Who was that young woman you was going to ſee?——Elizabeth Davis her name was, ſhe was going down to Shrewſbury.

Is the perſon here where you lodged?—No; ſhe is a genteel perſon, and would be rather confuſed.

Who did you make your complaint to the next day?——To that perſon I lived with, and I aſked her if there was not one

John Smith lived in Exeter-change, and ſhe told me no.

After this young man was diſcharged ſo often, who adviſed you to get him committed?——Juſtice Croft told me to go to Hicks's-hall on the morrow, and I ſhould get an indictment.

I fancy the Juſtice told you he would not commit him, but you might go and indict him the next day?—He did not ſay whether he would commit him or not; I was wilfully robbed, and that is the man that did it.

*Mr. Garrow.* Did not the priſoner go with you and Lucas every where to endeavour to find the coachman?——He went to one maſter coachman.

During the whole time this young man was with you going about to find out the coachman, did you pretend he knew any thing about your bundle?——Yes, I told Lucas he had the bundle.

*Court.* Is Lucas here?—Yes.

Do you call him as a winteſs?—No.

### EDWARD LUCAS *ſworn.*

I am a conſtable; I was applied to by this young woman about her bundle; I think it was ſome time in Auguſt, or the latter end of July; ſhe came to me and told me ſhe had been robbed; ſhe then mentioned the priſoner, ſhe ſaid the priſoner could tell me all about it, one of the coachmen had cheated her of her bundle; I went down with her into the Strand, this young man was in the public houſe; ſhe found him out; I underſtood ſhe had been there before; ſhe took me directly to him, when we came there I called him out, and aſked him about the matter, and he ſaid he was the perſon that was upon the coach-box; that the coachman and ſhe were together in the coach, and he believed they had connections, or ſomething of that ſort, and he ſhould be very glad to go with me any where to apprehend the coachman, if I thought it was a robbery; he went with me to different parts of the town; we did not find the coachman; ſhe then ſaid, as you cannot find the coachman, I inſiſt on your taking this man up; the man came ſeveral times to the office, ſhe applied for a warrant, the magiſtrate refuſed it, it was Juſtices Clark and Walker; I do not believe the priſoner had ever been in cuſtody above twice; there was a warrant granted once or twice, and the magiſtrates diſcharged him.

Do you know any thing of the brother of this young man being in cuſtody?——Yes, one morning; as far as I can recollect, ſhe ſtopped him ſomewhere in the ſtreet, the watch was charged to take him into cuſtody; I believe he was in cuſtody all night, and the next morning the young man was brought up, and ſhe never appeared; he was diſcharged.

Have you ever enquired how this young woman gets her living?——Some ſay ſhe's out of her mind; the magiſtrates thought ſo however.

### JOHN BEAMISH *ſworn.*

I am another officer; I have heard the account of Lucas, it is true, I was preſent all the time.

### JOHN STEWART *ſworn.*

I am brother to the priſoner; I was coming from Bagnigge Wells in the evening, and I went into a public houſe and called for a pint of beer; this woman was ſitting in a box where there was a light, I went to ſit in another box, ſays ſhe to me give me that bundle; ſays I, what bundle? ſays ſhe, the bundle you ſtole from me; ſays I, will you ſwear that? yes, ſays ſhe; ſhe ſaid I was the perſon, and ſhe ſaid that ſhe gave the gown to the coachman; the next morning I went to Juſtice Walker's, ſhe never appeared at all; I was ſurpriſed when ſhe ſpoke to me, I was a ſtranger to her; ſhe was alone.

*The priſoner called one witneſs to his character.*

**Not Guilty.**

*Tried by the firſt Middleſex Jury before Mr. Baron* Eyre.

866. **SALLY SEAL** was indicted for feloniouſly ſtealing, on the 14th day of October, one metal watch, value 20s. one ſteel chain, value 6d. a ſtone ſeal, value 2d. a key, value 1d. the property of William Kennell, privily from his perſon.

WILLIAM KENNELL *ſworn.*

I belong to the General poſt-office; I was rather in liquor; I was going up Air-ſtreet, Piccadilly, about eleven at night; and I went into a hotel in Air-ſtreet; I went into the firſt floor, and the priſoner was introduced into my company; ſhe wanted me to ſtop all night with her; I told her I muſt go home; at laſt I told her, I would go home, and ſee whether our people were gone to bed, and I would come back; when I got two or three yards I miſſed my watch; I am almoſt ſure I had it when I went in; I went back and aſked her if ſhe knew any thing of it; and ſhe ſaid, no; I took her to the watch-houſe.

Had you been with any other woman? —Not that I know of.

Had any familiarities paſſed between you and her?—Yes.

ROBERT WYNNE *ſworn.*

The priſoner was brought to me to the watch-houſe; I am keeper; ſhe told me to go into the yard of the hotel, and look under the ciſtern, and I ſhould find the watch covered over with ſome bricks; I went with the conſtable and found it there.

*(The watch produced and depoſed to.)*

PRISONER's DEFENCE.

I was not willing to reſign the watch till he had ſatisfied me for the time he had been with me; he uſed me in a very ungenteel manner, he left his watch on the ſofa; I had been in company with him about three weeks before at a houſe in the Hay-market, and he behaved in the ſame unpolite manner; and it was merely out of reſentment that I kept it.

What do you mean by unpolite behaviour, not giving you any thing?—Yes.

*Court to Proſecutor.* You meant to come back to her?——Yes.

Had you given her any money?—No.

Do you happen to know or recollect that you laid your watch down?——I was in liquor, and did not know what I did, perhaps I might.

Had you any money in your pocket? ——Yes.

Was your money all left?——Yes.

*Priſoner.* I have ſent for my friends, but they are not come yet.

*Proſecutor.* To the beſt of my knowledge I never ſaw the young woman before in my life.

NOT GUILTY.

*Court to Proſecutor.* The beſt uſe you can make of the event of to-day, is to keep yourſelf ſober, and you will keep yourſelf out of theſe ſort of ſcrapes, you loſe your property, injure your health, and ruin your character too.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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867. **JAMES HOWSON** was indicted for feloniouſly ſtealing, on the 15th day of October, one ſilver watch, value 40s. a chain, value 2d. a ſeal, value 9d. a key, value 1d. the property of Benjamin Coombes.

BENJAMIN COOMBES *ſworn.*

I am a carpenter; I loſt my watch on Sunday was ſe'night, from one Buer's in Chandos ſtreet; the priſoner did take my watch; I went into Duke's-court in the morning and had a pint of purl, and from that time we went home to my lodgings, there he ſent for a quartern of gin; I drank one glaſs and he another, and the landlord another; then he aſked me to go to bowls, and I ſit down on the bench, and laid my head down on the table.

You was in liquor I ſuppoſe?——No, he aſked me what o'clock it was; I did not make him any anſwer; he took the watch out of my pocket, and went off with it, between eleven and twelve at noon.

How ſoon did he go off?——In about twenty minutes, or it might be leſs.

How came you to let him go off with your watch?——I thought he would give it me again; he lodged in Little Moore's-yard; the ſame place that I do; I went home the night I loſt my watch, but he did not come that night; I found him at home, and in bed; I aſked him for my watch he had taken out of my pocket; he ſaid, he had no ſuch thing; I aſked him twice whether he would deliver up the watch he had taken from me; he ſaid, he did not know any thing at all about it; I took him to the watch-houſe; I never got my watch again.

Do you ſay you was not in liquor?——No, I was very bad in my head.

**MARY SILCOCK** *ſworn.*

I have known the priſoner eight years ſince the Weſtminſter aſſociation, he aſked me a little trifle for rent; I went to him and aſked him to ſettle it; he told me he would be with me on Saturday night or Sunday; on the Sunday evening he came between four and five; he was very much *toxicated* in liquor; ſays he, I cannot pay you, then ſays he, I am doing very well, I have got my watch out of pawn; and he had a ſilver watch in his hand; I knew him eight years ago to have a watch; he went away; I thought this was the priſoner's watch; I never knew the priſoner guilty of any improper action; he is a hard working induſtrious man.

*Priſoner.* I knew nothing at all about the matter till I was challenged about it on Monday night to my knowledge; I have not had a watch for ſome weeks; I have worked hard upon the ſpot ſeven or eight years; I never ſaw any watch; if I had been guilty of ſuch a thing as this, many favourable opportunities would have happened; I had no watch to my knowledge.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

868. **GEORGE FLATHER** was indicted for feloniouſly aſſaulting Barnard Holbrook, Eſq. on the King's highway, on the 19th of September, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one guinea, value 1l. 1s. and five ſhillings in monies numbered, his property.

**BARNARD HOLBROOK**, Eſq. *ſworn.*

I live at the Grove-houſe, in the pariſh of Ealing; on the 19th of September laſt, I was robbed, about a quarter or half after ſeven in the evening; I was coming from London, between the Princeſs Amelia's at Gunnerſbury-houſe and Little Ealing; a man paſſed my carriage and rode up to my ſervant, and ordered him to ſtop; mine is a poſt chariot and the box takes off; the ſervant was on the horſe; he immediately ſtopped; at the ſame inſtant another man came up on the other ſide of the carriage, and one or both of them ſaid, down with your glaſſes immediately; I put down my glaſs, and I believe my wife put down the glaſs on her ſide alſo; the man on my ſide aſked me for my money; I immediately gave him all I had in my pocket, which was not leſs than five ſhillings, nor more than ſeven ſhillings; I took notice the man ſtroked it over his hand, ſays he, you have more; I told him, I had not, upon my honour; Sir, ſays he, you have a watch, give me your watch; I had dropped my watch down into the pocket of the carriage; I immediately jumped out of the carriage, almoſt under the horſe's noſe; the man backed his horſe, and the other man called out from the other ſide of the carriage, Sir, get into your carriage immediately, or by God, I will blow your brains out, over and over, and over again; I cannot ſwear to the perſons of either of the men, excepting that the voice of the man at the bar is exceedingly like one of the men; I ſent my ſervant to Bow-ſtreet the next morning to acquaint them of the robbery, and they ſent for me about five or ſix days ago, about a month afterwards, and the priſoner was brought up.

*Court.* You went to the office in expectation of ſeeing ſome man there that had robbed you?——Yes, my ſervant ſaid, he knew the man, and I went in expectation of ſeeing ſomebody that my ſervant ſhould know.

When you went in were there many people in the room?——Not more than ſix or eight, I ſuppoſe.

Was the priſoner the firſt man that was fetched when you went in?——Yes, as ſoon as I came in, Mr. Bond ſent for him immediately.

When the priſoner was fetched, was he ſhewn to you as a perſon that was under a ſuſpicion of robbing you, or did you make any obſervation of him?——When the priſoner was brought, Mr. Bond aſked me if I knew that man; I ſaid, I did not, for I did not know the men that robbed me; and I immediately ſaid, I am upon oath Mr. Bond, to ſpeak the whole truth, the man's voice exceedingly correſponds with the voice of the man that ordered me to get into my carriage again.

Did you make any obſervations beſides the voice?——Not the leaſt; only the man that was on that ſide, was a very tall man.

How was it as to the light at that time?——It was not ſufficiently light for me to diſtinguiſh exactly the colours; I could ſee white from black, but I ſuppoſe, I could not diſtinguiſh blue from black; all the recollection I have, I think the man on that ſide, when he turned round he appeared to have lightiſh clothes, but I cannot ſay with certainty; I took particular notice he was very tall; as to the faces of either of them I cannot tell; I do not think either of them were muffled; but I cannot be poſitive; nothing has been found; it was only money, and there was nothing ſingular about it; we drank tea in London, and left town about ſix, and we jogged on about five miles, or five miles and an half; we came from Moorfields in order to avoid the ſtones of the city; we went through Paddington.

*Mr. Silveſter, Priſoner's Counſel.* If I underſtand you right, it was ſo dark that you could not diſtinguiſh colours?——Not ſufficiently.

You made no obſervation at all on the perſon?——No, only that he was a very tall man.

THOMAS GUNNING *ſworn.*

I am a ſervant to Mr. Holbrook; my maſter was robbed of a Tueſday night about a month ago; about half after ſeven as nigh as I can gueſs; I was driving the chaiſe; he came up and ſaid, ſtop, poſt-boy, ſtop, or I will blow your brains out.

Who came up?——A tall thin young fellow, in light coloured clothes, with a long face.

Should you know him again?—I believe I ſhould.

Is the priſoner the perſon?——I believe that is the perſon.

Do you believe the priſoner to be the man?——I believe him to be the man; I am ſure he is the man.

Why did not you ſay ſo at firſt?—I am ſure he is the man.

Is it by looking at him that makes you ſure?—I am ſure he is the man; I took particular notice of him at the time of the robbery; the priſoner at the bar came up and ſaid, ſtop poſt-boy, ſtop immediately, or I will blow your brains out; I ſtopped immediately; he was cloſe to me; he came from behind; he was of the near ſide of me; he turned back and demanded the money; your money, ſays he; he did not demand my money; I am a ſervant; he demanded my maſter's money; he went on the near ſide of the carriage where my miſtreſs was; the priſoner was not the perſon that went to my maſter.

Do you know whether your miſtreſs gave him any money?—I cannot ſay; I heard none paſs between them.

What paſſed after this? did he do any thing after this?—No, he ſwore at them that were in the carriage before the glaſſes were let down; he ſaid, let the glaſſes down, or I will blow your brains out; my maſter got out of it, and ſaid, if they were gentlemen, to behave as gentlemen, as they had got his money; he told him to get into the chariot again, or elſe he would blow his brains out.

Which of them ſaid ſo?—I cannot ſay, they both ſaid they would blow his brains out, if he did not get into the carriage.

Are you ſure they both ſaid ſo, or only one of them?——They both ſaid ſo; I am ſure of that.

Was the tall man on the ſide of the carriage with your maſter, or on the other ſide?——He was on my ſide.

Did they both ſpeak together?——Very near together, but I cannot ſay which ſpoke firſt.

Did they both ſpeak to you at the time you ſtopped?——Only one, that was him that was on my ſide, that was the priſoner.

Then at any one time, did you hear his voice alone?—I heard his voice then, that was the only time, the other was not ſpeaking them.

When you went to the magiſtrates with your maſter, did you go in expectation of ſeeing the man that robbed your maſter?——When I firſt ſaw the priſoner, he was brought into the room.

Was you aſked if that was the man?—Yes; I ſaid, I believed he was the perſon by his voice, and by his complxeion.

Was there light enough to ſee his complexion at the time of the robbery?—Yes, he was cloſe to me; he partly touched me; he had no diſguiſe in the leaſt; he rode up to me; I knew him by his voice, and by his long thin face, and his dreſs.

What had the man you ſaw in Bow-ſtreet the ſame dreſs on?—Yes.

What dreſs had he on?——A light coloured coat, a cocked up hat, and his hair tied behind; when I ſaw him at Bow-ſteet, he appeared in the ſame way.

Had he a cocked up hat?—Yes.

Conſidering the ſituation in which he ſtands, his life depending on your evidence, can you ſafely ſwear, what you have ſworn already, that you have no doubt but he is the man?——I have no doubt but he is the man.

You will ſwear that poſitively?——Yes.

*Mr. Silveſter.* How long have you been coachman to my friend Mr. Holbrook?—About four months.

You knew the priſoner perfectly well before the robbery?—No, Sir.

What do you mean by complexion?—I know him in every reſpect.

But explain what you mean by complexion?——His complexion, and his height, and his thinneſs, and his dreſs, and his voice.

The man that robbed you, you never ſaw before; and you never ſaw him till a month afterwards?——It was very nigh a month.

You knew before you got there, that you was to ſee a man that was charged with robbing you maſter?——I did not mind any thing about that.

But you was told to drive your maſter to ſee the man that robbed him?——Yes.

And you had talked of this robbery to your companions, and ſays you, or ſays they, if we can convict him, there is forty pounds?—No, Sir.

You never heard of forty pounds? you will ſwear that upon your oath?—I have heard of it, but never heard any thing about my having the forty pounds; I heard there was forty pounds for ſomebody.

*Court.* When did you firſt hear that?——A long while ago.

Before you went to Bow-ſtreet?——Yes.

Did not you expect ſome ſhare of it?—No, Sir.

*Mr. Silveſter.* Who was to have the forty pounds?——I cannot ſay, I never inquired about it.

Do not you expect ſome of it?——No, nor deſire any.

Who did you underſtand was to have the forty pounds, upon your oath?——I did not underſtand who in particular was to have the forty pounds one way or the other; I did not know the witneſſes was to have any thing; I cannot ſay who was to have any of it; I never enquired about it; I never heard in diſcourſe who was to have it.

How long have you lived near London? ——Not a quarter of a year.

Upon your oath, have not your fellow ſervants told you, it would be a good thing to put a part of this money in your pocket?—No, Sir.

Did nobody ſay any thing about it at Bow-ſtreet?——Nobody ſaid any thing about it at all.

You never heard you was to have a part of it?——No.

How came you to ſay it was light enough to diſtinguiſh?——It was light enough.

Is not your maſter a man of character? ——Yes.

He ſays it was not light enough?—— He could not ſee ſo well as me.

Your maſter was out of the chariot?— Yes.

And he ſays it was dark?——I could diſtinguiſh clear.

Now as to voice what was there particular in the man's voice?—Like the perſon's that is at the bar.

How is his voice different from mine? ——He does not ſpeak like you; *he came up to me in a good humour*.

How came you at firſt to ſay, I believe he is the man, two or three times, and then afterwards mend your evidence; was not you told to plump it now?—Yes, Sir.

*Court.* Did you underſtand the counſel juſt now?——No.

Do you know what is meant by plumping it?——No, Sir.

Did any body tell you to ſay any thing about it?——No, Sir, neither in Court, nor out of Court.

Have you ever had any converſation with any perſon deſiring you to give any account of this buſineſs?——No.

*Mr. Silveſter.* Could you ſwear to my voice to morrow, if you was to hear it?— I do not kdow.

You would forget it to-morrow, ſhould you?—No, I do not think I ſhould.

You would ſwear to my voice to-morrow?—Yes, if you ſpoke as you do now.

THOMAS CARPMEAL *ſworn.*

I am an officer of Bow-ſtreet; I received a private information againſt the priſoner, and I apprehended him on Thurſday laſt; I know nothing of the robbery.

Had you any deſcription of the man?— It was put in the book; I was not preſent.

*The priſoner called two witneſſes, who gave him a very good character.*

**NOT GUILTY.**

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

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869. THOMAS FOX was indicted for feloniouſly ſtealing, on the 6th day of October, one groſs of baſe metal coat buttons, value 3s. one groſs of breaſt buttons, value 18d. the property of Jacob Rellhoſter.

*(The caſe opened by Mr. Silveſter.)*

JACOB RELLHOSTER *ſworn.*

I live No. 26, Vine-ſtreet, Piccadilly; there was a fire there on the 2d of October; I loſt twelve double groſs of buttons out of my cutting-room, in the two garrets; I ſaw no more of them till the 6th of October at Meſſrs. Stiff and Wightman's; I do not know who took them; I ſaw a man go through the paſſage with my buttons, but I thought it was a friend of mine taking care of them, ſo I did not ſtop them.

*Mr. Garrow, Priſoner's Counſel.* In the confuſion of this fire, you loſt a great many things?—Yes.

Your friends got them out of the houſe as ſoon as they could?—Yes.

Had the box ever been opened after it came to your houſe from Birmingham?— No, Sir, I never opened it.

Then how is it poſſible you ſhould know they were in the box?——I have ſince found a quantity of buttons, which anſwer the order I ſent for to Birmingham.

*Court.* Theſe are buttons you had ordered from Birmingham?—Yes, they came in a box, which was pailed up as common boxes are.

Was it nailed down when it came to you?——Yes.

Had you ſent the particular pattern?—Yes.

Did not the pattern come up with the box?—Yes.

Was the pattern in the box, or on the outſide of the box?——Inſide the box; but I did not ſee the pattern.

Had you any letter of advice?——No.

How long have you had them?—They came up in November twelvemonth.

Had you drawn the nails of that box?——No, I did not.

What buttons were they?——A plain yellow metal, perfectly plain, and white ſhanks to them.

*Jury.* Did you order your buttons all coat, or did you order them coat and breaſt?——Coat and breaſt.

### FRANCIS UMPAGE *ſworn.*

I ſearched the priſoner's lodgings, and found the box broke all to pieces, and the lid off.

Have you all the pieces of the head?—No, there is one piece that I have not got; there wants a piece to complete the head of the box.

Is there any mark upon it?—Here is a mark No. 7.

What was in the box?—Only pieces of brown paper.

*Proſecutor.* I cannot ſwear to the box; I never obſerved, nor looked at it.

*Umpage.* There was no direction upon it.

### ——— WIGHTMAN *ſworn.*

I am in partnerſhip with Mr. Stiff, in New-ſtreet, Covent-garden; on Monday, the 6th of October, between the hours of ten and twelve, the proſecutor came to our ſhop for ſome buttons; he came behind to my partner and me, as we were ſitting at the deſk, and told us, he underſtood a perſon was to come to ſell ſome buttons; about one the ſame day, the priſoner came to my partner and me, as we were ſitting at the deſk, and produced two buttons, one of each, and mentioned that he had a quantity to diſpoſe of; we aſked him if he was the manufacturer of them; he ſaid no, he had them of a taylor who lodged in his houſe, who was gone to Liverpool, and that it was all he had for fifteen pounds; we aſked him what price he aſked for them; he ſaid, he could not think of taking leſs than four ſhillings and ſixpence; he did not ſay, nor we did not mention, whether he meant the ſingle groſs, or the double groſs, as we did not want an explanation, only to get poſſeſſion of the buttons; we appointed him to come at three; about ten minutes before that, he brought the buttons tied up in two handkerchiefs; he put them on the counter in the front ſhop; I deſired him to ſtep into the back ſhop, which had not the command of the ſhop door, as I expected the proſecutor with his friends, to come at three; the proſecutor came in with two gentlemen belonging to the Sun-fire-office; and the foreman of the fire men, when he came in, he gave me a ſmall ſlip of paper, upon which was wrote the number of the buttons, and the deſcription of the buttons, and the quantity; the number that was affixed to them, if they were his buttons was ninety, upon which they juſt pulled open one corner of the handkerchief; I had not unpacked the buttons; I looked and ſaw it agreed with the paper, which the proſecutor had given me; and agreed with the numbers on the front of the buttons, upon which the proſecutor and the gentlemen from the office called the priſoner forwards, and untied the handkerchief; he was aſked if they were his property; he ſaid they were; one of the gentlemen belonging to the Sun-fire-office ſaid, Sir, you muſt produce the perſon you had theſe buttons from, they were ſtolen, at which the priſoner ſeemed ſurprized; he was taken to Bow-ſtreet.

*Court.* What was the quantity of them?—Twelve double groſs.

*(Produced.)*

*Mr. Garrow.* The manufacturers in Birmingham ſend up buttons which are numbered?—Yes.

So did the correſpondent in London ſend down the number?—Certainly; if the manufacturer ſhould ſend theſe buttons to a hundred different ſorts of people, they would have been the ſame.

Have you any of them?——I do not keep any of the ſort; I had them a very little time; it may be common with other button-makers.

## THOMAS HALL *ſworn.*

I am ſhopman to Mr. Stiff and Wightman; on the 5th of October, between ſix and ſeven in the evening, the priſoner came to our houſe, and brought with him two patterns of buttons, the ſame as theſe that are produced, and deſired to know whether theſe were buttons that we dealt in, and whether it would ſuit us to take a quantity of them, as he had twelve double groſs of them, that he had taken for a debt of fifteen pounds; I told him if he would call on the morrow, my maſter would be in the way, but I could not give him an anſwer; the next morning the proſecutor came for other buttons, and aſked if we kept ſuch buttons, and deſcribed his loſs and the quantity; he went to ſpeak to my maſter.

*Mr. Silveſter to Proſecutor.* Look at theſe buttons?——They are my property.

*Mr. Garrow.* Did you ever ſee them before you ſaw them at Wightman's?—No.

Who do you deal with at Birmingham?——I do not know him; a friend of mine wrote for the buttons.

Did not he write for that ſort of button, that was numbered 92 on the card?——Yes.

If I wrote to him he would ſend them to me?—I do not know.

If any body had looked at this card for that button, would not they have found it 92?——Yes.

Now you have never ſeen theſe, how can you ſay they were your property?——He ſent me white once.

How can you ſay he did not do ſo now? There is the proof of it.

*Court.* How came you by that paper that you delivered in to Mr. Wightman?——My friend who wrote for the buttons gave it me; his name is John Young; he is not here.

How came your friend to write it?——By my deſire, becauſe Mr. Wightman ſaid, he wanted to aſcertain the number and the quantity; and I went to my friend who wrote for the buttons, and he looked in the bill and there he found the number; I produced that number to Mr. Wightman, and the number and the quantity anſwered with theſe offered to ſale at Mr. Wightman's; from all which, and the box being found in the priſoner's lodgings, I conclude they are my property.

*Mr. Garrow to Umpage.* Where did you find the box?—Down in the kitchen; when I went to his houſe, I aſked him where the box was that held the buttons; he ſaid it was in the kitchen, but deſired me not to make a noiſe; it was publicly there.

## PRISONER's DEFENCE.

I confeſs when they aſked me if I manufactured them, I made an excuſe, that I had them for a debt; the real fact is, that I found the buttons accidentally in the ſtreet.

## MARY SMITH *ſworn.*

I am ſervant to Mr. Cooke, in Well's-ſtreet, Piccadilly; the priſoner lodged at Mr. Cooke's; I remember his bringing a box there; it was the box that was found by Umpage, on the 2d of this month; about ſeven in the evening, I heard a knock at the door.

*Court.* Was that the night of the fire?——I do not know; when I went up it was Mr. Fox, and he ſaid, Molly, I have picked up a box, but what is in it, God knows; I aſked him, where he found it; he ſaid, in the ſtreet, on the pavement; he went up ſtairs; Mr. Fox ſaid, take it in the kitchen, perhaps we may find an owner for it; the next day in the afternoon, Mr. Fox came down into the kitchen and looked at the box, and ſaid, Molly, there is no direction on the outſide, I wonder if there is any within; he opened the box, and there was no direction, only a parcel of buttons; he ſaid, he did not think they were of much value; he would look in the paper to ſee if they were advertiſed; on the day that he went to ſell them, he ſaid, they were not advertiſed, and he might ſell them as well as another.

*Mr. Silveſter.* What is Mr. Cooke?——He keeps an academy.

How near is Well's-ſtreet where you live, to Vine-ſtreet where the fire was?——No great way.

You heard of the fire?—Yes.

This was the evening of the fire I underſtand?——I do not know.

About ſeven in the evening, whereabouts upon the pavement did he find it?——He did not tell me; he ſaid, to the beſt of my knowledge in Vine-ſtreet; my maſter never comes into the kitchen; nobody goes into the kitchen but myſelf.

Did you look at the outſide of this box to ſee if there was any direction?——Yes; there was no direction.

No mark upon it?——Not to the beſt of my remembrance; I ſaw none upon paper.

What became of the other part of the box?——I do not know; there was no direction on the box.

*Mr. Garrow.* You would have found no difficulty in burning it if you had been deſired? did not you adviſe him to go to Vine-ſtreet where the poor people had been burnt out?——No, I had no buſineſs with it.

*The priſoner called ſix witneſſes who gave him an exceeding good character.*

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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870. SUSANNAH REDMAN was indicted for feloniouſly ſtealing one quadrant, value 18s. the property of Hugh Edge Thomlinſon.

HUGH EDGE THOMLINSON *ſworn.*

I received this as a ſecurity for a debt; I deal in coals; I live in Great Peter-ſtreet, Weſtminſter; I loſt a quadrant; I took ſome goods in poſſeſſion, as he deſired me, and locked them up in a houſe, where I live now, in the Broad-way, Weſtminſter, No. 4; I had the lower part of the houſe for ſelling coals; this quadrant was in a room up two pair of ſtairs; the front room; and the priſoner lodged in the back room up two pair of ſtairs; it was in a bureau, which were part of the things I had in poſſeſſion; as ſoon as I got the things in my poſſeſſion, I put them in this room, and locked the door; I believe it was the beginning of laſt January; I did not miſs it till ſome time in March laſt; I found where it was pawned, and whoſe name it was pawned in; by ſeeking for a ticket of Mr. Hill, I found out who pawned it; I knew it again; I ſaw it at the pawnbrokers; there was no particular mark about it; but I am acquainted a little with inſtruments; I am in the mercantile line.

*Mr. Fielding, Priſoner's Counſel.* You ſeem to be a very odd old gentleman; we have ſeen you in all the Courts I am ſure: So a part of this houſe is where your coal-ſhed is, where you keep your few coals, and your ſticks?——Yes, my *few* coals; I ſuppoſe Mr. Caſſell might be indebted to me ten or twelve pounds; at the time he was in priſon, I was ſuch a blockhead as to let him have money.

How came this poor woman into your houſe?——By the inſtigation of Mr. Caſſell.

Then upon that you received that woman into your houſe?——Yes.

Now you receive the things belonging to Caſſell alſo?——Yes, but in the ſame room.

Did not you receive them things of Caſſell for ſafe cuſtody?——Of himſelf.

Was ever Caſſell to have theſe things back again?——Whenever he paid me the money.

How many goods might you have received?—I did not take any inventory; I received them from different people.

Then you knew at the time you received theſe goods, that they belonged to the creditors?——I paid the money for them.

### JOHN SYMONDS *ſworn*.

I am ſervant to Mr. Hill; the quadrant was pawned by Garland, in his name for eight ſhillings; I gave a duplicate.

### JOHN GARLAND *ſworn*.

I am a plaiſter's labourer; I pawned a quadrant, but I cannot ſwear to this being it.

Have you any doubt of its being it?—I made no remarks on it; I believe to the beſt of my knowledge it might be this.

*Mr. Fielding*. Did you ever ſee it out of the caſe?——Yes, when Mr. Hill took it into his hand; I cannot ſwear to it.

How came you by it?——The priſoner delivered it into my hands, in her own apartment, No. 4, in the Broad-way, Weſtminſter, in the two pair of ſtairs backwards; ſhe ſaid it belonged to Mr. Caſſell, and ſhe ſaid, ſhe would be much obliged to me, if I would be ſo kind to go with it; I carried it to Mr. Hill, the ſame day ſhe delivered it to me.

*Mr. Fielding*. Did not Caſſell ſend you with it?——Mr. Caſſell deſired me, when he was in priſon, to pledge ſomething for him, and I carried this; I went by Caſſell's orders and deſire, and I got this and pledged it for him, and returned the money to Suſanah Redman; ſhe made no ſecret of it at all.

*Court*. How do you know this was done by Caſſell's order?——Caſſell gave me orders for going himſelf.

Did Caſſell deſire you to pawn the quadrant for him?——He deſired me to pledge any thing I could, for he was diſtreſſed.

### ——— CASSELL *ſworn*.

I underſtand you had the misfortune to be in priſon?——I had.

At the time you was in priſon, did you give any orders about a quadrant that was in the hands of Mr. Thomlinſon?—I gave him an order, whether it was a written order, I will not be clear; I ſent him to the priſoner, and deſired her to let him take my quadrant.

**NOT GUILTY.**

*Court*. This woman is very honourably acquitted.

*Tried by the firſt Middleſex Jury before* Mr. ROSE.

The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. THOMAS WRIGHT,
LORD MAYOR OF THE CITY OF LONDON.

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TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VIII. PART XI.

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THE WHOLE

# PROCEEDINGS

UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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871. JOHN MACMAHON was indicted for feloniouſly ſtealing, on the 9th of September, three pennyweights and ſix grains of gold turnings, value 12s. the property of Valentine Walker.

And PATRICK MACMAHON was indicted for feloniouſly receiving the ſame, on the 11th of September, knowing it to be ſtolen.

VALENTINE WALKER *ſworn.*

I am a watch-caſe maker; I live in St. John-ſtreet-road, near the turnpike; I never miſſed any gold turnings, nor I cannot ſay that I have not; I know nothing but by their confeſſion.

JOHN BECK HEATHER *ſworn.*

On Monday the 11th of September, the priſoner Patrick, who confeſſed he was the father to the little boy, brought this gold into my ſhop to ſell it, between the hour of nine and ten; I aſked the priſoner how he came by it, he told me, he gave fourpenny-worth of oyſters for it.

*(Handed up to the Court and Jury.)*

*Court.* Do you know this to be gold?——Yes; and afterwards he told me he had bought it of a watch-caſe maker that he knew; and I aſked him where that man lived; and he ſaid, Sir, I will tell you the truth; I gave eight penny-worth of oyſters for it; I told him he muſt go down to the office in Bow-ſtreet, to give Sir Sampſon Wright an account how he came by it; and I ſent for a conſtable to take him before Sir Sampſon; when he came there, he told Sir Sampſon he gave eighteen penny-worth of oyſters for them.

*Court to Proſecutor.* Can you ſwear this to be yours?——No, I cannot; a confeſſion was taken in writing, ſigned by the boy, and I witneſſed it; the boy was taken an hour or two afterwards.

*Court.* Was you preſent when the confeſſion was taken in writing?——Yes.

It is a confeſſion by the boy?—Yes.

Had you ſeen the boy before that confeſſion was made?——I went with him from my houſe with the conſtable; he had lived in my houſe ſeven weeks an errand boy; he lived with me when he was taken up to the Magiſtrate.

Did he know for what purpoſe he was carried before the Magiſtrate?—Yes.

Did you tell him?——No; I went with the boy and the conſtable.

Had you any converſation with the boy before he went?——Not a word; in going the conſtable told him what he was taken up for.

Did the conſtable in your hearing tell him it would be better for him to confeſs?—No, Sir.

Did he tell him he would be proſecuted if he did not confeſs?——No, Sir, the boy began to make an excuſe; telling me it was gold he found in the ſhop; I am ſure I had not threatened him, or told him it would be better for him.

*(The written confeſſion produced.)*

*Heather.* I ſaw him ſign it.

*Court to Walker.* Was any threat or any offer made to the boy before the Magiſtrate?——No, Sir.

Was this a free voluntary confeſſion?—Yes, we deſired him to tell the truth, for he could make the caſe no worſe; that was all that was ſaid.

*(The confeſſion read.)*

*Middleſex.* The confeſſion of John Macmahon, charged with felony, the 11th of February, 1786, ſigned Sampſon Wright. "John Macmahon ſays, he "has lived with Mr. Walker, watch-caſe "maker, Iſlington-road, for about ſeven "weeks laſt paſt as errand boy; and that "he has ſtolen gold turnings three ſeve-"ral times, and he gave the other two to "his father now preſent; that he told his "father how he got them; that his father "ſold them, one for ſixteen pence, "and one for a ſhilling; that he left the "laſt with his mother on the Saturday; "his father not being at home; that he "believes this to be the ſame as that about "a month ſince, which he gave to his fa-"ther, or his mother; but which he can-"not particularly recollect."

## PRISONER JOHN MACMAHON's DEFENCE.

I know nothing about it; I never took it.

You now deny that confeſſion you made before the Magiſtrate?——Yes.

How came you to make this confeſſion if it is a falſe one?——I was adviſed ſo to do in the office.

Who adviſed you?—Several; I do not know who they were; they ſaid, that was the only way to get clear; and if I did not ſay ſo, I ſhould be tranſported.

## PRISONER PATRICK MACMAHON's DEFENCE.

I am a poor man, and have a large family; I was for many years in good circumſtances; I deal in oyſters; I met with a man in Piccadilly one night, he ſtopped me in the ſtreet; ſays he, how do you ſell your oyſters? I told him; ſays he, open a penny-worth; I opened him to eight penny-worth, or I believe more; I cannot recollect how many; and he gave me this gold for it; he ſaid, he had no money; then I went to the ſhop, and had it tried, and they told me it was gold; I never ſaw the man before; I have eleven children, and never knew one of them to be guilty of ſtealing any thing; I am ſixty years of age; my neighbours were all here to day but they are gone; pleaſe to aſk Mr. Walker my character.

*Court to Mr. Walker.* What is the priſoner's character?——I never ſaw the priſoner before the gold was ſtopped.

*The priſoner called two witneſſes who gave him a good character.*

BOTH NOT GUILTY.

*Court to Mr. Macmahon.* You have been acquitted on this occaſion for want of evidence to prove to whom this property belonged; and it would be highly improper for me now to ſay that you are guilty, but this I may ſay, I cannot conceive a more profligate and abandoned character, than a father that encourages his ſon in thieving; I hope this will be a warning to you; for if not, you will ſometime or other be detected; and you may depend upon it that a man in ſuch a ſituation will receive every puniſhment that the law can inflict upon him.

*Tried by the London Jury before Mr.* ROSE.

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872. **JOSEPH YORK, THOMAS AKIS** and **NATHANIEL ROBERTS** were indicted for feloniouſly ſtealing, on the 15th day of October, thirty-ſix pounds weight of black wool, value 20s. twenty-eight pounds weight of black worſted, value 20l. ſeventeen hundred and twenty-eight yards of black ſhoe binding, value 4l. eight pieces of ſilk ferret, value 10s. the property of David Ferguſon.

ALL NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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873. **ANN WELCH** was indicted for feloniouſly ſtealing, on the 2d day of September laſt, two china cups, value 2d. a china ſaucer, value 1d. three ſteel buckles, value 6d. two ſteel ſwivels, value 1d. one cravat, value 1d. two printed bound books, value 2s. one ditto, value 2s. one ditto, value 2s. and one other ditto, value 2d. the property of John Fitzgerald.

NOT GUILTY.

*Tried by the London Jury before Mr. Baron* EYRE.

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874. **WILLIAM JOHNSON** was indicted for burglariouſly breaking and entering the dwelling houſe of James Dearing, about the hour of ten in the night, on the 2d day of October laſt, and feloniouſly ſtealing therein, thirty yards of black mode, value 40s. his property.

JAMES DEARING *ſworn.*

I live in Phœnix-ſtreet, Spital-fields; I was not at home when my mode was loſt; it was the 2d of October; it was cut out of my loom; there were about thirty yards; nobody was in the houſe, not a living perſon was left in the houſe barring the animals; not a chriſtian perſon; I took the key and went to unlock the door, and found it would not open, though I was convinced I had unlocked it; I found it was bolted withinſide, at bottom; I live at a houſe the corner of a court; there is a wall at the corner of my houſe; I jumped over the wall into my yard, and I found that my back window was open; it was a ſaſh window that ſhoved back; there is a ſhutter, and there is a hole in it that gives light, and they had got a parcel of tubs to make a ladder to get to that hole, and had put their hands down that hole and lifted up the bar; and I found it in the yard; the tubs were right againſt the window; I ran to the drawers, they were faſt; I opened the garret door, and hulloo'd out I am robbed, and my neighbours ran in; when I found there were people below ſtairs that I knew perfectly well, I ran up ſtairs, there I found the ſhop door broke open; examining all the looms, I found the work out of one was cut off and carried away; I am poſitive the ſhutter was put up and the bar before I went out.

EDWARD MERRY *ſworn.*

I know that it was my work that I made.

JOHN ARMSTRONG *ſworn.*

I produce the ſilk; I received it from Mr. Benjamin Abrahams.

BENJAMIN ABRAHAMS *ſworn.*

I bought this ſilk of three men, on the 3d of October, between eleven and twelve in the morning, at my houſe in Petticoat-lane, No. 16.

What buſineſs do you follow?——A ſhoemaker; I keep a ſhoemaker's ſhop; the priſoner Johnſon came to my houſe, the morning of the 3d of October, and aſked me if I would buy any mode; I ſaid, yes; and he called in another man; this other man ſaid, this mode was in Frying-pan-alley;

and the perſon he left it with lent him four ſhillings upon it; and he ſaid, if I would ſend the four ſhillings by Mr. Johnſon, I ſhould have the buying of it; and ſays he, if you are *doubtleſs* of the money, I will remain with you, while Johnſon fetches it; and he did remain with me; he went up ſtairs; Johnſon went and fetched the mode, and brought another man with him; this other man had ſome mode in a handkerchief; and he went up and agreed for 30s; and they ſent for ſome liquor; and one of the men ſeemed to be in liquor; I aſked them how they came by it; and they ſaid, they had it from a friend that conſtantly came by; I aſked them again, after ſitting there ſome time, one of them ſtarts up, and ſays, it has been cut out of a loom; that was one of the men that is not here; they went away; the next day Mr. Armſtrong came to my houſe, and told me the Juſtice wanted me; I went there, and the Juſtice aſked me, if I had bought any mode, to which I ſaid, yes; and he told me it had been ſtolen; and he ſaid, it ſhould be ſent for; this is the mode which I delivered up to Armſtrong.

*(The mode depoſed to by Dearing and Merrick.)*

I am thoroughly convinced this is the ſame piece of work; here is the fag end where it was cut off; which I have procured, and here is the thread that runs through.

*Merrick.* It is my work.

## FRANCES BURRELL *ſworn.*

I know nothing about it; I did make one after it was ſold; I did not ſee any money paid for it; I live in Abraham's houſe up ſtairs; I believe the priſoner is one of the men that was in my room.

When did they come into your room?——I really cannot tell the day of the month, nor yet the time; there were ſeveral men in my room.

What did they come for?——I do not know indeed; I was gone down ſtairs when they came in; I cannot be ſure this was one; I have ſeen ſeveral very much like him ſince; I know nothing of Abraham's buying a piece of mode.

Do you live with Abrahams?——No, I have a room up one pair of ſtairs; I was taken to the office.

*Proſecutor.* I was in the office when ſhe was ſent for by the Juſtice, and there ſhe ſaid, that the priſoner was one of the three men that came with the ſilk; ſhe ſwore that upon oath.

*Burrell.* I did not ſee him; I was ſo frightened and flurried when they aſked me if that was the man; I ſwore he was the man; if they had aſked me ever ſo much I ſhould have ſaid the ſame.

Pray what way of life may you be in?——Why, I live along with a young man.

What young man?——Never a one here.

What is his name?——Why I do not rightly know his Chriſtian name.

## RICHARD ARMSTRONG *ſworn.*

I received information that three men were ſelling ſome mode; Mr. Dearing had given information that he had been robbed; I apprehended Johnſon; and I apprehended Abrahams; he declared he had bought it; and he declared this woman knew the priſoner was one of the men; that is the reaſon why ſhe came here.

## PRISONER's DEFENCE.

On Thurſday about ten I met two men; one that was a weaver, that had lived in credit; they had two fiſh in their hands, going to have them dreſſed at the Duke's-head; I went with them; and we were having a pint of beer; and he ſays to me, we have a bit of mode; it is in pawn for four ſhillings; can you tell us where to ſell it? ſays I, if it is our own property; and I went with them to Abrahams; ſays I to Abrahams, Sir, here are two young men who have a bit of mode to ſell, if you chuſe to buy it; and he ſaid, if I can agree with them, I will; ſo one of the men ſaid, it was pawned for four ſhillings, if you will give him that, I will ſend for it;

he ſent me down with the four ſhillings to give to the other young man, to get it out of pawn; they agreed for it; Abrahams paid him for it; and now ſays he, if you will go down we will have the fiſh dreſſed; you ſhall have two or three pots of beer; that is all I know or ſaw; the people that can prove it are not here; I did depend that I was not to be tried till next ſeſſion, becauſe they expected taking the other men between this and then.

Where do your friends live?—In Spital-fields.

*Court to Proſecutor.* Does any body know any thing of this man?——No.

*To Armſtrong.* Do you know any thing of this man?——I never ſaw him any where but in very bad houſes; I never knew a friend he had.

Not Guilty.

(*Tried by the firſt Middleſex Jury before Mr. Baron* Eyre.

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875. JOHN CLOUD was indicted for feloniouſly ſtealing, on the 16th day of October laſt, thirty guineas, value 31l. 10s. and two half guineas, value 1l. 1s. the property of James Kenſington, in the dwelling houſe of William Cato.

(*The caſe opened by Mr. Silveſter.*)

(*The witneſſes examined apart, at the deſire of Mr. Garrow.*)

**Mrs. KENSINGTON** *ſworn.*

I am wife of James Kenſington, No. 16, Weymouth-ſtreet, Mary-le-bone; I occupy the kitchen.

Whoſe is the houſe?——It is the houſe of William Cato; he lives in the two pair of ſtairs floor; the priſoner worked at Mrs. May's, turning a mangle; he was very poor and low, and had been a great while, till ſince we have loſt our money; I ſaw the money on the 11th of this month, early in the morning; I kept it in a little drawer, at the top of the cheſt of drawers locked; I wrapped it very curious in a pair of black gloves; the gloves were left open, and the money was gone; I did not miſs it till the Monday following; when I miſſed it, I found ſomething had been put between the drawers and the lock, and had wrenched it down; I miſſed it going to pay our rent; he came down into the cellar the back way with a kettle, and came up again, and ſtood at the ſtreet door; the next day he never came to his work; on Friday he came to work, but was in liquor; on Saturday he was in a great hurry to fetch his things out of pawn; on Sunday evening I ſaw him ſo much in liquor, that he could not unlock his room door; which was a ſtone's throw from our houſe; he was a dreſſed like a gentleman; when I found the money was all gone, it ſtruck into my head it muſt be Mr. Cloud, and ſo I thought by all theſe appearances; we held our tongues all that day; in the evening Mr. Connelley and him came in very much in liquor; and as they were going out, we aſked him to come to work the next morning; he ſaid he would; but he never came; we took him to the Magiſtrate's.

Was you preſent when he was brought?——Yes; he firſt ſaid, that his couſin gave him the money; then he ſaid, he worked for it; it appeared he had lain out in that week, in one way or the other, upwards of twenty pounds, with what he got out of pawn.

*Mr. Garrow, Priſoner's Counſel.* How long have you known him?——A great while; he has worked for me ever ſince the beginning of April; I have heard ſay his wife and him have lived very creditable; but very much reduced.

You have told us that this man had the things in pawn which he redeemed?—So he told us; I am ſure I ſaw the money on Wedneſday the 11th of October; I had put it into the top drawer of the bureau; it was my huſband's money; he did not know there was ſo much as there was; he might know perhaps there was twenty pounds; for I have worked very hard theſe three years, becauſe I have a ſmall family; I did not tell him every thing; my huſband never went to that drawer at all.

How much rent had you to pay?——Twenty-five ſhillings and nine-pence; and to our cow maſter about eight pounds; we had between nine and ten to pay.

How long ago was it that your huſband borrowed five guineas towards paying his rent?——He never brought five guineas ſince I was married; I never ſaid ſo to any body.

Do you know Mr. Earle, a ſhoemaker?——I do; my huſband buys his ſhoes of him.

How lately had he occaſion to buy ſhoes of him?——I do not know; about ſix weeks ago he had a pair, and paid him.

You do not know now that he applied to Mr. Earle on credit, and ſaid, he was ceedingly diſtreſſed?——No, he did not, I am ſure; I have been in the milk way about three years; my huſband was a coachman; and when we came into buſineſs, I had ſeventeen guineas; we had ſaved almoſt fifteen pounds; my huſband carries a pair of pails, and I carry two kettles, that carries a good deal of milk.

Have you lately ſold any of your furniture or clothes or things?——No, nothing in the world.

Nor you have not ſaid ſo to any body?——No, I have not.

## JAMES KENSINGTON *ſworn.*

I am huſband to the laſt witneſs; on the 16th of this month, my wife went to the drawer to pay the rent, and ſhe told me the money was gone; firſt of all we called Mrs. May down, which was the woman this priſoner worked for; but at the ſame time I had no ſuſpicion of him; I ſent for Mrs. May and ſpoke to her about it; the next day I ſpoke to him; he admitted he had laid out in the courſe of a few days, not leſs than twenty pounds.

What account did he give of himſelf how he got that twenty pounds?——Firſt, he ſaid, he had it of his couſin; then he denied it, and ſaid, it was money that he earned at three-halfpence an hour of Mrs. May; the priſoner was very mean and ragged, and was quite deſtitute.

*Mr. Garrow.* Was this money kept in a locked drawer?——Yes; I ſeldom went to it; I did not know the ſum; I never applied to any body for five guineas; I never wanted it.

Have you never ſaid that you have?——No, Sir; I know Mr. Earle; he is my ſhoemaker; I never applied to him for credit for any thing; I had no ſuſpicion of the priſoner; I have known him ſince he came to work for Mrs. May; I knew him in the life-time of his wife.

*Court.* This money was yours, you did not take it yourſelf?——No.

Nor you do not know how it went?——No, I do not.

## ELIZABETH MAY *ſworn.*

I am a mangler, No. 16, Weymouth-ſtreet; I have known the priſoner ſix months, or rather better.

What ſituation was he in reſpect to circumſtances, before the 12th of October?——His apparel was much as you ſee him now, but he had had a great deal of trouble with loſſes, and with the ſickneſs of his wife; I paid him nine ſhillings and upwards a week, and ſometimes four or five, or ſix, ſeven or eight, according to the hours he worked.

*Mr. Garrow.* His work was laborious?——Yes.

Of courſe you did not admit him to come in his beſt things?——No, I always adviſed him to come in his worſt things; he uſed at other times to be decent as he is now; he had ſeveral things in pawn; I did not know him in his wife's time; the priſoner has worked for me ever ſince May; I am entruſted with much linen; I took him to be an honeſt man as could poſſibly be; and found him an induſtrious hard working fellow.

## JOHN KELLY *ſworn.*

I am a broker in houſhold furniture; on the 12th inſtant, I ſold him a parcel of things, to the amount of nine pounds, thirteen ſhillings.

*Mr. Garrow.* When did he bargain with you for theſe things?——On the day he paid for them.

### JAMES EVERETT *ſworn.*

I am a pawnbroker; the priſoner took things out of pawn of me on the 11th of October, to the amount of one pound, ſeven ſhillings and nine-pence; two waiſtcoats, one ſilver neck buckle, and twelve neck cloths.

*Mr Garrow.* How long had they been in your ſhop?——Near a twelve-month.

I take it they were worth a great deal more than twenty-ſeven ſhillings?——No doubt of it.

### DENNIS M'DONALD *ſworn.*

I ſearched this man's lodgings; there was a Bath ſtove, a cheſt of drawers, a bed and bolſter and two pillows; he denied the box where his linen was; I was preſent when he was examined before the Magiſtrate, he ſaid, he had earned the money at his work; he did not ſay what he laid out; I ſearched him, and found fourpence halfpenny in halfpence; here is a ſilver watch I found, and a ſilver knee buckle, and ſtock buckle.

### MARGARET CONNELLY *ſworn.*

I have known the priſoner five years; I went to take ſome things out of pawn; I cannot recollect how many days it was before he was taken up.

What day was he taken up?—I cannot recollect indeed.

What day of the week was it?—I cannot recollect the day.

Was not you before the Magiſtrate?——I cannot ſay; it was Tueſday or Wedneſday.

How many days before that had you been with him to different pawnbrokers?——I only went to one that lives juſt by; I cannot recollect how long it was before we went to the Magiſtrates.

Cannot you tell the day you went with him?——Upon my oath I cannot recollect what day I went with him.

How many days was it before you went with him to the Juſtice?——I think it muſt be Tueſday or Wedneſday.

You cannot recollect whether it was two or three days?——I cannot indeed.

What is your huſband's name?—Daniel Connelly.

### DANIEL CONNELLY *ſworn.*

I have known the priſoner theſe nine years; I was with him when he bought them things; I cannot tell the day of the month upon my word; he only came to me and aſked me to take a walk with him.

How long was it before you went to the Juſtice's?——To the beſt of my knowledge it was ſix or ſeven days; I am not ſure.

In that day where did you go?——I went to Mr. I forget his name, oppoſite the Middleſex hoſpital; he told me he was going to take a watch out of pawn, and ſome waiſtcoats; I went to no other pawnbrokers.

### PRISONER's DEFENCE.

I worked for Mrs. May ſeven months; and I laid the money by; ſhe almoſt always gave me victuals then; and when I had done work for her I went on meſſages; I ſlept in a gentleman's houſe in Portman-ſquare; that ſaved my money; that was ſomething every week; I had a few things of my wife's that I ſold; and I laid the money by, thinking to get me two or three things.

*Court.* Then how came you to lay it out all on a ſudden; to lay it all out and get drunk, that does not agree well with the character of an induſtrious ſober man?——I was afraid of loſing the things; I never was down in Mrs. Kenſington's kitchen in my life; if ever I was down, it was for a little milk for Mrs. May; I never ſaw a farthing of the money in my life.

### Capt. FRANCIS SEYMORE *ſworn.*

I am in the army, on half pay; I knew the priſoner for the ſpace of three years; in two of which his wife, when living, waſhed for me at their own houſe, and he carried the linen backwards and forwards; I have known him down to this time, an uniform, good, ſober, induſtrious, hard working man; I always took him to be honeſt; that has been univerſally his character.

DAVID WILSON *ſworn*.

I live in Cheſterfield-ſtreet, Mary-le-bone; I have known him nine years to this time, a very good, honeſt, induſtrious, hard working man, that has been his character; I never heard a blotch in his character; he kept a mangle, and worked very hard to my knowledge late and early.

Mrs. LEONORA HUDSON *ſworn*.

I live in Paddington-ſtreet, Mary-le-bone; I keep a houſe there; I am married; I have known him between ſeven and eight years; he has been employed by me the whole time his wife waſhed for my family, at her own habitation; he is remarkably ſober, honeſt, and induſtrious, ſo much ſo, that whenever my mother had any buſineſs to execute, that ſhe could not repoſe truſt in a common porter, or even her own ſervants, ſhe uſed to ſay, ſhe would ſend for honeſt Cloud.

I believe that was his general name?—Yes; and if the clergyman of the pariſh had been in town, he would have appeared for him; when I heard he was taken up, I aſked the proſecutrix how ſhe came to have ſo much money by her; and ſhe ſaid, her huſband had borrowed five guineas towards making up his rent; that was the way ſhe accounted for having ſo much money.

Where was this converſation?——At the woman's where he mangled.

Was any body elſe preſent?—Captain Seymore.

*Captain Seymore.* I went with Mrs. Hudſon, to enquire into the merits of the caſe; and that woman, I think I heard her ſay, ſhe had thirty guineas in her poſſeſſion; and I made reply to her, I rather think it is too large a ſum for you to have together at one time, living in a cellar, in great poverty, as you appear to me; I do not recollect that ſhe made any reply.

Do you recollect hearing any thing about borrowing five guineas?—No, not from her.

*Mr. Silveſter.* Where is it your live, madam?——No. 9, Paddington-ſtreet.

Are you married or ſingle?—My huſband is gone to India.

How long have you been acquainted with Captain Seymore?—Fourteen years.

Then he and you being acquainted, went to this houſe?——Yes, Sir, we went firſt to the clergyman's; all the neighbourhood were intereſted for him; Mrs. May was preſent; and ſhe recommended them as objects of charity to me, having loſt their money; I never knew any thing of the people before; they ſeemed to be in a great ſtate of poverty; four ſmall children, in ſuch indigence, as not to be able to realize thirty-one guineas; I did not go into their cellar; the children were all brought up to me to excite charity; the woman was very ſhabby, and very poor, and the children I did not look to ſee whether they were ragged.

What was it that impreſſed you with the idea of poverty?——Living in a mean cellar, and being brought to me with four ſmall children; I told them, if the man was found guilty, they certainly would be paid by his being condemned; if he was not, his friends would make it up; the man's wife has been dead a year and a half; I have known him very near eight years; my mother died a year before Mrs. Cloud died, of the ſame complaint; he has mangled for me; this man, by his honeſt, good character, has recommended the woman to half the buſineſs ſhe has; he brought the linen backwards and forwards to my houſe; and I took his recommendation of her as a waſher-woman.

*Mr. Garrow to Mrs. May.* Has this man recommended you to any family?—Yes, to two or three; I mangled for Mrs. Hudſon; he fetched and carried all my linen; I frequently gave him his victuals, and frequently aſked him when he would not accept; he certainly appeared to be a ſaving, frugal fellow; I was preſent part of the time when Mrs. Hudſon came; I cannot recollect about the five guineas; the proſecutrix had four children; I am very poſitive ſhe had the money; ſhe ſhewed it to me a month or two before.

*Court.* Do you know this Mrs. Hudſon ?——I never had the pleaſure of ſeeing the lady above once or twice before.

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*Mrs. Kenſington.* Mrs. Hudſon came into the ſhop, and a gentleman with her; I cried and ſaid, it was a great loſs; I ſaid it was a great loſs to us, as we had ſeven or eight guineas to pay to our cow-keeper, ſhe ſaid, it would be a great charity to make a collection for us.

*The priſoner called two more witneſſes who gave him a good character.*

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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876. CHARLES RILEY, THOMAS BUTLER, JOHN LACEY, and SAMUEL WILLIAMSON were indicted for feloniouſly ſtealing, on the 22d day of October laſt, one wooden boat, called a wherry, value 39s. the property of George Crutchfield.

*(The witneſſes examined apart.)*

**GEORGE CRUTCHFIELD** *ſworn.*

I loſt a wherry; I am a waterman; on the 22d of October, in the morning, between twelve and one, from New-crane-ſtairs, I miſſed her in the morning; we loſe boats every night; I had loſt my boat the night before, and found her on the lower ſide of Mr. Minitone's dock, that is below the bridge, cloſe to the New-crane, not a hundred yards.

What do they cut them away for, a malicious kind of amuſement or what?——They are cut away with intent to go a thieving and plundering on the river; my boat was locked on ſhore, to go away at high water; the headfaſt was cut, and ſhe was taken away between twelve and one o'clock; I caught the four priſoners i her, on the 22d of September.

Where did you catch them ?—Betwee New-crane, and King Edward's Tier; they were rowing; I ſuppoſe it was between three and four hundred yards; we had a boat on the lower ſide of the ſtairs, and a boat on the upper ſide of the ſtairs, with a proviſo, that any body ſhould come and take the boats away.

Did you ſee this boat taken away ?——We ſaw them come rowing out from the ſtairs with her; we perceived them, and rowed along ſide of them, and aſked them whoſe boat it was; and they immediately ſaid it was their's; I looked at the boat, and knew it to be mine by my number; then we immediately took hold of thei headfaſt, and towed them on ſhore, an ſent for the watch, and they were taken into cuſtody.

Do you know them ?——I never ſaw them before.

Did they belong to any veſſel that lay in any of the tiers, that were round ?——One of them told the Juſtice that he came to go into the Borough, that he lived there, and he ſaid he came down to New-crane, to get over the water to ſee ſomebody at Deptford; they all pretended to be going over the water.

Were there any ſculls in your boat when you left it ?—No, I could ſee that they brought ſculls with them, for they had a pair in the boat.

*Jury.* I believe it is a very common thing to take one another's boats; was there any mark or name on the ſculls that you found on the boat, when you came up to it ?——There were a pair of ſculls in her, but when we took hold of her, the ſculls were thrown overboard, ſo that we could not ſee them.

**WILLIAM NEGUS** *ſworn.*

I am the watch; I took the priſoners in cuſtody; about twelve, they paſſed by me with a pair of ſculls; I do not know which man had the ſcull.

John Walter, William Egleſtone, Jof Legorn, and Peter Conſtable depoſed the ſame effect, being with the proſecutor.

### Priſoner Riley's Defence.

I had been at work at the Hemp-wharf; at ſix I took my money, and went to ſee ſome ſhip-mates, and ſtaid with them ſome conſiderable time; we went down the ſtairs, and called for a ſculler ſeveral times; no boat could be found; this boat was laying on the ſtairs, that the ſcullers were laying at; going down, there were three men coming up the ſtairs, but whether they belonged to the boat I cannot ſay; I am ſatisfied that I am an honeſt man; I never was before any gentleman before.

### Thomas Butler's Defence.

I belong to a ſhip in the river, the New Hope; ſhe lay down at Deptford; I was taking leave of my friends late on Saturday night, my clothes and things were on board; I got in liquor; we called ſculler ten minutes; this boat was looſe, and we intended to make her faſt over the water.

Were was that ſhip bound to?—To the South-ſeas; we all three belong to the ſame ſhip.

Did you tell the watchman when you was taken, that you belonged to that ſhip?—I did not.

*Court to the watchman.* Did you take theſe men into cuſtody?—Yes, they gave no account of themſelves, only they ſaid, they cried ſcullers; I never heard any thing of it.

Did any of the watermen hear them cry ſcullers?—No, and we lay cloſe too.

### All Four Not Guilty.

*Court.* I hope theſe men will be more cautious in their conduct: and as to the watermen, I deſire they will not underſtand, that we do not mean to protect their property; if ever they catch people that mean to take away their boats, we ſhall puniſh them here; but if they catch people in this miſchievous way, taking their boats to carry them over the water, let them take them before a Magiſtrate, and he will put them into a way to make them pay for it, and that will ſtop them effectually.

*Tried by the firſt Middleſex Jury before Mr. Baron* Eyre.

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877. BENJAMIN SMITH was indicted for feloniouſly ſtealing, on the 21ſt day of October laſt, twenty-eight pounds weight of lead, value 8s. belonging to her Royal Highneſs the Princeſs Amelia, affixed to a certain building of her ſaid Royal Highneſs, there ſituate.

BENJAMIN PINCE *ſworn.*

I am gardener to the Princeſs Amelia; the houſe from whence the lead was ſtolen, is in the pleaſure grounds, in the pariſh of Ealing at Gunnerſbury; on Saturday morning, on the 21ſt of October, between eight and nine, as I was going round the pleaſure ground, I miſſed the lead, and as I was going to Acton, in ſome fields, I ſaw ſome paint which had been laid on from time to time, and it had formed itſelf into a cruſt; I proceeded on, and continued to find ſome more of this matter; when I came to Acton, I ſtill continued to pick up ſome more in the town; then I came to the place called the Steyne, there I continued to pick up ſome more of this matter; there are few mean habitations built for poor inhabitants; I ſtill continued to pick up ſome more of this matter till I came oppoſite the dwelling of the priſoner; I went to the priſoner's houſe with two conſtables; they went in, and I went backwards into a little garden in which this houſe is ſituated; when I examined the garden round, under the vegetables, I ſaw ſome litter he had collected from a ſtable or hog ſtye; I turned it aſide with my foot, and I ſaw that the mould under it had been very lately moved, which cauſed me to examine it further; and there I diſcovered the lead; I ſuſpected it to be lodged there.

Was this garden belonging to the priſoner's houſe?——Yes.

What lead was that that you diſcovered there?——The lead that came from this temple; it was painted white; I applied it before ſeveral witneſſes, and found it correſpond with the building, and the dimenſions; I left it in the care of an acting conſtable that ſerved the warrant; it was rolled and beat up together; he confeſſed taking it.

Were there any promiſes made to him?——Not to exempt him from proſecution.

Did the priſoner ſay any thing to whom the houſe belonged?——No.

Was that confeſſion taken before the Magiſtrate in writing?——I am not clear whether this laſt confeſſion was taken down before the Magiſtrate or no; we could not promiſe him the favour of the Court; but we told him, we imagined it would be the only way to obtain favour; then he told us; and until we told him ſo, he never declared himſelf.

*Court.* I cannot hear any confeſſion on thoſe terms.

### WILLIAM STOKES *ſworn.*

I am a bailiff to her Royal Highneſs; I was preſent; and ſaw the lead found; I ſaw it compared to the place from whence it was taken.

Did they correſpond?—Yes; I do certainly believe it to be the ſame lead, it fitted exactly.

Do you know whoſe houſe this was?——Yes; Mr. Franklin's, that lives at Acton.

Who lives in the houſe?——This priſoner and his wife, and Mr. Jones, and Fan Pearce.

The lead appears to you to be newly cut?——The conſtable had the care of this lead; I carried it to the temple, and then gave it to the conſtable.

### WILLIAM GEE *ſworn.*

I am a fellmonger; on Saturday morning, about one, I was in the ground walking about; my grounds are very near the priſoner's houſe; I heard him knock at the door; my ſervant opened the door; and a light came; and I waved my hand to her to keep the light back; I heard two men talk; but I could not ſee them.

Did you know the voices of the men that talked?——I cannot ſwear to them.

Did you know the priſoner's voice?—I do not know that I did; I do not know how long he has lived there.

### NICHOLAS BOND *ſworn.*

I am a butcher at Acton; and a conſtable; on Saturday was a week, I apprehended the priſoner; I had the care of the lead; it was matched; it was never out of my poſſeſſion.

Did you ſee it matched?——Yes, it correſponded; it appeared newly cut.

How far is the priſoner's houſe from the temple?——A mile, or farther.

### FRANCES PEARCE *ſworn.*

Where do you live?—In the priſoner's houſe.

What are you come to ſay?——No farther, than the priſoner came between one and two laſt Saturday ſe'night, that was the day that the gentlemen came to the houſe about the lead; a man of the name of Baker was with the priſoner; they went round the houſe, to the back part of the houſe; I do not know what time the priſoner went out that evening; I only know what time he came home; after they came in they went to a little garden and ſtaid an hour; and then Baker went away.

*Priſoner.* I never ſaw the woman that night.

*Court.* Did you ſee the priſoner that night?——I know he did not ſee me; I looked through a window; he was in liquor.

*Court.* Who lives in the houſe beſides you and the priſoner?——Jones, and his wife, and a child.

### PRISONER's DEFENCE.

I was very much in liquor that night; I know nothing at all of taking the lead; this Baker was with me; and I believe he took it, for he went over into the garden;

the women were all at home that night; and the lead was found in my garden.

**STEPHEN STILLWELL** *ſworn.*

I live with ſquire Holmes, at Little Ealing; I am his gardener; I never ſaw the priſoner till the 25th of this month; and I was at the public houſe at Acton, and Baker and the priſoner went home with me; it was near eleven when we ſet off; I got home about eleven or a little after; they ſtaid about half an hour with me, and went out into the main road, that leads to Acton, a little before twelve; my houſe is about two miles from the priſoner's.

*The Conſtable.* My Lord, there were two or three came yeſterday, to give the priſoner a character; as the trial did not come on, they went away; Mr. Preddy, his maſter, was one, with whom he worked a good while.

Not Guilty.

*Tried by the ſecond Middleſex Jury before Mr.* Rose.

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878. RICHARD ALLEN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Marſhall, about the hour of ſeven in the night, on the 7th of October, and burglariouſly ſtealing therein, a ſilver watch, value 3l. a ſilk ribbon, value 1d. a ſtone ſeal, ſet in baſe metal, value 1d. a key, value 1d. his property.

**JOHN MARSHALL** *ſworn.*

I am a watch and clock maker; I live at Wapping New-ſtairs; I loſt my watch on the 7th of October; it was hanging on a poſt at the window, on the inſide of the ſhop, within the glaſs conſiderably.

What time of the day?——About ſeven in the evening.

Was the glaſs broke?—There was two panes broke at once, and another cracked.

Did you hear the craſh of it?——Yes; we were at tea; I was much alarmed at the noiſe; I jumped up directly, and made to the door; and called the apprentice to mind the watches; before I got the door open, I miſſed one of the watches, and I immediately ran out and enquired of the neighbours which way the man had gone; I could hardly hear, the people called out ſo; at laſt I underſtood he had taken up the Orchard; it is a near turning, but little frequented of nights; I ran up there as hard as I could, and in the middle I met two women; I aſked them if they met a man running that way, they ſaid, he had juſt paſſed on; I ſtill run on, and took hold of the priſoner by the collar; ſays I, it is you that broke my window and robbed my ſhop; ſays he, you are miſtaken, it is not me; ſays I, it is; he ſaid, he was going home, he lived at Hoxton; ſays he, I have ſome buſineſs in Roſemary-lane, and from thence to Hoxton; ſays I, come along with me, I will ſee whether you are the man or no; and I brought him round, and aſked him where he had been, and he ſaid, he had been to Deptford, and he walked there; I brought him into the ſhop; there was a crowd of people; ſays I, it is you, I am poſitive; have you got the watch about you? he ſaid, no, it was not him; but he did not care, I might ſend him on board a man of war, he had no objections; ſo I ſent for an officer; my apprentice had ran out after me, and miſſed me; I had the priſoner in the houſe; when he came home again, I opened the door to let him in; and my apprentice ſaid, that is the man that broke the window and ſtole the watch; the man fell a crying; the officer came, and he was ſearched; we could not find the watch, or any thing, but a piece of a razor; we got a lanthorn to look for the watch, but could not find any ſuch thing; I came back again, and ſaid to the officer, what can we do about this affair, the apprentice ſtill perſiſts in it; he was taken to the watch-houſe, and was locked up; and in about three or four minutes there came a girl of the town to him, and called him out, and ſaid to him, Dick, have you got in the watch-houſe! he ſaid, yes; he told her to go

to

go to the Blue Anchor, in the Back-lane, and tell ſomebody to come to him; he aſked her, if ſhe had any money, he ſaid, he was very dry; ſo we took in the woman and ſearched the outſide of her clothes, and found nothing on her; as I was ſitting at ſupper, my wife ſaid, there was the watchman's rattle; ſays ſhe, get up, it may be one of the thieves that ſtole your watch; it was a man was taken up for ſtealing ſome iron; I told the officer to be ſure to ſearch them before he put them in; he told me he had ſearched one and ſhould ſearch the other; and I ſaid, I wiſh you would let me have my priſoner out again; I took the candle and looked all round the lock-up room, there I found this piſtol laying under the priſoner, loaded, cocked, and primed; he told us that he had no money.

Did you ever find your watch?——No.

### JOHN FORD *ſworn.*

I am apprentice to Mr. Marſhall; I am ſixteen; I was ſitting in the ſhop, on a ſtool, with a cup of tea in my hand, and I ſaw a man looking at the ſhew glaſs two or three times, as if he wanted to buy, and the ſmaſh came in a minute; and I ſaw this man with his arm in, and ſnatch the watch, and he ran away immediately; when I came back, I found the man in my maſter's cuſtody; and I knew him again directly; he was the ſame man.

Could you be ſure that the man you ſaw in your maſter's cuſtody was the ſame man that you ſaw at the ſhew glaſs?——Yes, Sir, indeed; I was about three feet from the window, but could ſee through the window clearly; there was a light about this far from the glaſs; he came and looked into the ſhop; it is a glaſs bow window, and this ſhew glaſs lays withinſide the glazed window.

Then could you ſee enough to ſee through the glaſs to diſtinguiſh this man's perſon?——Yes.

Are you ſure of that?——Yes, very ſure.

Are there any lamps on the outſide?—There is a lamp on the other ſide of the way.

### THOMAS COLE *ſworn.*

I am an officer; Mr. Marſhall ſent for me to my own houſe, requeſting me to come immediately, which I did, and went in, and had charge of the man given me; we went to ſearch for the watch in the Orchard, and we could find nothing of it.

Was there any other perſon in the lock-up room, the time he was confined there? Not when I put him in, there were people taken for robbing a ſhip of ſome iron bars; I ſearched him, and found no piſtol upon him; I ſearched him narrowly, without he concealed it in his ſtocking.

### PRISONER's DEFENCE.

I know nothing of it.

*The priſoner called four witneſſes, who gave him a very good character.*

**NOT GUILTY.**

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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1879. JOHN SLIMMON was indicted for feloniouſly aſſaulting William Thompſon on the King's highway, on the 27th of October, 1785, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, ſix pieces of ſilk for waiſtcoats, called gingham, value 3l. 13s. 6d, his property.

### WILLIAM THOMPSON *ſworn.*

I am one of the loyaliſts from America; I loſt three pieces of ſilk for waiſtcoats; to the beſt of my memory it was a twelvemonth ago; October, 1785; it was in Ratcliffe highway.

Are they India?——They go for India; but I believe they are manufactured in Spital-fields.

At what time of day or night?—It was between ten and eleven; I was alone at that time; I was going down to where the ſhip lay; I was going to carry them on board the brig Henry, commanded by Captain Alton, going to Scotland; after I put my things on board, I went to one Mr. John Swinney's that keeps a public houſe, that keeps the King's-head, and I aſked for a pint of beer; and there were ſome men ſelling theſe goods; I borrowed two guineas and a half; and the priſoner came in and aſked me to buy ſome more; I ſaid, no, I could not, I was going to a foreign country; I went out, and the priſoner followed me, and ſaid, he would ſell me ſome cheaper goods; I told him, no, I was going down to the veſſel, and he followed me out, and he told me to ſtop; what do you want? ſays I; I want, ſays he, to ſell you ſome goods, for I can ſell ſome cheaper goods, for I want money; I went into another public houſe, and bought a guinea's worth for myſelf; I do not know the name of the man that keeps the houſe; but to the beſt of my opinion, he is a Dutchman; I went out to go the veſſel, and he followed me, and adviſed me to lay by the goods; ſays I, no, I have bought them, and paid for them; ſays he, you are going down to Wapping, I will take care of them; with that he jerk'd them out of my boſom, and ran away; I fell down; I was affraid to cry out directly; then I heard the watchman coming; I thought perhaps he intended to take care of them; I could not find him while the veſſel lay there, and I went on my paſſage; I had been twenty-two years in America; and I had ſome little dependance coming to me here from Government, when I came back again; I found out his lodgings when I came back again.

How ſoon did the ſhip ſail after this?—In two or three days; I do not know ſhe ſtaid more; I cannot be ſure which.

Did you lay any information before any Juſtice of the peace of this before you went?——No, Sir, becauſe I could not find the man; I did not.

Were theſe ſold you as ſmuggled goods?—I do not know whether they are or not; they were ſold me as ſuch.

Was this ſilk or gingham that you bought?——The chief was ſilk; I do not remember there was any cotton among it.

Is this priſoner a Cuſtom houſe officer?——I never heard he was; I never ſaw him before that night; I did not know his name poſitively at that time, till the next morning; then I found out his name.

*Mr. Garrow, Priſoner's Counſel.* How far did he live from Mr. Swinney's?——I do not know.

Yes, you do?——It is in Fore-ſtreet; I am ſure it is not half a mile.

Did you go to his lodgings?——Yes.

Before you went to Scotland?——No.

Why did not you do that?——Becauſe I did not find it.

How long have you been come from Ireland?——That was the laſt place I came from; I have been home ſince the 14th or 15th of Auguſt.

Whereabouts did you take him up?—I did, a month ago; I cannot be poſitive.

Is it a week ago?——It is more than two weeks.

Is it three weeks?——I do not know; I could not find out his lodgings.

Where do you live?——Many people know I was a farmer in Georgia; I live ſometimes at Saltpetre-bank; there are more Americans there beſides me; I lodge up ſtairs at a public houſe, and two of us have a room to ourſelves.

Did you go with the conſtable to this man's lodgings?——No, Sir, I did not; but I ſhewed him to the houſe.

Now, another thing, upon your oath, did not he let him go, and the priſoner came back to him the next morning?——I did not let him go; I do not know what the conſtable did; he told me that he took bail of him.

Upon your oath, do not you know that he let him go on his promiſe of coming back the next morning?——He told me he took bail of him.

Have you Mr. Swinney here?——No.

Have you any body that ſaw you buy any of theſe goods?——Yes; Andrew Callagan was at the door when I bought the goods; the firſt time I ſaw Callagan was at the end of Roſemary-lane.

What might paſs between you about it?——I aſked him if he had ever found out where Mr. Slimmon lived; he ſaid, he had not.

Were you and Callagan acquainted?——No, only I knew he was in the houſe the night I bought the things; he is a duffer; I was ſober enough to remember every thing; I had drank ſome beer.

How much might you have drank?——That is out of the queſtion.

No, it is not, it is in the queſtion, it is the queſtion?——I did not meaſure the mouthfulls I had taken.

How much money had you got from any body for this gingham that you ſaid you had loſt?——Three pounds ten ſhillings; that was after he was taken and committed to gaol, I got it, and was bound over to proſecute.

Who did you receive it from?——The tall man, that was his brother, and his wife; I was in diſtreſs for money; I was obliged to take ſome.

Do you mean to ſwear that you have any thing from Government?——It does not belong to this queſtion.

Yes, it does?—Upon my oath, I had twenty ſhillings laſt year, and thirty ſhillings this year from Government.

Have you got any of thoſe ginghams that you bought?——I ſold what was remaining of what I had left in my cheſt; but all I had about me he took; I had bought more on another day.

And you took from this man three pounds ten ſhillings, what is become of that money?—I have laid it out; I never returned it back again.

*Court.* I hardly think it right, Gentlemen, after a man has taken the price of his goods, to believe a ſtory that he has been robbed.

*Jury.* We are ſatisfied.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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880. SARAH NEW was indicted for feloniouſly aſſaulting John Tapp, on the King's highway, on the 17th of September laſt, and putting him in fear, and feloniouſly taking from his perſon, and againſt his will, one ſilk handkerchief, value 5s. his property.

JOHN TAPP *ſworn.*

I am a ſeaman; I have been at ſea four years; I had been to Holborn-hill, with a friend; I met a woman; ſhe came running to me; it was Sunday, the 17th of September; ſhe was in mourning, a good decent dreſſed woman; and ſhe begged for God Almighty's ſake, that I would take her clear of this woman; ſo I laid hold of the priſoner, and took her from the other woman; I bid her ſtand on one ſide, and ſhe uttered ſome very bad oaths, and ſaid ſhe would ſtrip *her maſt head* for her; I bid her to ſtand back, and my friend, whoſe name is Cox, he walked on along with this woman; the woman went out of ſight; when I let the woman go, I thought the other woman was then ſafe; ſhe then followed me, and cut me with ſomething on the face; ſhe ſays, ſhe declared ſhe would lay me low, if I offered to touch her; ſhe took the handkerchief off my neck; it was done with ſo much ſpeed, and ſo much ſlight, that I did not feel it go; I uſed to wear it; I did not ſtop her; the other woman run into the road, and the priſoner run after her; the young man run after her, and came up with her; he took her in my ſight; I ran after him directly as he run.

Had you light enough to diſtinguiſh her face, ſo as to know her?——Yes.

When ſhe cut you, did ſhe come before you?——No, behind me as I was walking along.

Did you turn about to look at her at that time?——I directly turned round.

Can you ſay of your own knowledge, that the priſoner is the woman that cut you in the face?——Yes.

Why how can you tell, ſhe was behind you?——I know ſhe was the woman that cut me; I ſaw the woman, but I did not ſee any thing in her hand; I am ſure ſhe was the woman that cut me; the young man run after her directly, and brought her back, and I ſearched her, and found the handkerchief down her boſom; I have two more handkerchiefs here, that came off the ſame piece; they were new; they were were the firſt time of putting on.

*Priſoner.* The gentlemen never mentioned any thing at the Juſtice's about being cut; what did I cut him with?—I cannot tell, but I mentioned it before Juſtice Walker.

When you took the priſoner, was ſhe ſober?—She did not appear to be drunk.

*Priſoner.* The young man gave me the handkerchief to go with him; I will be upon my ſolemn oath, that I never was out of Mr. Ruſſell's company.

Did you take her up the court, and give her that handkerchief, and give her no money?——No, it is not true upon my ſoul.

SIMON STUART RUSSELL *ſworn.*

On the 17th of September, we were coming from the city, and in the narrow part of Holborn, we met the priſoner moleſting another woman; ſhe craved aſſiſtance of my couſin, and the company that was with him; the woman went with Mr. Cox part of the way home; ſhe went out in the middle of the ſtreet to ſhun the woman; this woman followed her into the ſtreet; Mr. Cox laid hold of the woman, and reſcued her from the priſoner; then my couſin laid hold of Sarah New, and kept her back from coming after the woman; ſhe followed the proſecutor after, and ſtruck him; I ſaw her, we looked back ſeveral times after the woman, and ſhe came and ſtruck the proſecutor in the face; I am very clear it is the ſame woman; ſhe came behind him; I was walking by his ſide near the curbſtone; I had like to have received part of the blow myſelf; we were going towards St Giles's; ſhe paſſed by my left ſide immediately, and ſhe ſtruck him; I ſaw her take his handkerchief off his neck; I could not ſee what ſhe ſtruck him with, becauſe it was dark; it was about five yards before we came to the lamp; I purſued her, I never loſt ſight of her; there were no carriages.

Had either you or your couſin picked up this woman?——No, and neither of us ſtruck her.

*(The proſecutor came to the Jury, who looked and could not ſee any ſcar.)*

ROBERT MECHAM *ſworn.*

I am conſtable; I produce the handkerchief, which was give to me by the regulator of the watch.

PRISONER's DEFENCE.

Coming up Holborn, there was a piece of work in the ſtreet; the proſecutor aſked me what was the matter, and he drew me up a court, and he gave me this handkerchief, and I put it into my boſom; about two minutes after his couſin came, and knocked me down, and uſed me very ill, and ſaid I had robbed his couſin.

**Not Guilty.**

*Tried by the London Jury before*
*Mr.* Rose.

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881. JOHN WELCH was indicted for feloniouſly aſſaulting Mary the wife of William Neale, in the dwelling houſe of the ſaid William, and putting her in fear, and feloniouſly taking from her perſon, and againſt her will, nine guineas and a half, value 9l. 19s. 6d. the property of the ſaid William.

*(The caſe opened by Mr. Keys.)*

*(The witneſſes examined ſeparate.)*

MARY NEALE *ſworn.*

I am wife of William Neale; I was robbed of nine guineas and a half; I do not know the month, or the day of the month; it was of a Monday, the priſoner came to me, and aſked me for a lodging; he begged of me for God's ſake to let him have a bed; I gave him ſome ſupper, and a pint of beer out of charity; I told him to go bed; he ſaid, he would as leave lay on the chairs; there were more lodgers; I went to bed myſelf, and my child; he got up in the night time, and came to my bed-ſide, with a knife in his hand, and drew my petticoat from under my bed; I have but one room, which is a cellar, which communicates only with the ſtreet; there is a window over my bed; he told me if I made any noiſe or uproar, he would cut my throat with the knife; I had my young child in my arms, ſix months old; I was in *dread* to ſpeak, and with the fright, I fell in *a faint*; he left my petticoat on the ſtairs; it lay under my head; and I ſaw him take it from under my head.

Do you mean by fainting, that you loſt your ſenſes?——Certainly, Sir, and my money too; he brought a knife in his hand to me, and told me, if I ſpoke a word, he would cut my throat; I fainted away when I ſaw him take the petticoat, and the knife in his hand; there was nine guineas and an half in gold; when I recovered, a woman was ſtanding by me, and my petticoat on the ſtairs towards the ſtreet.

How many other men were in the cellar?—Indeed I cannot rightly tell, there was not many; there were not above five or ſix at the moſt.

How came the priſoner to know you had money in your petticoat?——He ſaw me ſewing it in my petticoat on Saturday night; he lived with me two or three months; I never received my money.

When did you ſee the priſoner after?——I did not ſee him till he was at the watch-houſe; he left his ſhoes, ſtockings, waiſtcoat, handkerchief, and hat behind him; he went away only in his breeches, and an old check ſhirt.

CHARLES M'CARTY *ſworn.*

I went in ſearch of the priſoner, at the deſire of the proſecutor; I knew him before; I found him at a girl's room, in White-hart-yard, Saffron-hill, two days after; the money was gone.

What day of the week?—On Wedneſday, at ten at night.

Did you find any men's clothes in that room?——Yes, ſome of the clothes he has on; there was a bed in the room; there was the appearance of his having been up the chimney; I firſt ſaw Nancy Carty; I never ſpoke to her before; I aſked for the priſoner, on the outſide of the door; there was a converſation through the door, on the one pair of ſtairs, with the man that kept the houſe and me, which might be heard in the one pair of ſtairs room.

What clothes did you find there?——A coat, waiſtcoat, and breeches, the coat he has on; I think it is a ſhag waiſtcoat, and corderoy breeches.

Did he ever acknowledge theſe things to be his, that you found in the room?—Yes, the conſtable knows that; I heard him acknowledge them; I found him in the one pair of ſtairs room under the bed; I found the things, ſome in the two pair of ſtairs, ſome outſide of the door, and ſome on the one pair of ſtairs.

Did he appear to have been up the chimney?——Yes, he was in the ſhirt with a handkerchief round his head, and all over ſoot; I carried him to the watch-houſe; he ſaid, he bought ſome of the clothes the ſame day, and ſome of them the day before; the next day he was taken before the Juſtice, and was committed; I ſaw the conſtable take a pair of ſilver knee-buckles out of his breeches, before he gave them to him; and the conſtable took a pair of ſilver buttons out of his ſhirt ſleeves; they were the breeches he acknowledged to be his, and a pair of ſtockings.

DANIEL CLARY *ſworn.*

I was at the taking the priſoner, John Welch, along with M'Carty. *(Depoſed to the ſame effect.)*

### JAMES BESWICK *ſworn.*

I did not ſee the priſoner till he was brought to the watch-houſe, on the Wedneſday evening, about a quarter after ten, I cannot recollect the day of the month, he had his clothes, all but his ſtockings; I rather think it was a brown coat, but it was a green ſhag waiſtcoat, corderoy breeches, no ſtockings, and a pair of new ſhoes.

Was it the coat he has on?——I do not think it was; I have a pair of new buckles that were given me by the houſeman; he is not here; the priſoner ſaid, they were his property; the priſoner aſked me for them. *(The knee-buckles produced, being ſilver.)* Here are a pair of ſilver buttons, which I took out of the priſoner's ſhirt ſleeves, the ſtockings are worſted; the priſoner owned the ſtockings; there was another pair beſides theſe; he ſaid they were his, and he bought them the day before; he gave four ſhillings for the two pair; they do not appear to have been worn.

### EDWARD LUCAS *ſworn.*

I live in Little Ruſſel-ſtreet Bloomſbury; I am conſtable; I ſuppoſe the boy calls upon me becauſe I am in Court; this woman came to me, and ſaid, ſhe had been robbed of nine guineas and a half; it was in the beginning of September; I did not make any memorandum of it; ſhe ſaid, ſhe had ſtopped a woman that lived there with her; I went and took the woman in cuſtody in Buckerridge-ſtreet, and brought her up to Mr. Walker's office in Hyde-ſtreet; and there the woman charged her with taking this money; to the beſt of my knowledge, ſhe ſaid, that woman ſhe ſuppoſed had taken her money, and knew that ſhe ſewed it in her petticoat; there was a little place in her petticoat that looked as if ſomething had been put in it; I ſearched the woman, but ſhe had no money at all about her; Mr. Walker diſcharged her; the proſecutrix then ſaid, it muſt be a little boy they call Welch; ſhe never mentioned a word about the knife, or about the boy coming about the bedſide; but I believe our clerk took it down in writing, every thing ſhe ſaid.

I wiſh you to recollect this if you can, whether the proſecutrix did not tell you that this woman muſt be connected with Welch?——Yes, ſhe did.

Did not ſhe tell you that ſhe and Welch had kept company together?——I did underſtand it, that this boy and this woman knew one another.

Did you underſtand it from the proſecutrix that they knew one another?——No, I did not.

When the proſecutrix made this charge, did you underſtand it to be a direct charge againſt the woman of taking the money from the petticoat?——I underſtood at the firſt giving the charge, that it was the woman.

You are ſure nothing was ſaid about the knife, or of the boy's coming to the bedſide?——I am ſure of that; after the Magiſtrate diſcharged this woman, ſhe ſaid it muſt be this boy, and not till then.

*Jury.* Did ſhe mention any thing concerning the knife?——She never did upon my oath; and I was very much ſurpriſed when I heard the expreſſion; that was my reaſon for coming forward.

### ELIZABETH CUMMINGS *ſworn.*

I know nothing of the priſoner; but I was ſubpœned ever ſince laſt Wedneſday, by one Carty; I have two houſes facing this Mary Murphy or Neale, I do not know which they call her; all my lodgers were gone to work; about ſix I heard a great noiſe; it was on Tueſday morning; my huſband's watch lay on the bed's head; I aſked what was the matter; I aſked whether it was a fire; they ſaid, Mary Murphy was robbed; I went into the kitchen, and there I ſaw ſix people in bed; unhappy women and men; ſhe told me, ſhe was robbed of nine guineas and a half; I aſked her who robbed her; ſhe ſaid, nobody robbed her, but her maid, nobody elſe knew where her money was, and it muſt be her; ſhe ſaid, ſhe had her petticoat under her in bed; I aſked her, where her maid was; ſhe ſaid, that ſhe had been up ſtairs, and came down again, before ſhe would give her her petticoat which lay at the foot of the ſtairs; and that ſhe was ſure the maid had carried her money to one Fielding, who was taken up for the robbery that is now in Court; I came up ſtairs, and ſaw the watchman coming up Buckerridge ſtreet; he came to know when ſhe was robbed; ſhe never mentioned the knife to her throat, nor any menacing; and ſhe ſaid, it was cut out with a knife, and it appeared to be cut out with a little knife; Mr. Lucas came up the ſtreet, and was going to the cellar door, and Mr. Lucas took the woman into cuſtody, a parcel of neighbours went down to Mr. Walker's, and Mr. Walker diſcharged Fielding the firſt day; I was there two days; I ſaw Fielding diſcharged; they ſent the maid to the round houſe, to ſee if any thing could be collected from her; on the Wedneſday the maid was diſcharged; one Bill Neale that lives with this woman came over to tell me as a ſecret, that ſhe had taken up Welch for the robbery.

*Jury.* My Lord, we are ſatisfied.

**NOT GUILTY.**

*Tried by the ſecond Middleſex Jury before Mr.* ROSE.

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882. THOMAS HANDY and JOHN JAMES were indicted for feloniouſly ſtealing, on the 11th of October, two cotton ſhawls, value 11s. the property of William Hollis.

WILLIAM HICKS *ſworn.*

The property was thrown into my garden; I do not know who threw it; I think it was the 17th of October; there were two ſhawls thrown over my garden wall; my houſe is about a hundred yards from the proſecutor's; I was going home about half paſt eight; I ſaw a man looking into a garden; I rather ſuſpected him; I ſtood to take a view of him; I took him to be the patrol; I ſaw the priſoner Handy get out of my garden over the rails; I croſſed over the road immediately and collared Handy; the patrol came up the ſame time and delivered him to him; the other was looking into the garden at the ſame time; I know nothing farther of him; after I had given charge of him, I went back in half an hour, I ſhewed the things to Mr. Hollis; the next morning, and he ſaid, they were his, I am ſure James was looking through the rails.

*(William Hollis depoſed to the things.)*

*Priſoners.* We know nothing of it.

*The priſoner James called four witneſſes to his character.*

**BOTH NOT GUILTY.**

*Tried by the London Jury before Mr.* ROSE.

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The next Part will be publiſhed in a few Days.

THE WHOLE

# PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

# JUSTICE HALL *in the* OLD BAILEY,

---

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY

**E. HODGSON,**

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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## NUMBER VIII. PART XII.

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*LONDON:*
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M DCC LXXXVI.

[PRICE SIX-PENCE.]

# THE WHOLE
# PROCEEDINGS
AND
UPON THE
# KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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883. **ELIZABETH GEARISH** was indicted for feloniouſly ſtealing, on the 13th day of September, one linen handkerchief, value 6d. one crown piece, and three ſhillings in monies numbered, the property of Richard Whitehead.

RICHARD WHITEHEAD *ſworn.*

I am a ſhoemaker; I am a ſingle man; the priſoner followed me in the ſtreet, at five in the morning, coming in the Strand; I was going to Bird-ſtreet, Oxford-ſtreet; I do not recollect the morning; it was about ſeven weeks ago; I was rather in liquor; ſhe deſired me to go with her; ſhe told me if I would go with her, as ſhe knew me, I ſhould be ſafe, or otherwiſe I might be robbed; I went by her perſuaſion with her; ſhe ſaid, ſhe had a good bed; I went with her, and laid down on her bed; I do not remember that I undreſſed myſelf quite, but I pulled ſome of my things off; before I got quite aſleep, ſhe attempted to get out of bed, and awakened me; I miſſed a crown piece, and ſome other ſilver; a ſoldier came to her aſſiſtance, and they both fell upon me, and the ſoldier ran away; I followed the woman into a gin-ſhop; there was a perſon drinking gin; his name was Taylor; but I cannot find him; the ſoldier came the ſecond time and wanted to reſcue her; but when he found he could not get her away, he ran away; ſhe was examined in my preſence; I found the handkerchief upon her; I had it ever ſince; I do not remember any thing elſe was taken; I do not know the houſe.

THOMAS DALTON *ſworn.*

I took the priſoner into cuſtody; I found no money upon her; I ſearched her, and pulled out this handkerchief.

*(Depoſed to.)*

PRISONER's DEFENCE.

The handkerchief was my own.

*Proſecutor.* I do not ſay the handkerchief was mine.

NOT GUILTY.

*Tried by the London Jury before Mr.* ROSE.

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884. JOSEPH KAYE was indicted for falſely and feloniouſly forging, making

and counterfeiting, and cauſing and procuring to be falſely made, forged, and counterfeited, on the 6th day of October, in the 24th year of his late Majeſty's reign, a certain paper writing, purporting to be a codicil, and to be taken as the will of Sir Robert Brown, deceaſed, with intention to defraud Sir James Brown.

*A ſecond count.* For uttering the ſame, knowing it to be forged, with the like intention:

*A third and fourth counts,* Charging him in the ſame manner as the firſt and ſecond, only declaring it to be a will, inſtead of a codicil, with the like intention.

There was no counſel on the part of the proſecution; Mr. Silveſter and Mr. Garrow were of counſel for Mr. Kaye; but there being no evidence at all to affect him, the Judge directed the Jury to acquit him; and ſaid it was a moſt ſhameful proſecution, and he had never heard any thing like it in his life; the Jury inſtantly found a verdict

NOT GUILTY.

The Court on application of Mr. Garrow ordered Mr. Kaye a copy of the indictment.

*Tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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885. WILLIAM FLINT was indicted for that he not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 20th day of June laſt, in and upon Mary Dixon, ſpinſter, violently and forcibly did make an aſſault, and her the ſaid Mary, againſt her will, feloniouſly did raviſh, and carnally know.

MARY DIXON *ſworn.*

I was put apprentice out of St. Martin's work houſe, to a tambour worker; about a month or two ago I was ſent to Tothill-fields Bridewell for doing bad work, and tearing a hole in ſome muſlin; I was in Bridewell a month on the apprentice's ſide; there was never another girl but me; I had a place by myſelf; and the door was locked at the firſt; I was locked in half the day, and the other half I was about the yard by myſelf; there was no other girl beſides me; and the gate keeper left the gate open three days for that Captain that was in Bridewell to come to me; the gate keeper's name is Flint; I was ſtanding in the cell, and this Captain, as they call him, came in and puſhed me down, and put his hands before my mouth.

*Court.* That is not the preſent queſtion.

*Mr. Silveſter.* How ſoon after did you ſee Flint?——Flint ſerved me with bread and water, and nobody elſe; and one day, when he brought it, he called me into the hemp-ſhop, where the bad people pick hemp; they had done work; it was their dinner time; I cannot tell the day; I believe it was the middle of the week; and he puſhed me down between the bulks, and put his hand before my mouth becauſe I ſhould not halloo; and when he had done what he wanted, he threatened to flog me if I told the Governor or any body.

*Court.* But what did he do child?—He put his private parts into my body; I was afraid, and did not tell any body; I continued there a fortnight after; but he never let me out after, only to waſh the cell; I ſaw nobody elſe; my maſter came about two days after; I told him, I was well, becauſe I was afraid of being licked; Flint ſtaid with him all the time; when I came out of Bridewell, my maſter put me to his journey woman, Mrs. Stunnell, in King-ſtreet, Golden-ſquare; I did not tell her the firſt day, but ſhe ſaw my ſhift, and took me to taſk.

Was there any thing particular on your ſhift?——Yes; I had clean linen only once while I was in Bridewell.

Had you any clean linen from the time that Flint uſed you ſo?——No, Sir; ſhe took me to taſk about it, becauſe I was reſtleſs, and I only told her of the Captain, becauſe I was aſhamed to tell of two men; but I told my miſtreſs of Flint one day; I really think it was my miſtreſs; it was a month after I came to Mrs. Stunnell, and I went home to my mistreſs's; I told her in about a fortnight after I went home; ſhe aſked me, whether any body had lain with me beſides the Captain; then I told her about Flint.

Had nobody elſe lain with you?——No, Sir, indeed.

How near was this hemp room to the place where the people were?——It is a good way off; there was nobody elſe in the room but me and Flint.

Was there any body within hearing?——I do not know; Flint never ſtaid with me at any other time; I ſaw the apprentice boys out; I never ſaw the Governor where I was; no woman came to me; the Matron never came to me but once, then ſhe gave me a bit of bread and meat.

Did Flint take any pains to perſuade you?——No, Sir, never a word; I ſtruggled, but I could not have the power to move or draw my breath; he was down with me about five minutes; I told him of what the Captain had done to me; it was three days afterwards.

*Mr. Garrow, Priſoner's Counſel.* Was not you committed as a looſe, idle, diſorderly perſon?——I do not know I was more idle than the reſt; I had ran away three times.

Where did you go on Whitſun Tueſday?——I went into the Park by myſelf; I walked about the ſtreets all night without victuals or lodging; I have been twice in Bridewell for running away.

Did you tell this ſtory to any body till you was again carried to the Juſtice?——I told it to my miſtreſs a fortnight before; my maſter came to Bridewell to bring me clean linen; I changed it and carried out my foul ſhift to my miſtreſs; ſhe looked at it, and put it in a great tub of water; it was all ſtained.

Was it bloody?—I do not know whether it was blood; it was white ſtuff.

Was that the ſhift you had on when the Captain lay with you?—It was, and when Flint lay with me; I ſwear poſitively, that no man ever lay with me before the Captain.

Did not you change your things before you went to Stunnell?—No.

Have you any diſorder on you?——I was not quite well; I always had ſuch a pain.

Had you no complaint, no running of any ſort?—Yes, Sir, I had indeed; I told Mrs. Stunnel that the Captain had lain with me.

Upon your oath, did you never lay with any body in the neceſſary in the Bridewell?—No.

Did you know an apprentice named William Houghton?——Yes, but upon my oath he never laid with me, nor never touched me.

Do you remember boys by the name of Richard James, or Haſtings?——Yes, I remember Haſtings; I had no talk with them, only they might ſay, how do you do Polly.

Did you never tell theſe boys that you would behave well for one day to get your clothes, and then you would go upon the town?—No.

Did you never tell Richards, that Houghton had laid with you?——No.

If you had called out and made a noiſe, might not the boys have heard you?—Yes, Sir, they might, but he put his hands before my mouth, that I could not call out.

When he had done what he pleaſed, what become of you?——He locked me up in my cell; it was not my locking up time; I ſometimes ſpoke to the boys through the grates.

Did you never ſee Mr. Fenwick, the governor, after that time?——I could almoſt ſwear it.

Did not you ſee him very often after?—No, Sir, I am ſure I did not.

You told Mrs. Stunnel every thing you have told us about the Captain?——Yes.

Did you tell her you reſiſted?—Yes.

Did you work there?—Yes.

Did the Captain give you any thing?——No.

Have you never ſaid he gave you a handkerchief and ſixpence?—No.

No complaint was made to the Juſtice before you went home to your miſtreſs?——No, I continued at home a month after I told her.

You was carried then to the Juſtice for doing ſome more bad work?——Yes.

Your maſter wanted to get rid of you?——Yes.

When the Captain came to you, could not the boys ſee him paſs?——They might.

**ELIZABETH STUNNELL** *ſworn.*

This girl ſlept with me a month after ſhe came out; and ſhe told me the Captain had lain with her by force; ſhe did not ſay what Captain; ſhe was reſtleſs of nights, and could not ſleep; and afterwards viewed herſelf much in the glaſs; I thought ſhe had been with a man, ſhe ſeemed rather bold; I then told her miſtreſs; I did not examine her linen; ſhe came to me with quite clean linen.

*Court.* Did that reſtleſsneſs continue for any time?——No, only when ſhe firſt came to me for the firſt three nights; ſhe did not ſeem reſtleſs afterwards; ſhe boarded with me.

Had ſhe plenty of meat and drink?——Yes, they were very good to her.

Perhaps the ſudden change of her diet might make her reſtleſs?—I did not think ſo, ſhe uſed to claſp me in her arms, and ſqueeze me very cloſe a night.

*Mr. Garrow.* Did you take this to be reſtleſsneſs proceeding from illneſs, or from lewdneſs?—I thought it proceeded from lewdneſs.

Is it true that you obſerved the firſt or ſecond night any appearance on her linen?——I ſaw nothing, it was my miſtreſs; ſhe was a whole month with me, and never mentioned the name of Flint.

*Mr. Silveſter.* Did ſhe appear to be a looſe vicious girl?——No otherwiſe than lazy and playing about, and gave her mind to low company.

**Mrs. MATTHESIAS** *ſworn.*

I am the miſtreſs of this girl; ſhe was with me two years; her character has always been a looſe, idle girl; I never ſaw any thing vicious in her; when ſhe came home from Bridewell, I ſhifted her, and by her linen, I found ſhe had had connections with a man; I did not tax her with it; I ſent her to Mrs. Stunnell; ſhe had been taken up four times; twice forgiven, and twice committed for running away.

*Mr. Garrow.* I am ſorry to aſk you the queſtion, you muſt forgive me; you ſpoke of appearances upon her linen, were they ſuch appearances as if it had been the firſt time, or ſuch as would attend an ordinary connection?——There were no marks of that kind at all; it was marks of being concerned with a man.

Not at all as if it had been the firſt time?——Not at all.

I conclude from your opinion of this girl, that ſhe is a very bad girl?——Sir, ſhe is all that; ſhe never opened her lips to me, or I ſhould have ſeen into it; ſhe run away again the laſt time, and we took her to Litchfield-ſtreet to get rid of her, and then ſhe told this ſtory; I never heard a word of it before.

*Mr. Silveſter.* How came you not to tax her when you diſcovered it?——Becauſe ſhe was quite a bad girl, and I thought myſelf quite above her.

Do you a mean vicious one?——No, Sir, I cannot ſay ſhe was vicious as to men, while ſhe was in our houſe; but we have no men but what are honeſt; I thought, let other people find her out as I had done.

*Court.* Gentlemen, I believe your are ſatiſfied.

*Jury.* Yes, my Lord.

NOT GUILTY.

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886. **WILLIAM ROSS DARBY** was indicted for committing the ſame offence,

fence, on the 2d of July laſt. *There being no evidence, he was*

ACQUITTED.

*Both tried by the firſt Middleſex Jury before Mr. Baron* EYRE.

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887. **PETER DUNN** was indicted for feloniouſly ſtealing, on the 9th day of September laſt, a blanket, value 2s. a ſheet, value 12d. a table-cloth, value 6d. a waiſtcoat, value 9d. a pair of breeches, value 6d. the property of Daniel Dean.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr.* ROSE.

---

888. **JOHN JONES** was indicted for feloniouſly ſtealing, on the 9th day of May, two houſe bolts, with braſs and iron cranks, value 5s. 6d. and one braſs mortiſed crank, value 1s. the property of Thomas Charles.

The things were found at a ſtall in Moorfields, but not being indentified, the priſoner was

ACQUITTED.

*Tried by the London Jury before Mr.* ROSE.

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889. **SARAR KENNY** was indicted for feloniouſly ſtealing, on the 9th of October, one half guinea, value 10s. 6d. ſix ſhillings and two ſixpences, the property of John Hunter.

NOT GUILTY.

*Tried by the ſecond Middleſex Jury before Mr. Baron* EYRE.

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890. **FRANCIS MAKIN** was indicted for feloniouſly ſtealing, ſeven ſhillings and ſixpence, the property of William Taplin.

NOT GUILTY.

*Tried by the firſt Middleſex Jury before Mr. Juſtice* HEATH.

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# MISDEMEANORS.

891. **ELIZABETH BREEDON** was indicted for wilful and corrupt perjury.

*(The caſe opened by Mr. Silveſter.)*

BOOTH BRAITHWAITE *ſworn.*

*(Produces the Affidavit.)*

I am ſigner of the bills of Middleſex.

*Mr. Garrow, one of the Counſel for the Defendant.* Do you know who ſwore it yourſelf?——A lady by the name of Breedon.

You do not know her poſitively at this diſtance of time?——I believe her to be the lady; I generally aſk if that is their name and hand writing.

*(The arreſt admitted, and the hand writing, and that ſhe ſwore to the affidavit.)*

*Read.* "That John Cropper ſtands "juſtly and truly indebted to her in the "ſum of thirty pounds, for a carriage "ſold and delivered."

RICHARD COXHEAD *ſworn*.

I know Mrs. Breedon; I know John Cropper, the proſecutor; Mrs. Breedon lived by Bedford-ſquare; ſhe is a lady of fortune; to the beſt of my remembrance, about laſt September twelvemonth, on a Tueſday evening, a chariot was brought and left at Mr. Cropper's ſhop, and Mrs. Breedon ſaid, ſhe would call the next day, or the day after; I believe it was two days after, Mrs. Breedon was talking with Mr. Cropper, to know what he would give her for it, he ſaid, he could not fix a price upon other people's goods; and ſhe ſaid, ſhe was told ſeven years ago it was worth thirty pounds; Mr. Cropper told her, it was not worth one third of that, and Mrs. Breedon ſaid, ſhe ſhould like to change it for a phaeton, and Mr. Cropper ſhewed her a phaeton, and they agreed for a phaeton, and to have the chariot in exchange.

Tell us particularly what the agreement was?——Mrs. Breedon was to give Mr. Cropper twelve guineas and her old chariot, and he was to have one guinea for painting her arms; it was a ſecond hand phaeton, and was to be fitted up for Mrs Breedon.

Did ſhe ſee the phaeton at the time?——Yes, and the phaeton was fitted up according to Mrs. Breedon's agreement; ſhe gave order for a freſh lining; and made in a thorough repair, fit for uſe; when the phaeton was ready, Mrs. Breedon ſent about ſix weeks after, to the beſt of my remembrance, and ſaid, ſhe would not have the phaeton, and when Mr. Cropper read the note, he ſaid, it was children's play, and he would not do any ſuch thing, he would have his bargain, and he went on and had it done againſt the time; he ſent to Mrs. Breedon; and ſhe ſaid, ſhe would not have any thing to do with it at all; then there was a trial came on about it; Mrs. Breedon arreſted Mr. Cropper for thirty pounds.

What did they together value it at?—Mr. Cropper ſaid, it was not worth one third of thirty pounds; ſhe was to give twelve guineas and the chariot for the phaeton, and one guinea down for putting in the arms.

*Court.* Which brought the action firſt, do you know?——I do not know.

*Mr. Garrow.* Did not Cropper arreſt her for thirteen guineas?——I do not know.

What is this phaeton worth?——To the beſt of my judgement it is worth twenty or three or four and twenty pounds; that I take to be the value of it; I have not ſeen it ſince.

Have you a mind to buy a bargain this morning, I will ſell you one cheap, will you give me three pounds for it?——I do not want to buy any ſuch thing.

What is become of the chariot?——I do not know; I have not lived with Mr. Cropper for ſome time.

You was a witneſs upon the trial?——Yes.

You know that there was ſome one queſtion that the Counſel did not aſk you, that if they had aſked you, it would have turned the verdict, and ſhe would have the verdict inſtead of Mr. Cropper?——I do not know.

Upon your oath, have you never ſaid, if the Counſel had aſked you one queſtion that he did not aſk, Mrs. Breedon would have had a verdict inſtead of Mr. Cropper?——To the beſt of my knowledge, I never ſaid ſo.

Upon your oath, after the trial, did not you ſay, that if Mrs. Breedon's Counſel had aſked you one queſtion, it would have turned the verdict?——I do not remember that ever I did.

Perhaps you remember what you write, better than what you ſay; did you ever write a letter to Mrs. Breedon after the trial?——Yes, Sir, I did.

Recollect what you did write, and I will refreſh your memory preſently?——I do not recollect.

Did not you write her thus, that if ſhe would give you ten guineas, you would inform her how ſhe might ſet aſide all the proceedings againſt her, and put one hundred guineas in her pocket?——Yes, I believe I did.

Was you in Cropper's ſervice then?——Yes, I believe I was.

What did you mean by that, how was you to put a hundred guineas into her pocket?——(*No anſwer.*)

Upon your oath, did not Cropper ſee that letter before it was ſent?—No, Sir, I do not believe he did.

Will you venture to ſwear he did not?——Yes, Sir; he did not know of it.

Did not he deſire you to write ſuch a letter, upon your oath?——No.

How ſoon was this after Cropper came from the hulks?—I do not know.

What was you to do for her, ſuppoſe ſhe had given you the ten guineas, what was you to have done. (*No anſwer.*)

Why it was to tell the whole truth, was not it?——Yes.

*Mr. Silveſter.* Let us know what this whole truth and this half truth is?——I told every thing I was aſked.

What did you mean to do or ſay for her?——That ſhe always inſiſted that ſhe never would have the phaeton; and it was ſix weeks after that ſhe ſent countermand.

You did not ſwear that on the former trial?——I was not aſked it.

*Mr. Garrow.* What converſation had you with Cropper, before the trial in the King's-bench?——No more than he told me to tell the truth; he never at no time, to the beſt of my knowledge, told me to conceal the truth. ——

*Court.* Were you ſworn on the trial in the Court of King's-bench?—Yes.

What kind of oath did you take?——To ſpeak the truth to what was aſked me to the beſt of my knowledge.

Can you repeat the oath?—No, Sir.

Should you know it if repeated again? did you take oath, "The evidence you "ſhall give before the Court and Jury "ſworn, ſhall be the truth, the whole "truth, and nothing but the truth, ſo help "you God?"——Yes.

Then why did not you tell the whole truth without being aſked?——I told all that I was aſked.

But that was not the oath you took.

*Mr. Garrow.* Where do you live now?——In Charlton-ſtreet, Mary-le-bone; I lodge at Mr. Eaton's.

ELIZABETH HARRIS *ſworn.*

I was ſervant to Mrs. Breedon; I took a note to Cropper for her.

*Court.* Produce the note?——I was preſent in the drawing-room with Mrs. Breedon, when the tradeſman and ſhe were together; it was after I took the note, I brought the candleſtick to take the impreſſion of the arms; and it was a clear exchange; and the tradeſman was to have twelve guineas, and a guinea to put in the arms; I heard the lady ſay, let her friends ſay what they would, the phaeton ſhe would have; nobody was preſent but us three; I fetched a ſilver waiter out that had the arms on at the time; he was to go the Herald's-office, to ſee that the arms were right; I recollect nothing elſe; I fetched down the ſervant's livery, that the inſide of the phaeton might match with the livery.

*Mr. Silveſter.* When was this, my girl?——It was about a twelvemonth ago.

Was that before any action was brought?——It was.

*Mr. Parke, another of the Defendant's Counſel.* Will you tell my Lord and the Jury, where you got that pretty word, *clear exchange?*——I heard it a great many times more than once between the tradeſman and the lady.

Did they uſe the word clear exchange?—Certainly they did.

What does it mean?——Why clear exchange is not goods ſold and delivered.

I do not well underſtand what clear exchange is?——Why clear exchange is clear exchange.

Have you been in the ſervice of an attorney?——No; ſhe was to give twelve guineas more beſides the chariot.

Did you hear that lady with whom you lived, ſay that it was a clear exchange?

—Upon my oath I did, and I will ſwear it before a Bench of Juſtices.

Did you likewiſe hear her ſay, that a clear exchange was not goods ſold and delived?——No, I did not; I heard her expreſs that it would not be ſo much expence to have an exchange as to buy it.

You did not hear the lady ſay it was for goods ſold and delivered?—Clear exchange is not goods ſold and delivered.

How do you know that, who firſt gave you that information; you was not born with it?——My imagination tells me ſo.

Do you know a Mr. Brown?——Yes, I know him by going to the King's-bench with him upon the firſt trial.

Had you ever any converſation with Mr. Brown on this ſubject?——No more than if he aſked me any queſtions, I anſwered him; I never ſaw him before I went to the Court of King's-bench.

Was not your name called by the cryer of the Court?—I was ſubpœned; Mr. Brown's clerk ſerved me; I did not talk to him or his clerk; neither Mr. Brown nor his clerk knew what I could ſay.

Since the trial in the King's-bench, have you ever had any converſation with any perſon about this buſineſs?—I never repeated what I ſaid there; I had nobody to ſpeak to.

Where do you live now?——I live with one Mr. Elms, a ſtationer, near the Jew's-harp-tavern, Mary-bone; I never ſpoke to any perſon about this cauſe; I did not live with the lady; ſhe was a lodger, and boarded with my miſtreſs; I left the houſe where I lived, I was in view of a better place.

Have you never declared ſince the trial, that you was to do for the defendant at all events?——I never did.

Did you never ſay any thing [illegible] all about this trial?——I never heard any thing about it, till I was ſubpœned; it is a very diſagreeable circumſtance to me.

JOHN CROPPER *ſworn.*

*Mr. Garrow.* I think it my duty to take your Lordſhip's opinion on the queſtion, whether he is competent or not; I have the record of his conviction for ſtealing a watch; his puniſhment was ſerving ſome time on the hulks; I ſuppoſe he ſerved the time.

*Cropper.* I am a coach-maker.

Have you been a coach-maker for the laſt twenty years without interruption?—No, Sir, I have not.

There was a little interruption of your trade.

*Mr. Silveſter.* I do not call him.

*Mr. Garrow.* He is ſworn; he is the Court's witneſs now.

*Mr. Silveſter.* Then I will go on with him.

*Mr. Garrow.* We have heard that it was a year's interruption to your trade?——A year! you make a miſtake; it was only three months or thereabouts; I received the King's pardon.

Have you got it?——I have not got it, Mr. Garrow; I did not know it was neceſſary, Mr. Garrow.

Very well, Mr. Cropper.

*(Mr. Garrow waved his objection to the competency of this witneſs.)*

*Mr. Silveſter.* Then Mr. Cropper give us the account of this tranſaction between Mrs. Breedon and you?—In September, 1785, the lady came to me, and aſked me if I dealt in carriages; ſhe ſaid, ſhe had a carriage in the country, and had no place to put it up in town; I told her if the lady choſe to ſend for it from the country, ſhe might put it in my place for a few weeks, till ſuch time ſhe had a coach-houſe, or ſome other place to put it in; a few days after the carriage came to my ſhop; I was not at home; word was left for me to wait upon the lady the next day at eleven o'clock; ſhe was buſy; ſhe came in a coach to my ſhop; ſhe aſked me what I would give her for the carriage; I told her it was not the buſineſs of a tradeſman to put a price on another perſon's property; the lady then ſaid, that about ſeven years ago the chariot was worth about thirty pounds, as ſhe was told by her coach-maker who made it; but twenty years before, it coſt her ſixty pounds; it was her wedding carriage; I told her that a carriage that was worth a hundred pounds ſeven years ago, would not be worth that now, as faſhions alter; it was not worth one third of the money now; the lady obſerved ſhe ſhould like to make an exchange of her chariot for a phaeton, and aſked me what ſhe ſhould give me with her chariot, for a phaeton and plated harneſs; I told her fifteen guineas; ſhe told me, ſhe thought it too much, ſhe would give me twelve; I told her ſhe ſhould have it at twelve guineas and her chariot; ſhe would have her arms; and I told her I would only charge her what the painter charged me, which was a guinea; ſhe told me then, there was a matter ſhe did not mention to me, which was, ſhe could not pay me till Chriſtmas; I told her that was not material, and ſhe did not want it till that time; a few weeks after a gentleman came with her, of the name of Martin; the lady ſent me a letter by Elizabeth Harris, who waited on her, that was about three weeks or a month after the agreement; I waited on the lady immediately.

Have you got that letter?—No, I went to the lady, and ſhe told me ſhe was ſorry to inform me that ſhe could not have the phaeton, for ſhe had information by her friends, that none but ladies of eaſy virtue rode in phaetons; I told the lady I had ſerved a number of ladies of family and character with phaetons; the lady told me ſhe would call, and bring a gentleman with her in the courſe of that day, or the next; I believe it was the ſame day ſhe called with Mr. Martin; he aſked me where the chariot was; I told him it was at the painter's; he aſked me if he could ſee it; I told him yes; I went with him to the painter's to ſee it; Mrs. Breedon then ſaid, I had made a great alteration in it, and aſked me at the ſame time what would be the expences, if ſhe was to take her chariot again, with the money I had laid out upon it; I told her, I thought it would be about twenty, or twenty-four pounds, the way I meant to finiſh it; ſhe then ſaid, ſhe ſhould have an objection to riding in the chariot, as it was her wedding chariot, and ſhe ſhould be affected with the thoughts of her huſband; ſhe aſked if I could not get her another chariot; I told her at ſome expence I could, I knew a lady at Bath, that was going to throw up her carriage; but ſhe came to town, and kopt her carriage on; ſhe ſaid, in the courſe of time you may meet with one; I ſaid I would endeavour to meet with one; I received another letter from her by this Elizabeth Harris, and I waited on the lady; and ſhe ſaid, I have conſidered of it, and let my friends ſay what they will, I inſiſt on having the phaeton; this was about a fortnight after Mr. Martin had been with her to my houſe; then Mrs. Breedon ordered a ſervant to fetch a ſilver-waiter, for there was ſome difference ſhe thought in her arms or creſt, and a candleſtick was brought to examine it; I told her I could not find out any, without I was to examine at the Herald's-office; ſhe then deſired a candle, and ſhe would give me the impreſſion of her arms and creſt in wax, and the name of her huſband ſhe gave me in writing, to examine the family arms; and ſent the ſervant to fetch the livery, to ſee if ſome lace ſhe had ſeen in my ſhop was near the livery; ſhe then told me to go on with it as I thought proper, till juſt before Chriſtmas, which I did; and a few weeks before Chriſtmas, I received of her a note to wait on her, and ſhe told me, ſhe had put by all thoughts of having a phaeton, and I muſt give her thirty pounds for her chariot; I told the lady I was not indebted to her thirty pounds, nor no ſuch ſum, but when the phaeton was finiſhed and delivered, ſhe was indebted to me fifteen guineas; ſhe ſaid, that if I did not pay her the thirty pounds, ſhe ſhould put it into the hands of her attorney; then I received a letter from one Mr. Allen, that if I did not pay her thirty pounds, I ſhould be ſued; I then went to Mrs. Breedon, I could not ſee her; I left my name; the ſervant came again at five o'clock; I went there, and I ſaw a gentleman, which was Mr. Allen, ſitting by the fire, apparently aſleep; the lady then aſked me ſome queſtions about her carriage, and when I thought to pay her; I told her the agreement was an exchange, and I never thought of paying her any money; ſhe ſaid, ſhe would ſue me if I did not pay her; Mr. Allen at laſt ſtarts up, pray Sir, ſays he, what have you done with the phaeton; ſays I, I have done nothing to it; then ſays he, oh, you have done nothing to it, that is what I want, now I will ruin you; I told Mrs. Breedon, I did not any way ſtand indebted to her in any money, neither ſhould I pay her any money whatever; Mr. Allen ſaid, he would ruin me, he would arreſt me, and if there was a poſſibility of ruining me, he would; I then left the place, and went to my attorney Mr. Brown, of Rathbone place, and told him my buſineſs; I arreſted the lady for thirteen guineas; I went with the officer, and ſhe kept me in the room till Mr. Allen was ſent for, then I came away; I was arreſted a few days afterwards for thirty pounds; and I was at Mr. Parſons the officer's, from between ſeven and eight in the morning till twelve.

Had you at any time agreed for the purchaſe of this chariot or not?—Never, I never thought of agreeing, as I always thought it to be an exchange; ſhe told me, that ſeven years ago it was worth thirty pounds; ſhe ſaid it had been built twenty years.

*Mr. Garrow.* You have ſtated all that you know?——All that is material to my knowledge.

The laſt thing that you ſaid was, that you never did agree to purchaſe the chariot, and that you never had ſuch an idea in your life?——I will not ſay I never had ſuch an idea, I thought of purchaſing it when ſhe firſt mentioned it, but afterwards, no otherwiſe than by exchange.

Why ſhe ſaid to you before Elizabeth Harris, it is an exchange; mind Mr. Cropper, we are not buying and ſelling?—No, I do not recollect theſe words mentioned as ſuch.

Did not ſhe ſay to you ſeveral times, it is a clear exchange?—No, ſhe ſaid, now I have changed with you, you will uſe me well; ſays ſhe, mind I give you this money in exchange.

But at the time when the candle was brought, ſhe ſaid to you it is a clear exchange?——I do not recollect that paſſing at that time.

Did ſhe ſay nothing about exchanging at that time?——I do not recollect.

Now maſter Cropper, I think you ſay you have not the King's pardon with you?—No, Mr. Garrow; did you ever read ſcripture, there is ſomething there ſaid, "that there is more joy over one ſinner, "than over ninety-nine juſt perſons."

*Mr. Garrow.* So there is joy in Heaven over one John Cropper that repents, more than over ninety and nine juſt perſons that need no repentance; I have heard that nobody quotes ſcripture ſo well as the devil; he always does it to advantage; but he tried his hand once at it on the Mount, and was *foiled* you know; nobody quotes ſcripture ſo well as the devil, beſides yourſelf; now, we did not get an anſwer to the queſtion, we got a text inſtead of an anſwer: probably the place inſpired you with ſome ſentiments of piety?——I do not remember any thing being ſaid about exchange when the candle was brought.

Do you think you ſhould have remembered it if it had paſſed?——I cannot recollect every particular; when ſhe came to my ſhop firſt, ſhe ſaid, now we have exchanged, you will uſe me well.

Elizabeth Harris was preſent, ſhe ſtaid there the whole time I ſuppoſe?——No, ſhe went to fetch the livery and the light.

You have told us all that paſſed when the lady came to your houſe with Mr. Martin?——Yes, I believe ſo.

They came to look at the chariot?——Yes, and they denied having the phaeton.

Do you remember ſaying this, upon her countermanding the phaeton, well, Madam, it makes no difference to me, whether you take it or not, for if you do not take it I ſhall get more by it in the ſpring?—Yes, I did ſay ſo; Mr. Martin was preſent; I had began to alter the chariot ſome time before.

And you told her if ſhe choſe to have that back again, ſhe muſt pay you twenty or twenty-four pounds for the additions that were made; now, what is become of the chariot?——I ſold it to a gentleman in Princes-ſtreet; I believe I ſold it about two months before.

Did you ſell it before you was arreſted?——Yes, about a month before.

How much might this old wedding chariot fetch you?—I think thirty-ſix pounds or guineas.

Did you ever deliver the phaeton?—I ſent the phaeton home to the door; they could not take it in, they had no coach houſe.

When?—After the lady ſaid, ſhe would inſiſt on my paying her; it was before I arreſted her I ſent the phaeton home.

Do you ſwear that poſitively?——I do.

By whom did you ſend it?—By Richard Coxhead, and Hoſkins, and I went myſelf.

And that you are ſure was before you was arreſted?——Before ſhe was arreſted.

And before you made your affidavit to hold her to bail perhaps?——Yes, it was; becauſe I was adviſed by my attorney not to appear againſt her till I ſent the carriage and harneſs home.

It was not taken in you know, what did you do with it?——I took it back again.

How long did you keep it?—Not many days.

What became of it then?——The lady ſent for it in a few days after ſhe was arreſted.

Upon your oath, did not it continue with you till after the trial of the civil action?—No, I do not think it; I am of opinion that ſhe ſent for it again in a few days after ſhe was arreſted, and then I believe it was not in my poſſeſſion at the trial of the civil action, to the beſt of my knowledge.

Will you ſwear it was ſent for before the action?——No, I will not.

How much is this phaeton worth?——About three or four and twenty pounds, harneſs and all.

Do you mean to ſwear that?—I gave fifteen pounds for the phaeton before ever I lined it or painted it, or any thing of the kind.

Was it worth fifteen guineas when you ſent it home?——Yes, that I ſwear; and the harneſs was worth very near half the money.

You have told us that after the lady had countermanded this phaeton when ſhe came herſelf with Mr. Martin, ſhe ſent for you again, and then ſhe told you in ſpight of all her friends, ſhe was determined to have it?——Yes.

You told us all that paſſed between you and the lady in the preſence of Mr. Allen?——As near as I can recollect.

And you have told it truly?—To the beſt of my knowledge.

Do you mean to ſwear that he ſaid that which you have ſtated him to have ſaid, or any thing like it?—To the beſt of my knowledge.

I will repeat it. (*Repeats it.*)—It was that, or to that effect; that I am ſure of.

Did you ſay, in the preſence of Allen, that you did not care whether ſhe took the phaeton or not, for you could get more money for it after Chriſtmas?—Upon my oath I never did.

That you ſwear poſitive?——I do poſitively.

Nor any thing to that effect?——No, nor any thing to that effect.

Maſter Cropper, let us have one word more, now you ſcratch your ears it is ſymptomatic of the pillory, it looks like a preſentiment; did you, or did you not ſay to Mrs. Breedon, that you could have more money in the ſpring for the phaeton?——At that time I did ſay I could have made more money of it in the ſpring of the year; ſays I, I could have ſold it to a number of cuſtomers; that was in September.

You know at the time Mr. Martin came, you could not ſay that, becauſe it was before you had loſt any time; upon your oath, when Mr. Allen was preſent, did not you ſay it was immaterial to you whether ſhe took it again or not, for that you could get more money for it after Chriſtmas?——Never; that I do ſwear poſitively.

Did you never acknowledge in the preſence of Allen that you was to pay or allow her thirty pounds for the chariot?——Never upon my oath.

Are you the proſecutor of this indictment?——Yes, I ſhould imagine ſo; I underſtood myſelf that I proſecute Mrs. Breedon for perjury.

You pay the expences of the proſecution?——I have paid too much of it already; I did employ my attorney till I ſaw ſuch villainous proceedings going on, I was obliged to put it into the hands of another; I pay the expences and nobody pays them elſe.

*Court.* Mind, and attend to my queſtion, and be careful of the anſwer, what did you do with the chariot after Mrs. Breedon left it with you before you ſold it?—I bordered, run braids round the roof and door; the perch was cracked, and the wheels entirely run down; I took off the moulding round the roof, and down the hind pillar; I put plated bits and gores; and one hundred and forty, or one hundred and fifty foot of plated work round the chariot; I then put plated joints to it, which are about three guineas a pair; I put ſix head-plates, at twenty-four ſhillings a-piece, that amounts to the aditional ſum that I ſold it for afterwards more, than I valued it at, when I took it in exchange; I laid out upon it about three or four and twenty pounds, that I am ſure I did not clear myſelf when I ſold it, by allowing ten pounds for the carriage; I ſold it for thity-ſix guineas or pounds.

*Mr. Garrow.* What time of the day was it when you ſaw Mr. Allen at Mrs. Breedon's, you ſaid, between five and ſix?——It was in the afternoon.

Was not it between twelve and one?——I do not think it was; I think it was in the evening between five and ſix; I will not be too poſitive.

*Court to Mr. Garrow.* Have you any evidence to the value of the chariot?——No, I have not; it has been ſo altered.

*Cropper.* I would not give more than nine or ten pounds for it, if it was brought to my ſhop tomorrow; that is the extent of it.

*Mr. Garrow.* My Lord, I have many witneſſes on the part of the lady, but I reſt it here.

NOT GUILTY.

*Court.* This is as honourable an acquittal as can be.

*Tried by the London Jury before*
*Mr.* RECORDER.

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892. EDWARD EVANS was indicted for unlawfully and unjuſtly receiving two pices of muſlin, the property of Meſſrs. Acton and Eyre.

GILLINGHAM EYRE *ſworn.*

I live in Friday-ſtreet; I am a linen-draper; Rogers came to me as a porter on the 26th of November, 1755; I diſcharged him for being in liquor; on the Monday my partner looking over a parcel of long lawns, in my preſence, we miſſed twenty-eight pieces of Engliſh lawns.

*(Looks at his minutes.)*

*Mr. Morgan, Priſoner's Counſel.* Did you make theſe minutes at the time?——Yes; there were twenty pieces of long lawns, twenty pieces of muſlins, and nineteen of handkerchiefs, which we could not aſcertain; the chief of the robbery was lawns and muſlins, and ſome Iriſh, which people have been convicted of; the ſuſpicion fell firſt on ſome carpenters; I ſent after Rogers; ſome time after he came to my houſe; I then ſent for a conſtable, and took him into cuſtody; there were found upon Rogers, ninety guineas and a half and ſome ſilver; he was committed to Tothill-fields for a week; from thence he was brought before my Lord Mayor, he committed him a cloſe priſoner; on Wedneſday I went to Mr. Clarke, and told him the tranſaction, and he put me in a way; Mr. Clarke ſent me to a Jew in Houndſditch; his name is Lee; I was ſent to a man whoſe name is Farmer; who lives in Petticoat-lane; Farmer would not confeſs without he was excuſed; I attended the taking of the goods; the priſoner ſaid, he had had the goods of Mrs. Haſlam, who has been tried here, and Mrs. Haſlam, in the preſence of the priſoner, ſaid, ſhe did not know him.

What did the priſoner ſay?——God bleſs me, Mrs. Haſlam, you do not know me! No, I never ſaw you in my life; that was the anſwer; he was then committed on that evidence.

*Mr. Morgan.* You mentioned that you advertiſed theſe things?——No, not the things, but I advertiſed the perſon, with a hundred pounds reward.

*Mr. Garrow.* This is the advertiſement that brought us acquainted with your client, Mr. Morgan; you offered a hundred pounds reward?——Yes, on the apprehending and conviction of the man as deſcribed, and I conceived the deſcription to anſwer to the priſoner at the bar.

How many times have you been in the priſon to ſee Rogers?——A number of times.

MARY FREEMAN *ſworn.*

I live at the Bell in Friday-ſtreet, my huſband keeps the houſe; I know the priſoner; I have ſeen him at our houſe in company with Rogers; it was the Monday morning after Rogers left his place; he came dreſſed in his beſt clothes; I ſays, what you have a holiday to day; the priſoner was preſent; Rogers ſaid, he had a holiday, ſo he had got crumpets for breakfaſt; Mrs. Evans breakfaſted there; Rogers ſaid to me, it was very odd that he had met Evans that had been ſervant to his father; that was in Evans's preſence; I never ſaw them together before; I ſaw him next day, or two or three days after.

Did you ſee them frequently afterwards together?——I cannot ſay how often; it might be half a dozen times; I believe they might ſpend a couple of evenings together.

SAMUEL HARPER *ſworn.*

I am one of the headboroughs of Shoreditch pariſh; I apprehended the priſoner; I had information on the 27th of February, about four in the afternoon I apprehended him; I ſtood at the end of Gravel-lane; I aſked him what property that was under his arm; and he ſaid, it was nothing to me; I took him to Mr. Wilmott's office; he made ſome reſiſtance; he told me the property he had from Mrs. Haſlam; theſe are things; then I took him and Mrs. Haſlam to the compter; Mrs. Haſlam denied knowing any thing of him.

*Proſecutor.* The marks are taken off theſe things, but we were robbed of muſlins of the ſame quality; and I have every reaſon to believe this to be one of the pieces; we loſt ſix.

*Mr. Morgan.* Then that you cannot ſwear to?—No.

*Court.* It is the very ſame ſort of muſlin you loſt?—Yes.

Does there appear marks to be taken off?—It does; and ours were marked in the ſame place; a little of the ink came through.

Is not that the uſual place for marking all muſlins?—It is.

From the view of that muſlin, in the ſtate in which you now ſee it, can you form any belief that it is yours?—We had loſt muſlins of this quality, and I believe this to be ours.

From all the circumſtances which you have heard when this muſlin was found, I have not the leaſt doubt but you believe it to be yours; but ſuppoſe you had found a piece of muſlin in the ſtate in which you have now ſeen this, in the ſhop of any reputable tradeſman, ſhould you have known it to be yours?—It is impoſſible; there is a hundred pieces in the bale; at the ſame time I have not the leaſt doubt but it is mine; had it been found without circumſtances of ſuſpicion, I ſhould not have thought of ſuch a thing, and I could not have formed ſuch an opinion.

*Mr. Morgan.* You have given a very fair anſwer to the laſt queſtion, which does you honour, therefore it will ſave me a deal of trouble; I only aſk, whether you have not, in the courſe of a ſhort time laſt paſt, diſpoſed of a great many pieces of muſlin of the ſame ſort?——Undoubtedly I have. (*The muſlin ſhewn to the Court.*) This is the place where the mark uſually is, and the ink being damp has made a little mark.

*Court.* Is it uſual to take off the marks of the goods unleſs they are cut?—Not at all; I dare ſay there is not a piece of muſlin out of that bale that has the mark off.

*Mr. Morgan.* But there is a poſſibility that the mark might be rubbed off by carriage? ——I dare ſay it might be rubbed off; you ſee it has been rubbed off; it is gummed paper; it is not eaſy to rub off; there is ſomething at the corner which appears to be India characters.

### TIMOTHY HEALD *ſworn*.

I have been converſant with this buſineſs and this ſhop nearly three years.

Look at that property, and ſee does it anſwer your maſter's?——It is the ſame kind.

*Court.* Is that the ſame kind of muſlin that Mr. Eyre loſt?——It is.

Can you judge from the appearance of that piece whether any mark has been taken off?——There certainly has.

If that mark had been on, would it have led you to identify the piece?——It would have told directly.

### RICHARD ROGERS *ſworn*.

I lived with the proſecutor nine weeks; I knew the defendant many years ago.

*Mr. Garrow.* While you lived with Meſſrs. Aſton and Eyre, did you take any muſlin from them?——Yes, I did.

What did you do with it?——Hallam had a good deal of it, and different people; on the Monday morning after I came from my maſter's, I went to Hallam's, and after I had been there a few minutes Evans came up ſtairs; I aſked him if he was not the perſon who had lived with my father; and he ſaid, he was; I told him to go to the Bell in Noble-ſtreet; I would come to him; the Bell was then kept by Mr. Freeman.

What paſſed between you?——Talking of one thing or another; he ſaid, he had ſome goods of Mrs. Hallam, and ſhe had told him they were one Rogers's goods, but that he did not think it was me; he ſaid, he had bought a good many things of her; and moſt of the things Mrs. Hallam had of me; and he aſked me if I had any thing, and he would give me ready money for it; I ſaid, there were ſome at Mrs. Hallam's, and I would fetch them over directly; I went over and fetched one whole piece of lawn, and another of which about two yards had been cut off.

Was that part of Mr. Eyre's muſlin?—It was; when I brought them to the Bell, Evans and me went into the parlour to look at them; and agreed for them; I think he was to give me two guineas and a half for each of them; I received from him I think, four pounds fifteen ſhillings in the whole; we ſtopped there, and a man came in and went out with him; the next day I ſaw him again at the Bell, and there was a whole piece of plain muſlin, and half a piece of ſtriped; he gave me four guineas and a half for the whole piece; but I cannot ſay what the other was.

How came you to meet him again that day?——He promiſed to come that day to have ſome more; he ſaid, he would come if I had any thing elſe, and he would give me ready money for them if it was ever ſo much.

How often did you meet him afterwards? ——I do not know whether it was the next day, or the Thurſday, at the Cooper's

Arms; we were firſt at the Bell by appointment, and then we went down to the Cooper's Arms; he had a patch or two of callico then to make a gown.

Theſe things that you ſold to him were all the property of Meſſrs. Eyre and Acton?——They were.

Do you know the real value of them, did you ſell them at the higheſt poſſible price?——I do not know what they were worth.

Were the marks on when you delivered them?——I am not ſure of that; I never took the marks off.

*Mr. Morgan.* Did you tell him how you came by the goods?——I told him I left my place, and I thought they knew nothing about them.

What did you tell him?——He mentioned different porters; and ſaid, he had ſome of them; he ſaid, he could not deal with Kent, he was too dear.

*Mr. Garrow.* Repeat what you ſaid juſt now?—I ſaid I left my place, and I thought there was no ſuſpicion of me; then he aſked me where I lived; and I told him I had left my place.

Did he aſk you where you got theſe goods you were ſelling to him?—I cannot ſay whether he aſked me or not, but he aſked whether the marks were in.

What anſwer did you make him?—I told him I did know, I thought Mrs. Haſſam took them out generally.

Did he look to ſee whether the marks were in?—Yes, he did look when he was opening them.

*Mr. Morgan.* Did not you tell him they were ſmuggled goods?—No, Sir, I did not.

You ſay that upon your oath, nor even hint it to him?—No, I did not; he knew very well where they came from; I never told the priſoner that Mr. Eyre did deal in ſmuggled goods.

Did not you tell him that you had lived at a tavern?—I did.

Did you tell him that you lived at a tavern at that time?——I cannot remember that he aſked me any thing about it; I told him what place I lived at in town.

You have been both in cuſtody together?——He was in cuſtody when I was.

Was not you in the ſame priſon?——Yes.

Did not you ſleep together ſome nights?—We did one or two nights; I told him nothing any farther, than that I ſhould ſpeak the truth, and that I muſt ſpeak the truth I never told him that; Mr. Eyre had been ſeveral times.

Did not you tell the priſoner, during the time you ſlept with him, that Mr. Eyre threatened you, if you did not convict him, he would lock you up? do you remember any particular converſation that you had with Hyam Moſes?—I do not know Hyam Moſes as I know of.

Do you remember having any converſation with any one of the priſoners, or any one in the priſon reſpecting this proſecution?——No, Sir.

Did not you ſay that another witneſs was wanting to make your evidence be confirmed?——I never heard any thing at all about it.

Did you ever tell Moſes, or any body ſo?—No, Sir, nor never heard any thing of it till now.

When were the laſt goods you ſold this man?——It was on a Thurſday, I do not know the day of the month, it was the ſame week.

---

The Remainder of this Trial in the next Part which will be publiſhed in a few Days.

# THE WHOLE
# PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

## JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of OCTOBER, 1786, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

**The Right Hon. THOMAS WRIGHT,**
LORD MAYOR OF THE CITY OF LONDON.

---

TAKEN IN SHORT-HAND BY
**E. HODGSON,**
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[PRICE SIX-PENCE.]

### THE WHOLE

# PROCEEDINGS

### UPON THE

## KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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*Continuation of the Trial of Edward Evans.*

*Court.* I think you ſaid that before that Monday when you met him at Haſlam's, you had not ſeen him for a dozen years?——I never ſaw him while I lived with my maſter, nor at the meeting with the taylor. *(The piece ſhewn to Rogers.)* It was one juſt like that, a heavy piece, I cannot be ſure; it was a whole piece.

*Proſecutor.* They all run the ſame length; this piece is worth three pounds ten ſhillings, or four pounds.

*Court.* Then this man made a very hard bargain if it was worth then four pounds.

*Court to Rogers.* What did he give you for the piece of plain muſlin?——To the beſt of my knowledge, four guineas and a half.

*The priſoner called two witneſſes to his character.*

GUILTY.

*Court.* Let this priſoner receive ſentence with the others concerned in the ſame tranſaction.

*Tried by the London Jury before Mr.* RECORDER.

893. ELIZABETH JONES was indicted for wilful and corrupt perjury, on the trial of William Watts at the Old Bailey.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

---

894. JAMES JONES was indicted for the ſame offence.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

---

895. JOHN BANKS was indicted for wilful and corrupt perjury in the Court of King's-bench, in Eaſter term, in the 23d year of his Majeſty's reign, upon an affidavit, in a cauſe in which he was plaintiff, Ormand and Butler were defendants.

NOT GUILTY.

*Tried by the London Jury before Mr.* RECORDER.

896. PAUL

806. **PAUL STOKER** was indicted for wilful and corrupt perjury, in his anſwer to a bill in the Court of Exchequer.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* RECORDER.

897. **JAMES PIKE** was indicted for the ſame offence.

NOT GUILTY.

*Tried by the London Jury before*
*Mr.* RECORDER.

ERRATUM. Part VI. p. 1225. No. 805. line 27, firſt column, for James Rudd and *James* Giggs, read James Rudd and *William* Giggs.

---

## *The Trials being ended, the Court proceeded to paſs Sentence as follows.*

*Received Sentence of Death*, 29, (viz.)

WILLIAM White, Eleanor Kirvin, alias Caravan, Joſeph Wright, James Cowdery, James Wood, John Boxley, William Davis, William Rayner, Joſeph Lightfoot, Thomas Vallenee, Daniel Collins, Henry Foſſett, Richard Stephens, Mary Long, William Sherburd, Thomas Ranſum, Thomas Wells, Iſaac Kennedy, Jacob Udney, Samuel Greenon, William Thompſon, Joſeph Thompſon, John White, Robert Beale, William Tuckey, James Rudd, William Gibbs, Edward Darby, and Francis Martin.

*To be tranſported for fourteen years*, 1, (viz.)

William Cox.

*To be tranſported for ſeven years*, 42, (viz.)

John Calder, Rebecca Davidſon, Sarah Burdoe, Garrett Woolley, James Buſkin, Albert Wells, Henry Brown, alias Smith, alias Rowles, Richard Ferris, William Campbell, Ferril Kearnon, Elizabeth Kearnon, William Rogers, William Conner, Robert Mills, John Tavenor, Mary Allen, Thomas Lutwyche, William Wallis, Charles Milne, Elizabeth Warren, alias Terry, Matthew Hunt, Joſeph Perry, Thomas Perry, James Smith, Mary Carrol, William Tompkins, Henry James, George Card, Hardwick Richardſon, John Ferril, William Baſs, Tamaſin Allen, alias Boddington, Michael Quin, William Kendrick, Mary Springham, Phebe Norton, Mary Hill, John Brown, Iſabella Mead, Sophia Lewis, William Thompſon, and Ruth Baldwin, alias Bowyer.

*To be impriſoned two years*, 1, (viz.)

Jane Williams.

*To be impriſoned for twelve months*, 8, (viz.)

Elizabeth Parr, Stephen Newman, Francis Parker, Sophia Jones, Mary Burch, Ann Thomas Ann Gibſon, Frances Hall.

*To be imprisoned for six months*, 14, (viz.)

Iſaac Symonds, James Carey, Eſther Curtis, Elizabeth Mary Jamima Gardner, Thomas Britt, Mary Hopkins, Joſeph Wheatley, Elizabeth Johnſon, Richard Andrews, Joſeph Tambrook, Thomas Sorrell, Mary Ward, James Thomas, Eleanor Young.

*To be imprisoned one month*, 1, (viz.)

John Keen.

*Branded*, 1, (viz.)

Francis Parker.

*To be imprisoned one week*, 1, (viz.)

Robert Jones.

*Fined one ſhilling*, 1, (viz.)

Robert Jones.

*To be publicly whipped*, 13, (viz.)

John Keen, John Goſs, Philip Inwood, Stephen Newman, Thomas Britt, Joſeph Wheatley, Richard Andrews, Joſeph Tambrook, Joſeph James, Thomas Sorrell, James Thomas, John Gogay, Peter Binks.

William Brown, whoſe ſentence was reſpited laſt ſeſſion, was ſet to the bar, and ordered to be privately whipped and diſcharged.

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**The next ſeſſion will begin on Wedneſday, the 13th of December, at the Old Bailey.**

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## OF

## PERSONS tried at the OLD BAILEY in the Mayoralty of the Right Honourable THOMAS WRIGHT.

*N. B.* The Figures refer to the Number of the Trial, and the different Sentences each Priſoner received is marked *before* the Names, *viz.* thoſe marked D. received Sentence of Death. T. 14. tranſported for fourteen Years. T. tranſported for ſeven Years. N. ſentenced to hard labour on the River Thames to improve the Navigation. B. Branded. W. Whipped. Im. Impriſoned. Fi. Fined. Sp. Special. E. I. Eaſt Indies. And thoſe without any Mark, were acquitted.

And the Reader will alſo obſerve that the *Capital Crimes* for which the ſeveral Priſoners were tried and received ſentence of Death, are marked *after* the Names, as follows.

*A.* Arſon.
*B.* Burglary.
*B. S.* Beaſt ſtealing.
*C.* Coining.
*F.* Forgery.
*H.* Highway Robbery.
*Ho.* Houſebreaking.
*H. S.* Horſe-ſtealing.
*M.* Murder.
*M. S.* Manſlaughter.
*P. S.* Privately ſtealing.
*R.* Rape.
*R. D.* Robbery in a Dwelling-houſe.
*R. M.* Robbing the Mail.
*R. P.* Robbing Poſt-office.
*Ri.* Rioters.
*R. T.* Returned Tranſport.
*S. D.* Stealing in a Dwelling-houſe.
*S. L.* Shop-lifting.
*Sb. S.* Sheep-ſtealing.
*St. Ship.* Stealing on board a Ship or Barge.
*T.* Treaſon.
*U. S.* Unlawfully ſhooting.

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